

## WASHINGTON

Joseph L. Milner to be postmaster at Almira, Wash., in place of J. L. Milner. Incumbent's commission expired February 24, 1927.

Inez G. Spencer to be postmaster at Creston, Wash., in place of I. G. Spencer. Incumbent's commission expired February 24, 1927.

## WISCONSIN

Robert L. Raymond to be postmaster at Campbellsport, Wis., in place of William Martin. Incumbent's commission expired January 29, 1927.

Arno C. Eckardt to be postmaster at Kiel, Wis., in place of A. C. Eckardt. Incumbent's commission expired February 14, 1927.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate February 28, 1927*

## MEMBER BOARD OF MEDIATION

John Williams to be a member of the Board of Mediation.

## SURVEYOR OF CUSTOMS

James E. Rininger to be surveyor of customs in customs collection district No. 11, Philadelphia, Pa.

## UNITED STATES DISTRICT JUDGE

John H. McNary to be United States district judge, district of Oregon.

## UNITED STATES ATTORNEYS

Charles L. Redding to be United States attorney, southern district of Georgia.

Bennett E. Rhinehart to be United States attorney, northern district of Iowa.

Oliver D. Burden to be United States attorney, northern district of New York.

## PROMOTIONS IN THE NAVY

*To be rear admiral*

Frank H. Clark.

## UNITED STATES COAST GUARD

*To be temporary ensign*

Roland E. Simpson.

## CIVIL SERVICE COMMISSION

*To be chief examiner*

Fay C. Brown.

## POSTMASTERS

## ILLINOIS

John R. Funkhouser, Albion.  
William E. Thompson, Ferris.  
Blanche V. Anderson, Leland.  
Russell Young, Rossville.

## IOWA

Frank P. Rotton, Essex.  
William J. Campbell, Jesup.  
Merle B. Camerer, Oto.  
Fred A. Hall, Van Wert.

## KENTUCKY

Edward R. Lafferty, Cave City.  
Frank W. Stith, Falmouth.  
Grant North, Hustonville.

## MASSACHUSETTS

Albert Holway, Bournedale.  
Edgar O. Dewey, Reading.

## MICHIGAN

James W. Cobb, Birmingham.

## MINNESOTA

Claude C. Stubbe, Ashby.  
Gertrude S. Dyson, Becker.  
J. Arthur Johnson, Center City.  
Walter B. Brown, Chisholm.  
Adolph Johnson, Clarks Grove.  
Nels A. Thorson, Crookston.  
Francis P. Kietly, De Graff.  
Mathias R. Hannula, Embarrass.  
Mott M. Anderson, Hammond.  
William Guenther, Hokah.  
James H. Phelps, Litchfield.  
William H. Wright, Montrose.  
Charles W. Field, Northome.  
Lena Edstrom, Sandstone.  
Marion E. Isherwood, Sebek.

Harry H. Johnson, Spring Valley.  
Edith L. Barry, Utica.  
Hugh R. Smith, Wabasha.  
Maggie N. Halgren, Wabkon.  
Jennie M. Wurst, Watkins.  
Charles H. Wise, Wayzata.  
Emory B. Linsley, Willow River.

## NEW JERSEY

Horace Ricker, Bloomingdale.  
Elmer G. Houghton, Cranford.  
Milton K. Thorp, Hackettstown.  
Thomas J. Raber, Hampton.  
Arthur J. Halladay, Kenilworth.

## NEW MEXICO

Ona Tudor, East Vaughn.  
John N. Norviel, Hatch.

## NORTH CAROLINA

Eli D. Byrd, Ronda.  
David E. Penland, Weaverville.

## NORTH DAKOTA

Walter L. Saunders, Ellendale.

## PENNSYLVANIA

Chestina M. Smith, Centraia.  
Shem S. Aurand, Milroy.  
Ira B. Jones, Minersville.  
George D. Claassen, Natrona.  
J. Ray Frankhouser, Newton Hamilton.  
Edward W. Workley, Smethport.

## WASHINGTON

Levi H. Niles, Ephrata.  
Thomas A. Graham, Goldendale.  
Edward C. Campbell, Kettle Falls.  
John F. Samson, Oroville.  
Andrew J. Cossor, Port Angeles.  
Matthew W. Miller, Waterville.

## WISCONSIN

Henry R. Pruemers, Burlington.  
Mrs. Elden T. Bentsen, College Camp.  
Edith Butler, Nashotah.  
Robert C. Bulkley, Whitewater.

## HOUSE OF REPRESENTATIVES

MONDAY, February 28, 1927

The House met at 12 o'clock noon, and was called to order by the Speaker.

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

Holy Spirit, Heavenly Dove, be Thou the glory and the exultation of our hearts. There is nothing sweeter in heaven and earth than Thy love, and nothing more thoroughly known. O as Thou dost make the sun to shine on the evil and the good and sendest rain on the just and the unjust, share with us this wonderful virtue, that we may have consideration and charity for all men. It is our duty to love and seek the highest; alas if our thoughts but shame us. Do Thou let the measure of our hate for sin be the measure of our love for Thee. Give us the courage of faith for this day. In the name of Jesus. Amen.

The Journal of the proceedings of Saturday, February 26, 1927, and of Sunday, February 27, 1927, was read and approved.

## PRESERVATION OF ORDER

The SPEAKER. The Chair desires to make a statement and asks the attention of Members. Paragraph 2 of Rule I, providing for the duties of the Speaker of the House, reads as follows:

He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries or in the lobby may cause the same to be cleared.

The Chair feels that it is his duty, certainly during the remaining days of this session, to see that that rule is carried out not only in the spirit but in the letter. [Applause.] A large amount of business remains to be transacted—business of great importance—and it ought to proceed with reasonable dispatch. It is impossible to conduct the public business in the remaining days of the session unless order is preserved. The Chair thinks it his duty to carry out that rule, and he asks the

cooperation of the Members to assist him. The fact is that from now until the Congress adjourns the public business will not proceed unless the House is in order. [Applause.]

#### PUBLIC BUILDING PROJECTS

Mr. WOOD. Mr. Speaker, by direction of the Committee on Appropriations, I desire to submit for printing under the rule a privileged report from the Committee on Appropriations, accompanying the bill H. R. 17355, making appropriations for public building projects.

The SPEAKER. The gentleman from Indiana submits a privileged report from the Committee on Appropriations on the bill H. R. 17355, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 17355) making appropriations for public building projects.

The SPEAKER. Referred to the Union Calendar and ordered printed.

Mr. BYRNS. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order.

#### ENROLLED BILLS SIGNED

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

H. R. 5028. An act for the promotion of certain officers of the United States Army now on the retired list;

H. R. 15641. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1928, and for other purposes;

H. R. 16950. An act granting the consent of Congress to the department of highways and public works of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River, in Hancock County, Tenn.;

H. R. 14930. An act granting the consent of Congress to the H. A. Carpenter Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of St. Marys, Pleasants County, W. Va., to a point opposite thereto in Washington County, Ohio;

H. R. 16282. An act granting the consent of Congress to the Nebraska-Iowa Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. R. 16685. An act granting the consent of Congress to the Carrollton Bridge Co., its successors and assigns, to construct, operate, and maintain a bridge across the Ohio River between Carrollton, Carroll County, Ky., and a point directly across the river in Switzerland County, Ind.; and

H. R. 17128. An act granting the consent of Congress to the State of Indiana, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River and permitting the State of Kentucky to act jointly with the State of Indiana in the construction, maintenance, and operation of said bridge.

The SPEAKER announced his signature to Senate bills and Senate joint resolution of the following titles:

S. 179. An act for the relief of J. W. Neil;

S. 244. An act for the relief of Elizabeth W. Kieffer;

S. 2085. An act to correct the naval record of John Cronin;

S. 2348. An act for the relief of Nick Masonich;

S. 5722. An act to authorize the construction of new conservatories and other necessary buildings for the United States Botanic Garden;

S. 5744. An act authorizing the Secretary of the Treasury to sell certain land to the First Baptist Church, of Oxford, N. C.;

S. 5762. An act to amend sections 4 and 5 of the act entitled "An act granting the consent of Congress to the Gallia County Ohio River Bridge Co., and its successors and assigns, to construct a bridge across the Ohio River at or near Gallipolis, Ohio," approved May 13, 1926, as amended;

S. 5791. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.;

S. J. Res. 171. Joint resolution correcting description of lands granted to the State of New Mexico for the use and benefit of New Mexico College of Agriculture and Mechanic Arts by enrolled bill S. 4910, Sixty-ninth Congress;

H. R. 17264. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.; and

H. J. Res. 332. House joint resolution to correct an error in Public No. 526, Sixty-ninth Congress.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. FUNK. Mr. Speaker, I call up the conference report on the bill (H. R. 16800) making appropriations for the govern-

ment of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes.

The SPEAKER. The gentleman from Illinois calls up a conference report on the bill H. R. 16800, which the Clerk will report.

Mr. FUNK. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

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

There was no objection.

The statement was read.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16800) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 7, 8, 11, 18, 22, 26, 27, 28, 33, 34, 39, 40, 42, 43, 45, 49, 51, 52, 54, 55, 73, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 9, 12, 13, 14, 15, 16, 17, 20, 21, 23, 29, 30, 31, 32, 35, 37, 44, 46, 47, 48, 53, 56, 57, 58, 59, 60, 61, 63, 68, 70, 75, and 76, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert: "\$50,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert: "\$231,560"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Corporation counsel, including extra compensation as general counsel of the Public Utilities Commission, \$7,500, and other personal services in accordance with the classification act of 1923, \$38,460; in all, \$45,960."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$25,300," and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$50,000," and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$194,100," and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"Northwest: West side of Piney Branch Road, Van Buren Street to Butternut Street, \$15,000."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "First Street to Subway, \$13,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Northwest: Sheridan Street, Blair Road to Third Street, Sheridan Street, Fourth Street to Fifth Street, and



Fourth Street, Rittenhouse Street to Sheridan Street, \$28,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: "Omit the matter stricken out and inserted by said amendment"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert: "\$1,486,500"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"For the purchase of land adjoining or in the vicinity of the site on Grant Road now owned by the District of Columbia;"

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "For capture of person or persons who committed a horrible crime, to wit: Criminal assault at the Capitol Grounds the night of February 18, 1927, \$1,000, to be available immediately."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"COLUMBIA HOSPITAL AND LYING-IN ASYLUM"

"For general repairs and for additional construction, including labor and material, and for expenses of heat, light, and power required in and about the operation of the hospital there is hereby reappropriated the sum of \$15,000 of the unobligated balance of the appropriation 'Support of Convicts, District of Columbia, 1925,' to be expended in the discretion and under the direction of the Architect of the Capitol."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "\$400"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$358,000, together with the sum of \$77,000 of the unobligated balance of the appropriation 'Street improvements, District of Columbia, 1925,' which is hereby reappropriated"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "not exceeding \$95,000 for the improvement of Meridian Hill Park, including continuation of construction of the wall and main entrance on Sixteenth Street, the wall on Fifteenth Street, and commencement of construction of the wall on W Street, from Fifteenth Street to Sixteenth Street, together with entrances to the park, and grading, all in accordance with plans to be approved by the Fine Arts Commission"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$2,500"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"In addition to the foregoing appropriation for the National Capital Park and Planning Commission there is reappropriated, subject to the limitation as to price carried in such appropriation which may be paid for property acquired for park and playground purposes, the sum of \$180,000 of the unobligated balance of the appropriation 'Metropolitan police, District of Columbia, 1925,' and the sum of \$120,000 of the unobligated balance of the appropriation 'Fire department, District of Columbia, 1925,' and the total sum made available by this act for

the National Capital Park and Planning Commission shall be available immediately."

And the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For 9,000 feet of 12-inch main in Alabama Avenue SE., from Branch Avenue to the District line, there is hereby reappropriated the sum of \$42,800 of the unobligated balance of the appropriation 'Public Schools, District of Columbia, 1925.'"

And the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "regulations and schedules"; and the Senate agree to the same.

FRANK H. FUNK,  
ROBERT G. SIMMONS,  
GEORGE HOLDEN TINKHAM,  
ANTHONY J. GRIFFIN  
(Except as to amendments 45, 66, and 67),  
ROSS A. COLLINS,  
*Managers on the part of the House.*

L. C. PHIPPS,  
W. L. JONES,  
ARTHUR CAPPER,  
CARTER GLASS,  
JOHN B. KENDRICK,  
*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16800) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On Nos. 1 and 2: Appropriates \$50,000 for personal services, purchasing division, instead of \$45,560, as proposed by the House, and \$52,700, as proposed by the Senate.

On No. 3: Perfects the provision with respect to compensation of the property and disbursing officer for the National Guard of the District of Columbia.

On No. 4: Appropriates \$7,500 for compensation of corporation counsel, as proposed by the Senate, instead of \$6,000, as proposed by the House, and appropriates \$38,460 for personal services under the corporation counsel, instead of \$34,860, as proposed by the Senate, and \$40,000, as proposed by the House.

On No. 5: Fixes the apportionment of appropriations for the use of the municipal architect in payment for personal services at 2½ per cent of such appropriations, as proposed by the House, instead of 3 per cent, as proposed by the Senate.

On Nos. 6 and 7, relating to the office of the Director of Traffic: Appropriates \$25,300 for personal services instead of \$19,360, as proposed by the House, and \$28,540, as proposed by the Senate, and appropriates \$70,000 for miscellaneous expenses, as proposed by the House, instead of \$75,000, as proposed by the Senate.

On No. 8: Restores the matter proposed by the House denying the use of any appropriation for building, installing, and maintaining street car loading platforms and lights employed to distinguish same.

On No. 9: Appropriates \$10,900 for miscellaneous and contingent expenses, office of register of wills, as proposed by the Senate, instead of \$9,400, as proposed by the House.

On Nos. 10 and 11, relating to the contingent appropriation: Appropriates \$50,000, instead of \$49,000, as proposed by the House, and \$51,000, as proposed by the Senate, and strikes out the proposal of the Senate which would permit of printing a separate schedule or list of supplies and materials not embraced by the general schedule of supplies of the General Supply Committee.

On No. 12: Appropriates \$2,500, as proposed by the Senate, for the purchase of one passenger-carrying automobile for the executive office of the District of Columbia.

On Nos. 13 and 14: Strikes out the proposal of the House with respect to notices of sales of property for overdue taxes, and appropriates \$6,000, as proposed by the Senate, for pub-

lishing the delinquent tax list in two daily newspapers and for advertising that such delinquent tax list has been published.

On No. 15: Appropriates \$250, as proposed by the Senate, for aid in support of the National Conference of Commissioners on Uniform State Laws.

On Nos. 16 to 19, inclusive, relating to street improvements out of general revenues: Appropriates \$4,900 and \$4,500, as proposed by the Senate, for paving sections of Forty-fourth Place, NW., and Twelfth Place, NE., respectively, and restores the appropriation of \$5,000, proposed by the House, for grading in Fifty-seventh Street, NE.

On Nos. 20 to 43, inclusive, relating to street improvements out of the gasoline-tax fund: Appropriates \$28,000 and \$5,500, as proposed by the Senate, for paving sections of Minnesota Avenue SE., and B Street NE., respectively; appropriates \$16,000, as proposed by the House, instead of \$32,000, as proposed by the Senate, for paving in E Street NE.; appropriates \$10,000, as proposed by the Senate, for widening and repaving H Street NW., from Seventeenth to Eighteenth Street; appropriates \$15,000 for paving the west side of a section of Piney Branch Road NW., instead of \$30,000, as proposed by the House, for paving both sides of such section of such road; appropriates \$13,000 for paving in Van Buren Street NW., as proposed by the Senate, instead of \$8,400, as proposed by the House; appropriates \$15,000, as proposed by the House, for paving in R Street NW., instead of \$7,500, as proposed by the Senate; appropriates \$13,000, as proposed by the House, for paving in Thirty-sixth Street NW., instead of \$6,500, as proposed by the Senate; strikes out the appropriation of \$40,000 proposed by the Senate for paving a section of Connecticut Avenue NW., strikes out the appropriations of \$17,300 and \$8,000, proposed by the House, for paving in Ogden Street NW., and S Street NW., respectively; appropriates \$8,300 and \$9,600, as proposed by the Senate, for paving in Lowell Street, NW., and Forty-fifth Street NW., respectively; restores the appropriations of \$50,000 and \$17,200, proposed by the House, for paving in Cleveland Avenue NW., and Forty-second Street NW., respectively; appropriates \$15,000, as proposed by the Senate, for paving in Eighteenth Street NE.; restores the appropriation of \$28,000 for paving in Sheridan Street NW., proposed by the House, modified to eliminate the block between Third and Fourth Streets and to include the block—Fourth Street, Rittenhouse to Sheridan Street; attaches as a condition to the appropriation for paving Audobon Terrace the proposal of the Senate that there be dedicated land necessary to make such street 160 feet in width; omits the appropriations proposed by the House and Senate, respectively, for widening and repaving Connecticut Avenue south of Dupont Circle; restores the appropriation of \$90,000, proposed by the House for widening and repaving Connecticut Avenue from Dupont Circle to Florida Avenue NW.; and restores the appropriation of \$70,000 proposed by the House for widening and repaving Thirteenth Street NW., from I Street to Massachusetts Avenue.

On Nos. 42 and 43: Provides that repaving performed under the gasoline-tax fund shall be assessed in accordance with existing law, as proposed by the House.

On No. 44: Makes the appropriation for an addition to the electrical department storehouse immediately available, as proposed by the Senate.

On No. 45: Appropriates \$5,662,640 for pay of school teachers and librarians, as proposed by the House, instead of \$5,723,190, as proposed by the Senate.

On No. 46: Corrects the printing of a subhead under public schools.

On Nos. 47, 48, and 49, relating to school buildings: Appropriates \$12,500, as proposed by the Senate, on account of plans and specifications for a new school building in the vicinity of Nineteenth Street and Columbia Road NW., instead of \$5,000, as proposed by the House; makes \$50,000 immediately available for the preparation of plans of school buildings, as proposed by the Senate; and provides, as proposed by the House, that \$300,000 of the total sum appropriated on account of school buildings shall be charged to the special fund created by the act of February 2, 1925.

On Nos. 50 to 56, inclusive, relating to school and playground sites: Restores the proposal of the House for the acquisition of land adjoining the site at present owned on Grant Road NW., modified to permit of purchase in the same vicinity, and strikes out the proposal of the Senate authorizing the sale of the site at present owned if the adjoining tract can not be procured at a reasonable figure and the use of the proceeds in buying a site elsewhere; strikes out the proposal of the Senate for the purchase of land in the vicinity of the Harrison School; extends the period of the exception of \$154,000 of the current appropriation for the purchase of school and playground sites from the operation of the price limitation carried in such appropriation

from June 30, 1927, as proposed by the House, to December 31, 1927, as proposed by the Senate; strikes out the appropriations of \$10,000 and \$50,000, proposed by the Senate, for the purchase of land in the vicinity of the Crummell School and the Parkview School, respectively; and excepts the appropriation of \$125,000 for an athletic field for Western High School from the limitation as to price based on assessed value, as proposed by the Senate.

On No. 57: Excepts from the appropriation for printing and binding for the Supreme Court and the Court of Appeals of the District of Columbia the expense of printing records and briefs in cases in which the United States is a party, as proposed by the Senate.

On No. 58: Continues during the fiscal year 1928 the availability of the appropriation for the fiscal year 1927 for home care for dependent children, as proposed by the Senate.

On Nos. 59 to 63, inclusive, relating to the Reformatory: Appropriates \$73,000 on account of construction of buildings, etc., as proposed by the Senate, instead of \$53,000, as proposed by the House; makes the maintenance appropriation available for the "purchase of materials and supplies," as proposed by the Senate; appropriates for maintenance \$106,000, as proposed by the Senate, instead of \$103,500, as proposed by the House; and appropriates, as proposed by the Senate, \$1,000 for the capture of the person or persons guilty of criminally assaulting a woman in the Capitol Grounds on the evening of February 18, 1927, amended so as to make the sum available immediately.

On No. 64: Makes a reappropriation of \$15,000 on account of the Columbia Hospital for Women and Lying-in Asylum, instead of a direct appropriation of \$15,000, as proposed by the Senate.

On No. 65: Makes provision for traveling expenses of members of the National Guard of the District of Columbia, as proposed by the Senate, limiting such expense to \$400 instead of \$300, as proposed by the Senate.

On Nos. 66 to 70, inclusive, relating to public buildings and public parks: Makes \$95,000 of the appropriation for general expenses available for the further development of Meridian Hill Park, instead of \$23,000, as proposed by the House, and \$160,000, as proposed by the Senate, and in lieu of a direct appropriation to meet the increase, as proposed by the Senate, makes a reappropriation of \$77,000; authorizes the expenditure of not to exceed \$5,000 for engaging architectural or other professional services, without reference to the classification act of 1923 or civil-service rules, as proposed by the Senate; authorizes the expenditure of not to exceed \$2,500 of the appropriation for the construction of two bathing pools for the employment of engineering or other professional services, without reference to the classification act of 1923 or civil-service rules, as proposed by the Senate, except that the amount is reduced from \$5,000 to \$2,500; and appropriates \$25,000, as proposed by the Senate, for repairing and continuing the construction of a sea wall in the Potomac River above the north boundary line of Potomac Park.

On No. 71: In lieu of the appropriation of \$600,000, proposed by the Senate, for the acquisition of the so-called Patterson tract, or a portion thereof, reappropriates \$300,000 of unobligated balances as an addition to the appropriation for the National Capital Park and Planning Commission, to be subject to the limitation as to price carried in the appropriation for such commission.

On Nos. 72 to 75, inclusive, relating to the water department: In lieu of the direct appropriation of \$42,800 proposed by the Senate for laying a water main in Alabama Avenue SE., reappropriates \$42,800 of an unobligated balance; provides for charging the appropriation of \$700,000 for laying water main and for an addition to Reno Reservoir in the manner proposed by the House instead of as proposed by the Senate, and provides that such work shall be done under the office of the United States Engineer, as proposed by the Senate.

On No. 76: Permits the employment of five inspectors in the sewer department, employed under section 2 of the bill, for a longer period than nine months during the fiscal year 1927, as proposed by the Senate.

On No. 77: Requires purchases to be made as far as possible in accordance with the regulations and schedules of the General Supply Committee when not procurable from the various services of the Government of the United States.

FRANK H. FUNK,  
ROBERT G. SIMMONS,  
GEORGE HOLDEN TINKHAM,  
ANTHONY J. GRIFFIN

(Except as to amendments 45, 66, and 67),

ROSS A. COLLINS,

Managers on the part of the House.



Mr. FUNK. Mr. Speaker, this bill, as it passed the House, carried appropriations totalling \$36,215,695. As passed by the Senate it carried \$37,077,875, an increase of \$862,180; as agreed to in conference, the bill carries \$36,282,385, or \$66,690 more than when passed by the House, \$795,490 less than when passed by the Senate, and \$604 less than the Budget estimate. The \$66,690 your conferees have agreed to of the total Senate increase of \$862,180 is distributed as follows:

Purchasing division, salaries.....	\$4,440
Corporation counsel, salaries.....	40
Director of traffic, salaries.....	5,940
Register of wills, contingent expenses.....	1,500
Contingent expenses, District of Columbia.....	1,000
Purchase of automobiles.....	2,500
Advertising notices of taxes in arrears.....	6,000
National conference of commissioners on uniform State laws.....	250
Street improvements, specific items.....	10,900
School buildings (plans for building in vicinity of Ninth and Columbia Road).....	7,500
Reformatory:	
For accelerating construction.....	\$20,000
For material for foundry.....	2,500
For payment of reward.....	1,000
Sea wall above north boundary of Potomac Park.....	25,000
Total.....	66,690

Apart from the direct appropriations, I wish to draw attention to the fact that the conferees propose, in lieu of direct appropriations proposed by the Senate, the reappropriation of certain unobligated balances to the extent of \$434,800, divided as follows:

Columbia Hospital and Lying-in Asylum.....	\$15,000
Development of Meridian Hill Park.....	77,600
National Capital Park and Planning Commission.....	300,000
Laying water main in Alabama Avenue SE.....	42,800
Total.....	434,800

Only two or three of the amendments of the Senate have any particular significance.

One relates to delinquent taxes. The House proposed that the tax-sale book be discontinued and the copy used for printing same made available for public inspection. The Senate proposes as a substitute, to which your conferees have agreed, that the delinquent tax list be published in two daily newspapers, the papers to be selected through competitive proposals, and that notices of the publication of such list be separately advertised.

On street-improvement work the outstanding change is the elimination of any provision for widening and repaving Connecticut Avenue south of Dupont Circle and the restoration of the House proposal for widening and repaving Connecticut Avenue from Dupont Circle to Florida Avenue.

Meridian Hill Park: Making \$95,000 available for the further development of this park instead of \$23,000, as proposed by the House, and \$160,000, as proposed by the Senate.

Increasing the appropriation for the National Capital Park and Planning Commission from \$600,000 to \$900,000, by reappropriating \$300,000 of unobligated balances. The Senate proposed a separate appropriation of \$600,000 for the acquisition of the so-called Patterson tract or a portion thereof.

Mr. Speaker, if there are no questions and if it is agreeable to my colleagues on the subcommittee, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

#### AMMUNITION DEPOT AT HAWTHORNE, NEV.

Mr. VINSON of Georgia. Mr. Speaker, I am directed by the Committee on Naval Affairs to ask unanimous consent to take from the Speaker's table Senate bill 5249.

The SPEAKER. The gentleman from Georgia asks unanimous consent to take from the Speaker's table Senate bill 5249. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

#### ONE HUNDREDTH ANNIVERSARY OF THE BALTIMORE & OHIO RAILROAD INCORPORATION

The SPEAKER. Under the order of the House the gentleman from Maryland [Mr. LINTHICUM] is recognized for 20 minutes.

Mr. LINTHICUM. Mr. Speaker and gentlemen of the House, from the time that man's memory runneth not to the contrary commerce has ruled the world. The unerring finger of destiny points to those localities adaptable for commercial centers as the great and prosperous cities of the world.

In the primitive days the family or the tribe produced alone for its consumption. As the family or tribe, however, increased the time came when there was an overproduction. Towns

sprang up, and this overproduction was used to supply the wants of the inhabitants of these towns. Transportation, as it still exists in some of the old countries, was on the backs of individuals or on the backs of their domestic animals. The cost per ton-mile was very large, indeed. Then came a time when some one invented the use of the wheel in transportation. Imperfect, indeed, in the beginning, but gradually, through perfection, it became of equal radius throughout and the cost per ton-mile was diminished.

Thus sprang into existence the great cities of Tyre and Sidon, on the coast of the Mediterranean. Caravans came from long distances and landed their products in these cities. Then came the time when the products were too large for home consumption and ships came to the rescue, carrying goods, wares, and merchandise to all parts of the Mediterranean, and some say as far off as the British Isles, and Phoenicia, with its commercial cities, became the great and prosperous country of the ancients. Merchants, manufacturers, and artisans sprang up in these great commercial centers and prosperity ruled.

These merchants spread to various ports of the Mediterranean in order to enlarge business and represent their home cities. Then Phoenicians, in order to carry their trade farther afield, founded the city of Carthage, which became a great commercial and industrial center, and through its great generals Hannibal and Hasdrubal very nearly conquered the Roman world. Venice, built upon the islands of the sea as a protection from the inland country, through its commerce became wonderfully prosperous and a strong ruling city.

The mighty city of Alexandria, Egypt, founded by Alexander the Great, developed into a powerful commercial port by virtue of its location on the Mediterranean Sea and its wonderful harbor, and the further fact that it was the shipping point for the products of the fertile Nile Valley and country beyond. It was likewise the terminus of numerous caravans from Syria and enjoyed much of the prosperity derived from the wealth of the Indies passing through its port.

Standing at its harbor entrance was one of the wonders of the world—the Colossus of Rhodes—a lighthouse which could be seen for many miles and which lighted the ships into the harbor of Alexandria. It was known during the century preceding the Christian era as the capital of the Ptolemies, the most cultured, educated, and beautiful city in the world, all of which came by virtue of its location and the great commerce that it enjoyed.

And so I might enumerate the rising of many cities of ancient, medieval, and modern days which have grown into strength, prosperity, and greatness through their commercial opportunities, and activities. Thus it was when our forefathers settled America; they scanned the Atlantic coast for the best harbors for the metropolis of their respective States. Boston, New York, Philadelphia, and Baltimore have, as a consequence of this wise foresight, enjoyed great prosperity because of their wonderful harbors and the fact they served as ports for export and import trade for the fertile and trackless areas of the hinterland. New York, by virtue of the Hudson River bringing down the products of the Mohawk Valley and the lands beyond, became the most prominent and the largest of these port cities. At the time about which I speak the population of the three leading cities, compared with the present, was as follows:

	1827	1926
New York City.....	238,000+	5,924,000
Philadelphia.....	75,000+	2,008,000
Baltimore.....	75,000+	850,000

The exports and imports which naturally passed through the respective ports mentioned above, were as follows:

	Exports	Imports
1827		
New York.....	\$23,834,137	\$38,719,644
Maryland.....	4,516,406	4,405,708
Pennsylvania.....	7,575,833	11,212,935
1926		
New York.....	1,622,693,691	2,224,886,141
Philadelphia.....	97,004,956	195,943,799
Maryland.....	120,348,128	106,241,443

At this auspicious period of 1827, or rather up to two years prior thereto, these three great cities of the Atlantic coast of which I shall mainly speak were apparently well satisfied with the progress and prosperity which they were respectively enjoying. In 1825 an event happened which changed entirely the

satisfied and contented conditions of these cities. They were all enjoying up to that time commerce brought to their ports by water and land transportation, the one reaching those points available by water transportation and the other reaching those fertile lands to the west, that rich, prosperous, and fertile country now known as the Central West, by wagon trains and stage-coaches. In this year, New York opened for use the Erie Canal, giving water transportation through the Lakes to Buffalo and from Buffalo to Albany over this valuable inland waterway. The city of New York rapidly forged to the front as the chief seaport of the Nation, having connected with the Central West by means of what was then a splendid waterway and the cheapest mode of transportation. This resulted in the reduction of the ton-mile cost, and more vessels began to come to her port for the transportation of travelers and of goods, wares, and merchandise to foreign countries.

Baltimore merchants and leading citizens, realizing that business was leaving Baltimore port for that of New York, which had been so advantageously connected with the growing country to the west, began to wonder what should be done. They realized that the great wagon trains which traversed the national pike from the west to Baltimore and over those roads leading from the south and the north would be unable to compete for trade with the waterways leading to New York City. Various internal transportation improvements were considered; one for the construction of a canal leading to Fort Cumberland and from there on to the Ohio, but this was both expensive and beyond Fort Cumberland practically impossible. This canal, was, however, constructed to Cumberland through the activities and appropriations of the United States, the State of Maryland, Washington City, Georgetown, Alexandria, Shepherdstown, and certain individuals, amounting to \$3,609,000; but the link connecting it with Baltimore along the Patapsco River was never built. Then it was proposed to connect with the Susquehanna and to reach the west through the Susquehanna Valley, but this was found impracticable. Thus stood matters at Baltimore, which contained numerous wealthy citizens, bankers, merchants, exporters, and importers, all willing to pledge their money to some system of internal improvement by which they might compete with New York and Philadelphia, which was also spreading out, provided some plan could be agreed upon.

It was at this momentous period in the history of the Monumental City that something happened which directed its course. Evan Thomas, brother to Philip E. Thomas, president of the Mechanics Bank, wrote a letter from Europe to his brother Philip stating he had come to Stockton and there found the Stockton & Darlington Railway successfully hauling coal and other private freight for more than 12 months past. He wrote in some detail of this railway and called particular attention to the fact that a railway had been designed to haul both passengers and freight from Liverpool to Manchester, and ventured the opinion that drawing carriages upon iron rails might yet form a less expensive method of moving goods than was possible on the best form of a canal.

This letter of Evan Thomas arrived at the opportune time. His brother, Philip, immediately took the matter up with Mr. George Brown, one of the leading bankers of Baltimore, the son of Alexander Brown, who had founded the first private banking house in America in 1800 at Baltimore, which is still in existence. Philip E. Thomas and George Brown concluded to call a meeting at the home of Mr. Brown in Holliday Street on the 12th of February, 1827. At this meeting the question of a railroad was fully discussed and strongly advocated, to extend to the west as far as the Ohio River, thus bringing all that large section of our country in touch with the port of Baltimore. This meeting adjourned, and at the second gathering some 25 of the leading merchants, bankers, and citizens of Baltimore were invited, among them the venerable Charles Carroll, of Carrollton, a signer of the Declaration of Independence, then more than 90 years of age. William Patterson was there, the man who had come to America and proved to be one of Baltimore's wealthiest, most influential, and progressive citizens. This William Patterson was the father of Betsy Patterson, who afterwards married Jerome, the brother of Emperor Napoleon. He was elected chairman, and David Winchester secretary. The outcome of this gathering was the appointment of a committee to report upon the feasibility of a railroad from Baltimore to the Ohio. There was no delay as to the actions of this subcommittee, and one week later it recommended to the full committee that a double-track railway be constructed along the easiest and most direct route from Baltimore to some point upon the Ohio River, and further recommended that a charter to incorporate the Baltimore & Ohio Railway be requested of the General Assembly of Maryland, and that the capital stock be fixed at \$5,000,000. Mr. John V. L. McMahon, then a young lawyer, who afterwards became one

of the most brilliant and distinguished members of that profession in the country, was designated to draft the charter, and each member of the committee contributed \$10 to pay for the same. Later the proposed charter was taken to Annapolis, and with the exception of the change in the term "railway" to "railroad," the charter was granted by the general assembly and has continued in existence without change from then until now; and may I add it relieved the railroad from taxation.

This charter was granted just 100 years ago to-day, wherefore we celebrate the one hundredth anniversary of the incorporation of the Baltimore & Ohio Railroad. On the 8th of March, 1827, the State of Virginia confirmed the charter, and on the 22d of February, 1828, the Commonwealth of Pennsylvania did the same. Scharf, in his History of Maryland, says:

The Baltimore & Ohio was not only the first railroad in the United States commenced for the actual traffic and commerce of the community between two distant sections of the country, but it was the railroad upon which the first locomotive built in the United States was successfully introduced; that when steam made its appearance on the Liverpool & Manchester Railroad in England it attracted great attention in this country, but there was this difficulty about introducing an English engine on an American road: An English road was virtually straight, whereas the American road had curves sometimes of as small radius as 200 feet, and it was believed that this would prevent the use of locomotives on American roads.

The following officers and directors were named on April 24, 1827:

President, Philip E. Thomas; treasurer, George Brown. Directors Charles Carroll of Carrollton, William Patterson, Robert Oliver, Alexander Brown, Isaac McKim, William Lorman, George Hoffman, Philip E. Thomas, Thomas Ellicott, John B. Morris, Talbot Jones, William Steuart.

These men were selected from the leading citizens of Baltimore, and the descendants of nearly all of them are still doing business in that great metropolis.

The Baltimore & Ohio having been organized, the raising of the money was the next move. Maryland subscribed on March 6, 1828, for \$500,000 of its stock, this being the first legislative aid ever afforded a railroad corporation in the United States, and Baltimore City subscribed an equal amount. The books were opened for 12 days for the subscription of individuals, during which time applications were made for 48,781 shares, but as only 15,000 were available for individuals the stock had to be reapportioned. This showed abundantly the enthusiasm and the optimism of a citizenry in a project which had not yet been demonstrated in this country.

A corps of engineers prepared to go to England to see what had been accomplished. Others were sent to examine the early coal railroads of this country at Honesdale and Mauch Chunk, Pa. While the directors at home, realizing the cost of the railroad, gratified their patrons by allowing them to double their stock subscriptions, so there was plenty of money available for the new railroad, and still no one knew what a railroad really was. The money provided, they prepared to build the railroad "toward the west." Just where, it understood but vaguely: the bank of the Ohio was its most specific destination, but just where that bank could be reached was uncertain, though Wheeling was felt from the outset to be the most logical western terminus of the line; however, between Baltimore and Wheeling were 300 miles of difficult country to be crossed. Logically, the valley of the Potomac would form an important link of the route, but west of Cumberland, where that valley would have to be left behind, were the formidable Alleghenies—great mountains whose very greatness few Baltimoreans of that day could ever sense—and east of the Potomac—between Point of Rocks and Baltimore—there was also a rough territory with which Maryland folk in general were much more familiar.

Into this easterly territory the first surveyors plunged. These men were, for the most part, drawn from the United States Army. Outside of West Point there was little technical or engineering training in the America of that day. It had become customary, due to peaceful conditions, for the large internal projects of the land to draw upon the Army for technical leadership. In the case of the Baltimore & Ohio, however, the services of the military engineers, Col. Stephen H. Long and Majs. William Gibbs McNeill and George W. Whistler, were linked with those of two practical civilians, Jonathan Knight and Caspar W. Weaver. Knight's name in particular is ever to be connected with the development of the Baltimore & Ohio. He was a skilled and resourceful man, who already had attained a measure of fame in the designing and building of the first of the Pennsylvania State canals.

These men made rough surveys for the first link of the new railroad; from the outskirts of Baltimore to the edge of the Potomac at the Point of Rocks. They prepared alternate routes



of which the one now followed by what is to-day known as the old main line of the Baltimore & Ohio was finally adopted, and reported their results to the president and directors of the new company.

The question of power for the new line was as yet undecided. It was generally understood that horses would be used. Evan Thomas's reports of the first steam locomotives in England had not yet been received with the same enthusiasm as his description of the railways themselves. Of course, 300 miles was a long distance to be traversed by horses, but there would be frequent relays, and when the mountains were reached there would be long inclined planes where other horses at windlasses would haul the cars up and down by the aid of ropes or cables. The fact that the rough reports of the engineers predicted that there would have to be over a hundred of these planes—perhaps 200—before the Ohio was reached did not daunt these men of Baltimore. The road in its first construction went ahead on this horsepower theory, and the first relay station was established at the brink of the Patapsco, and from that day to this has borne the name of Relay.

Before construction of the road began, however, there had to be a corner stone laying—in this case to be known as the laying of the first stone. Actually the stone laid was planned to be part of the foundation of the first bit of track. Following the fashion of that day, this ceremony was intrusted to the Masons, and to the Maryland Grand Lodge was given the actual honor. The day chosen for the ceremony was July 4, 1828. On that same Independence Day there was a similar ceremony at Washington City, where ground was being broken for the new Chesapeake & Ohio Canal. President John Quincy Adams attended the canal ceremonies, thereby disappointing many of his Maryland admirers. Still the show at Baltimore was quite complete. A cool, bright day saw nearly 30,000 strangers in town. In the morning there was a mighty parade in which 5,000 men marched, together with floats and carriages, escorting the first stone to the scene of the ceremonies at Mount Clare, the estate of James Carroll just west of the town.

The first stone is still there. The old estate of James Carroll is now Carroll Park of Baltimore, the old mansion house is the mansion of the park, and from its porticos no doubt was seen the great mass of people engaged in laying this first stone. The ceremony of laying the stone was brief but impressive. Charles Carroll was its chief figure. He was not a Mason, but he actually broke ground for the placing of the first stone, and when this was done, he solemnly said that he considered this act the most important thing of his life, second only to the signing of the Declaration of Independence, if indeed it be second to that.

Thus was solemnized this impressive ceremony by the presence of Maryland's great citizen, Charles Carroll, of Carrollton, who, it is said, when signing the Declaration of Independence, wrote his name "Charles Carroll," whereupon some one said, "I see several millions gone by confiscation," and another replied, "Oh, there are several Charles Carrolls." Mr. Carroll then took his pen and added "of Carrollton." We therefore see the Catholic and the Mason united in laying the first stone of this great enterprise, which has meant so much to Baltimore, Maryland, and the rest of the country.

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired.

Mr. O'CONNELL of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland may proceed for five additional minutes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the gentleman from Maryland may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Just a little distance back in the crowd stood the father of Henry Gassaway Davis, holding his little son Henry upon his shoulder, so that he too could see the ceremonies. Thus we behold that within the life of two men—Henry Gassaway Davis and his father—is covered the whole history of the independence of our Nation, until a few years ago, when Henry Gassaway Davis, a former candidate for Vice President of the United States, departed this life.

Among those who did not come to that famous ceremony was Mr. Peter Cooper, alderman and one of the leading citizens of New York. Mr. Cooper, however, was much interested in reading of it. He had personal reasons for his interest, as he was a heavy investor and owner of land and commercial enterprises in Baltimore. He therefore shared the apprehensive views of the Baltimoreans as to the future of their town, and was especially concerned over their foolish plan to attempt to run 300 miles of railroad by horsepower. Over the railroad itself he had been enthusiastic, but the horsepower plan he quickly saw to be impracticable, as well as the schemes for using horses in a

treadmill and to operate cars by sail power, both of which were receiving serious experimentation by the directors.

Cooper had begun a rather close study of the steam locomotive. He was early convinced that it, and it alone, formed the solution of motive power for the American railroad. Because of the depth of this conviction, he went to Baltimore and at his own expense he constructed in the new Mount Clare shops of the Baltimore & Ohio Railroad what was undoubtedly the first steam locomotive to be built and operated in the United States. The fact that the little "Tom Thumb" was not a practical locomotive and soon to be discarded does not alter the fact that it successfully proved its case—and Cooper's. Brought out in the autumn of 1829 and then withdrawn for repairs and reconstructions and more trials, in the summer of 1830 it demonstrated beyond all doubt that it could not alone propel itself, but that it could haul a small car, carrying 20 or more men at 15 miles an hour.

This was a trip made by Mr. Cooper from Baltimore to Ellicott's Mills in an open car, the first used upon the road, which was attached to the engine and filled with the directors and some friends. This constituted the first journey by steam in America. Curves were passed without difficulty at a speed of 15 miles an hour, the grades were ascended with ease, the day was fine, and the company in the highest spirits. The return from the Mills—a distance of 13 miles—was made in 57 minutes. This was on August 28, 1830, so says Scharf in his History of Maryland. I am told, however, that the opposing stagecoach beat the train to Baltimore; the stagecoach, however, soon disappeared from sight, but it led the way.

The directors of the Baltimore & Ohio, tremendously impressed by it, advertised prizes to be given the most successful steam locomotive adapted to their line. These trials were held in 1831. They were won by Phineas Davis, a watchmaker of York, Pa., who with his locomotive, the "York," swept all before him. Davis not only sold his engine to the Baltimore & Ohio for \$3,500 but he was immediately engaged by the company to supervise the building of its very first locomotives—all of which were constructed in its Mount Clare shops at Baltimore. He met his death upon one of these engines in 1836 upon the new branch road to Washington City, but even in those short years he had made for himself an impress upon American railroading. He was one of the foundation layers for its future success, and he had done his large part in successfully leading a pioneer railroad toward a full conception of its problem and the most practical way by which to solve it.

After many trials and vicissitudes the Baltimore & Ohio, upon which train service had begun May 24, 1830, between Baltimore and Ellicott's Mills, reached January 1, 1853, the shore of the Ohio at Wheeling, and thus fulfilled its charter and the promise of its founders. Later the branch, which has now become the main line, was built from Relay to Washington, and on to meet the old main line. At Relay one will behold the Carroll viaduct, which spans the Patapsco River, the first and oldest stone arch railroad bridge in the world, built in 1829 and still in use.

From that day on the growth has been steady and unceasing. In Baltimore 12,000 employees of the company are engaged, supporting directly or indirectly some 60,000 persons, and to these employees are paid some \$20,000,000 a year. The railroad operates 52,000 miles of line; owns 100,000 freight cars, and employs 70,000 people. The railroad has available in its "House of relics" in Baltimore a caravan of transportation, depicting graphically its successive modes through the ages to and including the early specimens of motive power with which it first hauled freight and passengers. It is intending in September of this year to celebrate the first centenary of its existence, at which time it is hoped the President of the United States will speak, and there will be present governors, Members of the United States Congress, and the great citizens of our land.

Baltimore has to its credit not alone the first steam railroad in the country, but it has been first in many other enterprises, among them being—

The first telegraph line, which traverses the right of way of the Baltimore & Ohio and came into use April 9, 1844.

The first submarine, known as *Winan's Cigar Boat*, was launched in 1858, which was not a success, but the first successful submarine was launched in Baltimore by Simon Lake in 1895.

The first electric railroad operated in the United States was constructed in 1885 and operated between Baltimore and Hampden, Md., upon which road it was my pleasure to ride in 1886.

It was the first city in which a national convention was held for the nomination of a President and Vice President; this was

in 1831, and the following successful presidential candidates have been nominated in Baltimore: Jackson, Van Buren, Polk, Taylor, Pierce, Fillmore, Lincoln, and Wilson.

It was William Goddard, of Baltimore, editor of the *Maryland Journal*, who found it necessary in order to disseminate American views to establish our first American post office, which was taken over by the Continental Congress by resolution of July 26, 1775, and Benjamin Franklin was elected Postmaster General.

The Declaration of Independence was first printed in Baltimore, and it was there, after repulsing the British at North Point and Fort McHenry, that Francis Scott Key wrote the Star-Spangled Banner, which has been an inspiration and the national anthem for our country for more than 100 years. [Applause.]

#### SOLDIERS OF THE CONFEDERATE ARMY

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to address the House for three minutes on a bill which was taken up last Saturday morning and temporarily laid aside.

The SPEAKER. The gentleman from Virginia asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, I ask that there may be read in my time a letter from Gen. N. D. Hawkins, at whose instance the bill was introduced, a prominent member of the United Confederate Veterans' organization.

The SPEAKER. Without objection, the Clerk will read the letter.

There was no objection.

The Clerk read as follows:

WASHINGTON, D. C., February 28, 1927.

Hon. R. WALTON MOORE,

House of Representatives, Washington, D. C.

DEAR MR. MOORE: I have noticed in the CONGRESSIONAL RECORD of Saturday the colloquy between you and Representative BEGG, of Ohio, relative to the bill introduced at my instance, providing that the Secretary of War shall receive evidence touching the truth of a charge of desertion against a number of Confederate soldiers who were confined in Libby Prison, at Richmond, following the surrender at Appomattox, the soldiers having been incarcerated by Federal authorities, and the charge, which is contained in an unsigned document now among the archives of the War Department, apparently having been made by some Federal officer. I had hoped, particularly in view of the fact that the sons of the men who fought on both sides during the Civil War, have since then fought together under our flag, that any of the old feeling had disappeared and that no opposition would be made to a proposal to correct a probable grave injustice to a large number of Confederate soldiers, most of whom are now dead, but in view of the objection which you now inform me will be insisted on, I request that you do not press the consideration of the bill. My understanding from the letter of the Secretary of War, attached to the report made by the Committee on Military Affairs, recommending the passage of the bill, is that he will receive any evidence which may be presented and will doubtless attach it to the document mentioned.

Yours very truly,

N. D. HAWKINS,

Member, Committee United Confederate Veterans' Organization.

Mr. BEGG. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BEGG. I think, Mr. Speaker, it is entirely appropriate for me to say that had it not been for the fact that the Secretary of War made the statement in the report that all evidence could be filed without legislation, I perhaps might have let the bill go through, but there being no purpose served in the way of removing any impediments to the filing of any evidence I could see no reason for the legislation and therefore objected.

Mr. MOORE of Virginia. I remember the gentleman stating on Saturday that the passage of the bill might create great excitement and discontent.

Mr. BEGG. I do think that is the reason they want to pass it, so they can say they have gotten some congressional recognition.

Mr. MOORE of Virginia. That is a mistake.

Mr. BEGG. And, consequently, I think the less said about the matter the better.

#### INCREASE IN THE LIMIT OF COST OF CERTAIN NAVAL VESSELS

Mr. BRITTEN. Mr. Speaker, I move to suspend the rules and pass H. R. 16507, to authorize an increase in the limit of cost of certain naval vessels, and for other purposes.

The SPEAKER. The gentleman from Illinois moves to suspend the rules and pass House bill 16507, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the limit of cost for the construction of the U. S. S. *Lexington* and *Saratoga*, the conversion of which vessels into airplane carriers, in accordance with the terms of the treaty providing for the limitation of naval armament, was authorized by the act of July 1, 1922, is hereby increased to \$40,000,000 each.

SEC. 2. That for the purpose of modernizing the U. S. S. *Oklahoma* and *Nevada*, alterations and repairs to such vessels are hereby authorized at a total cost not to exceed the sum of \$13,150,000 in all. The alterations to the capital ships herein authorized shall be subject to the limitations prescribed in the treaty limiting naval armaments, ratified August 17, 1923.

SEC. 3. That the limitation imposed in the Navy Department and naval service appropriation act, fiscal year 1925, on construction and machinery expenditures on account of one fleet submarine (mine-laying type) is increased to \$6,300,000.

The SPEAKER. Is a second demanded?

Mr. VINSON of Georgia. Mr. Speaker, I demand a second.

Mr. BLANTON. Mr. Speaker, the gentleman from Georgia is in favor of this bill.

Mr. McCLINTIC. Mr. Speaker, I am a member of the committee and I am against the bill. Therefore I think I have the right to demand a second.

The SPEAKER. The Chair thinks the gentleman from Oklahoma is entitled to demand a second.

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Illinois asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, I want to present a unanimous-consent request. On account of three bills being combined into one, and this subject being of great importance, I ask unanimous consent that the time be extended to 30 minutes on a side.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the time be extended to 30 minutes on a side. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois is recognized for 30 minutes and the gentleman from Oklahoma for 30 minutes.

Mr. BRITTEN. Mr. Speaker, as the gentleman from Oklahoma [Mr. McCLINTIC] has just informed the House, the bill now under consideration is really three separate and distinct bills.

The first portion of the bill provides for an increase in the authorization limit or the cost limit of the two plane carriers, the *Lexington* and the *Saratoga*, from \$34,000,000 to \$40,000,000 each; in other words, the limit of construction cost of these two ships is increased \$6,000,000 each.

You will all recall that these two ships were a part of our 1916 program, were designed, and intended as fast, powerful battle cruisers. Up to the time of the Washington Conference some 33 per cent of the work on these ships had been completed, one ship was being built by the Fore River Shipbuilding Co. and the other one by the New York Shipbuilding Co. They were being constructed under war-time contracts on a 10 per cent plus contract.

These contracts were modified in 1922 and a fixed fee or profit was established in each case, so that no matter how costly these ships might become or how costly they were to construct the contractor would only make \$2,000,000 on each one, very much less than 10 per cent. It appears now to be only 5 per cent, which most of us will agree is a very meager margin of profit.

Because of the character of their construction, not having been intended for airplane carriers at all, but, on the contrary, being intended to carry great, big, 16-inch guns, their substructure, of course, was not the same kind of substructure that would be used for a plane carrier as now contemplated. The ships, therefore, had to be entirely pulled apart. Their plans entirely changed. Instead of great smokestacks and fighting masts and great turrets on the superstructure, they have a large, flat, landing plane. These ships are nothing more or less than portable aviation fields, each ship accommodating between eighty-five and one hundred and odd planes of the various types, the number depending on the type.

Mr. MILLER. Will the gentleman yield for a brief question?

Mr. BRITTEN. Yes.

Mr. MILLER. And they are so designed as to accompany the fleet?



Mr. BRITTEN. Yes; they are designed to accompany the fleet and are faster than any other first-line ship. They are of inestimable value.

To-day these ships are 93 per cent completed, but unless this authorization is carried, so that the Senate may put this amount of \$12,000,000 in the second deficiency bill which we passed on last Saturday, work on them will stop in July, and this will, of course, entail a very great loss, not only to the Treasury but to the naval service itself.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. O'CONNELL of New York. And the proposed legislation has the approval of the Budget?

Mr. BRITTEN. It has the approval of the Director of the Budget and the President of the United States.

The only objection I can see to this legislation is the fact that it does increase the cost of the ships, and this can not be helped. It is a condition and not a theory that we are dealing with.

The ships will be ready for commissioning between July and October of the present year.

If no Member desires to ask any further questions about the plane carriers, I will proceed to the next item in the bill.

Mr. SHALLENBERGER. Will the gentleman yield for a question?

Mr. BRITTEN. Yes.

Mr. SHALLENBERGER. What happens if we do not vote this \$6,000,000 for each of these vessels?

Mr. BRITTEN. If we do not make the appropriation, the contractors may not proceed with them, because they can not be paid out of the National Treasury.

Mr. SHALLENBERGER. And the ships will not be completed?

Mr. BRITTEN. The ships will not be completed. They will simply stay in the respective yards where they are being constructed until we meet again in December, when we will surely appropriate.

Mr. O'CONNELL of New York. And the work already done will be lost?

Mr. BRITTEN. I would not say that it would be lost, but it will be lost so far as having any present effect on the American Navy is concerned. We will have to appropriate the money next fall anyway.

Mr. BUTLER. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BUTLER. May I suggest to my colleague that he state to the House the reason we are asked to increase the cost of these ships, and tell how they are new in design and in power, and also state why we could get no shipbuilding concern to bid on them?

Mr. BRITTEN. Following the request of the distinguished leader of the Committee on Naval Affairs, I will say it was impossible to get competitive bidding on these two ships when they were 33½ per cent completed in these private yards during and after the war. No shipbuilder could make an estimate on the cost of changing these cruisers into plane carriers, and that is the reason the Congress has repeatedly increased the limit of cost for these two ships. It has been impossible to tell just how much it was going to cost to complete them until now, when they are practically ready for service.

Mr. Speaker, if I may repeat somewhat what I have already said to the House, the purpose of this legislation is to authorize an increase in the limits of cost for the aircraft carriers *Lexington* and *Saratoga* from \$34,000,000 each to \$40,000,000 each.

The *Lexington* and *Saratoga* were originally two of the six battle cruisers included in the building program of August 29, 1916. Contract for the *Lexington* was entered into with the Fore River Shipbuilding Corporation, Quincy, Mass., under date of April 26, 1917, and contract for the *Saratoga* with the New York Shipbuilding Corporation, Camden, N. J., under date of May 5, 1917. Practically no work was undertaken on these vessels during the war, due to the necessity for concentrating on vessels of other types for which the need was more immediately urgent and which could be expected to be completed in time for service in the war. As a result of experience in the World War these vessels were redesigned in 1919, mainly for the purpose of increasing the protection against gun and torpedo attack, and new plans and specifications were issued late in that year. This redesign materially increased the size of the vessels.

The keel of the *Lexington* was laid January 2, 1921, and of the *Saratoga* September 25, 1920. Work on both vessels was stopped February 8, 1922, following the signing of the treaty limiting naval armament. The vessels at that time were about one-third advanced. The conversion of the vessels to airplane

carriers in accordance with the terms of the treaty was authorized by the act of July 1, 1922. The contracts were modified to provide for the completion of the vessels as airplane carriers—that for the *Lexington* under date of November 2, 1922, and for the *Saratoga* under date of October 30, 1922.

Mr. Speaker, the original contracts for the two battle cruisers were on the basis of cost plus 10 per cent. This was changed to cost plus a fixed fee of \$2,000,000 for each vessel, under date of December 7, 1920, for the *Lexington*, and October 11, 1920, for the *Saratoga*. When the conversion to airplane carriers was authorized the Navy Department was unable to arrange for the completion of the vessels on a fixed-price basis. The vessels were on the stocks in the building yards, and it was not practicable to secure competition for their completion. The companies were unwilling to undertake the completion on a fixed-price basis, due in part to the difficulty of estimating the exact amount of work required and in part to the uncertain state of the labor and material market. It was therefore necessary to enter into supplementary agreements with the companies to continue the work on the same basis as provided in the battle-cruiser contracts, namely, cost plus the same fixed fee of \$2,000,000 each.

The original limit of cost of the *Lexington* and *Saratoga* as battle cruisers, given in the act of August 29, 1916, was \$16,500,000 each. Prior to the placing of the contracts, this limit was raised to \$19,000,000 each by the act of March 4, 1917, and was further increased to \$23,000,000 each by the act of July 11, 1919. These increases were due in part to increases in labor and material prices and in part to the increased size of the vessels as redesigned.

The act of July 1, 1922, which provided for the conversion of the vessels to airplane carriers, continued in force the limit of cost of \$23,000,000 each. It was the expectation at that time that there would be a gradual adjustment downward in wages and material prices and that the bulk of the construction work would be carried out at prices approaching the pre-war level. Instead of going down, however, costs of both labor and material rose further, and when it became apparent that the vessels could not be completed within the amount previously set the limit of cost was increased from \$23,000,000 to \$34,000,000 each by the act of February 11, 1925. The limit of cost in both cases includes the expenditures made on the vessels as battle cruisers as well as the cost of conversion to aircraft carriers. At the time the limit of cost was raised to \$34,000,000 each the work on the vessels was somewhat more than half completed.

Since the limit of cost was fixed by the act of February 11, 1925, there has been some slight increase in wage rates. The vessels are of an experimental nature, and some of the installations developed as a result of recent experience with the operation of aircraft from ships have proved more expensive than was originally anticipated. The above factors have tended to somewhat increase the cost of the vessels, but the principal increase is due to the conditions under which these vessels are building. The slackness in the shipbuilding industry as a whole has resulted in the vessels being for considerable periods of their construction the sole jobs of importance in plants equipped for carrying on a much larger volume of work. This has increased the proportion of overhead expense charged to the vessels and the economical handling of the force, difficult at best under cost-plus contracts, has been increased by the lack of other work.

Mr. Speaker, it is estimated that the expenditures on the *Lexington* and *Saratoga* will reach the present limit of cost some time this spring, and unless the limit is increased at this session of Congress, the work on the vessels will, of necessity, be stopped and their placing in service will be subject to a further serious delay.

Aircraft are now carried on our battleships and first-line light cruisers. The number of airplanes that can be placed on board such vessels is limited, however, to two or three per ship. These planes are intended primarily for service as an auxiliary to the vessels themselves and are not under ordinary circumstances available for use as an independent arm of the fleet. Furthermore, these airplanes, once launched, can not return direct to the vessel, but must land on the water and be hoisted on board when opportunity presents. In scouting operations arrangements can be made for the recovery of the aircraft by the vessels to which attached and for their repeated use. Once these vessels are in action this would not ordinarily be practicable, as the vessels must then be maneuvered with a view to the use of their main weapon, the gun.

An aircraft carrier is a mobile landing field that can accompany the fleet and from which airplanes may be launched and to which they may return as the exigencies of their service require. Aircraft being the main weapon of an aircraft carrier,

such a vessel can be maneuvered with a view to facilitating the operations of the aircraft. The United States now has one aircraft carrier in service, the *Langley*. This, however, is a relatively small, slow-speed vessel converted from a collier. While it has been of great service in the training of pilots and in solving many of the problems in the use of aircraft with naval vessels, its speed and capacity are not sufficient to permit the full development of the tactics required for the effective use of aircraft with the fleet. Until the *Lexington* and *Saratoga* are in service, the value of airplanes in fleet actions and the methods necessary for their most effective use can not be definitely determined.

Mr. Speaker, Article VII of the treaty limiting naval armament permits the United States to place in service a total of 135,000 tons standard displacement of aircraft carriers. The *Lexington* and *Saratoga* account for 66,000 tons, leaving 69,000 tons yet to be constructed. The *Langley* is rated an experiment aircraft carrier, and in accordance with the terms of the treaty will be placed out of service at such time as the United States desires to build up to the full amount under the treaty. The placing of the *Lexington* and *Saratoga* in service is required, not only for the development of the tactics of the use of airplanes with the fleet, but likewise for the purpose of determining what design features should be incorporated in any future aircraft-carrier tonnage which it may be decided to build. In designing the *Lexington* and *Saratoga*, full advantage was taken of the information then available. Judging, however, from past experience in the development of new types of naval vessels and more particularly from the development of the design of these vessels themselves since the conversion was started, the aircraft carrier of the future may be expected to depart materially, possibly not in general type, but certainly in many important details from the *Lexington* and *Saratoga*.

This proposed legislation was referred by the Navy Department to the Director of the Bureau of the Budget for advice as to whether its enactment would come within the financial program of the President and under date of December 21, 1926, the department was advised that the proposed legislation is not in conflict with the financial program of the President.

Mr. SNELL. Will the gentleman yield for a question there?

Mr. BRITTEN. Yes.

Mr. SNELL. Does not the committee itself feel that the yards themselves have also been a little dilatory so far as speeding up the work of completing these cruisers is concerned?

Mr. BRITTEN. Yes; the members of the Committee on Naval Affairs, including the distinguished chairman and myself, and also the ranking minority members of the committee, feel that the contractors probably have delayed the job because they are getting certain overhead profits out of this work; but at the same time we were told by the experts in the department that if the work was switched to the New York Navy Yard or any of our other Government yards where we would have complete control of the labor and the material, we could not expedite completion and get these ships in commission before July and October, respectively, of this year. For this reason nothing would be gained by refusing to pass this bill. Perhaps the contractors have delayed the work slightly, but, after all, the only additional profit they will get out of any delay of this kind, I will say to the gentleman from New York, is in a proportion of their overhead expense.

Mr. SNELL. Does not that mean a good deal to them at the present time, if they have not any other business?

Mr. BRITTEN. If they have not any other business, it may be quite important.

Mr. SNELL. And I think it should be distinctly brought out on the floor here that we do not like this kind of work or the treatment we have received from these navy yards, and, so far as I am personally concerned, I do not think they should get any more work.

Mr. BUTLER. This will never be repeated. This is the last time, absolutely.

Mr. BRITTEN. It is an aftermath of the war.

Mr. SNELL. It is an aftermath of the war, but it is right here now and we are paying the bill.

Mr. BRITTEN. Yes; we are paying the bill. It is a very bad precedent and the members of this committee, as well as the gentleman himself, are unalterably opposed to cost-plus contracts.

Mr. SNELL. I know the gentleman is opposed to that, and I would be very careful about letting any more contracts of any kind to these people.

Mr. BRITTEN. I think the department understands our feeling in the premises.

Mr. BLANTON. Will the gentleman yield? I want to inquire of the gentleman in regard to the next section.

Mr. BRITTEN. Will the gentleman wait until I discuss that?

Mr. BLANTON. I want to get this point clearly before the House. Four years ago the distinguished gentleman from Illinois [Mr. BRITTEN], with his persuasive eloquence had the House appropriate \$6,500,000 to raise the elevation of the guns, despite the fact that I then tried to stop it by a point of order. After that, on March 14, 1924, his colleague from Illinois, the chairman of the Committee on Appropriations, having the floor said that though he and his committee had been convinced that it was against the four-power treaty, they had been led to agree to such appropriation because naval experts had represented to the committee that England had raised the elevation of her guns, and that it was necessary for us to do the same, to meet the emergency, but that his committee had investigated and found out that they have been misinformed by said naval experts, and that England had not done that with which she had been charged. And the chairman of the Committee on Appropriations then advised us that he was of the opinion that for us to do so would violate our Washington agreement.

Mr. BRITTEN. Oh, no; the gentleman is mistaken.

Mr. BLANTON. I have his statement—that he and his committee were convinced that it was against the four-power treaty, but because certain naval experts had been before the committee and stated that England was raising the elevation of her guns the committee had been persuaded to put in the appropriation of \$6,500,000. And then they had certain information showing that it was not so and the gentleman from Illinois [Mr. MADDEN] on the floor on March 20 stated emphatically that he had been deceived, that these naval experts had lied to the committee, and just a few days prior thereto he had the House pass legislation repealing the act and putting the \$6,500,000 back into the Treasury. Is the gentleman going to re-pass that bill?

Mr. BRITTEN. Not at all; that is an unimportant part of the bill.

Mr. BLANTON. But it is a part of it. And with the permission of my friend from Illinois [Mr. BRITTEN] I will show just exactly what is the history of this proposition.

The Committee on Naval Affairs reported a bill in the early part of 1923 authorizing an appropriation of \$6,500,000 to increase the range of turret guns on certain battleships. I fought against that bill from the beginning, as I showed that it was against our four-power treaty agreed to in the Washington Conference. And before that legislative proposition was passed into law the Committee on Appropriations brought before the House the deficiency appropriation bill for passage, which carried the following item, to wit:

For making such changes as may be permissible under the terms of the treaty providing for the limitation of naval armament, concluded on February 6, 1922, published in Senate Document No. 126 of the Sixty-seventh Congress, second session, in the turret guns of the battleships *Florida*, *Utah*, *Arkansas*, *Wyoming*, *Pennsylvania*, *Arizona*, *Oklahoma*, *Nevada*, *New York*, *Texas*, *Mississippi*, *Idaho*, and *New Mexico*, as will increase the range of the turret guns of such battleships, to remain available until December 31, 1924, \$6,500,000.

Just as soon as the Clerk read the above item, I made the following point of order against it, which I quote from page 4732 of the RECORD for February 26, 1923, to wit:

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph because it is legislation unauthorized on an appropriation bill, and it is new construction unauthorized on an appropriation bill. I also call attention to the fact that it is not only unauthorized legislation on an appropriation bill, but it is as well a direct violation of the treaty entered into between this Government and others in what is known as the four-power act. I want to call attention to the parliamentary situation. In order to attempt to make this legislation in order so this appropriation could be made, the distinguished gentleman from Pennsylvania [Mr. BUTLER] brought in what is known as his omnibus legislative bill a week or 10 days ago. In that bill was a legislative item carrying this particular matter. It was designed to make this particular matter in order.

Now, I want to say that I do not know what the facts are, and I can only learn from rumor, but it has been rumored that since the bill was under discussion, so mysteriously sidetracked and pigeonholed, put to sleep, that there has been word from the great Secretary of State that possibly the contention made on the floor that that provision was in violation of the treaty is correct.

Mr. BUTLER. Will my friend yield?

Mr. BLANTON. I will.

Mr. BUTLER. No; I will say to my friend that the bill has not been sidetracked; it stops by the side of the road, but we expect to start it again within 48 hours.



Mr. BLANTON. If the gentleman does not start it sooner than 48 hours he had better not start it at all.

Mr. BUTLER. I do not know where we will land, but we are doing the best we can to have the legislation completed. I am going to ask the gentleman not to make the point of order at this time, not to press it, not to ask the Chair at this time to decide it. That legislative bill may not become a law.

Mr. BLANTON. I hope it will not.

Mr. BUTLER. My friend will appreciate the statement that it is in jeopardy, but this work ought to be done.

Mr. BLANTON. I am not discussing the merits of the proposition.

Mr. BUTLER. I hope he will not press his objection here, but will allow this amendment, as I would call it, attached to this bill to go through so that it will become a law at this time. The Naval Affairs Committee unanimously recommended it.

Mr. BLANTON. My friend does not believe that expediency ought to rule the Chairman in making a decision.

Mr. BUTLER. I am going to ask the gentleman not to press his point of order, not to compel the Chairman to decide it, but allow it to pass along.

Mr. KELLEY of Michigan. That is what I am going to call to the attention of the gentleman, and I think he will see the importance of it. The Committee on Appropriations without any doubt has authority to appropriate for the repair or modification of any vessel now in the Navy to any extent.

Mr. BLANTON. But suppose the treaty says otherwise?

Mr. VINSON. It does not say so.

Mr. KELLEY of Michigan. It does not say otherwise; but leaving that out, under the rules of the House, as I say, the Committee on Appropriations has that authority. This question of assembling ships involves a considerable sum of money, and the Committee on Appropriations thought that the policy of whether the ships ought to be remodeled should be determined by the Committee on Naval Affairs first, and that is why we suggested, as some of us did, to the Navy Department that they first submit the matter to the chairman of the Committee on Naval Affairs—not that we did not have the authority to do it.

Mr. BLANTON. I want to say just a word upon the point of order. This is not a question of expediency. I cite the Chair to the four-power pact, which I send to his desk, and ask him to note the following paragraph under the heading of "replacements":

"No alterations in side armor, in caliber, number, or general type of mounting of main armament shall be permitted."

And so forth.

If the Chair will turn to that heading, he will find that there are two provisions with regard to two other countries not applicable to us.

The CHAIRMAN. The Chair would ask the gentleman from Texas whether or not it is the opinion of the gentleman in arguing this matter that this four-power treaty is now in effect?

Mr. BLANTON. I submit this, that whenever the Government of the United States through its authorized agents signs an agreement that it intends to carry out, and that agreement is being considered by the other nations of the world, and the United States in that agreement made promises with regard to not changing the present status of the naval armament, it is just as binding upon the Congress as if the treaty had been accepted by all of the parties concerned.

But expediency prevailed. Members argued that we were in great danger; that Great Britain had violated her agreement; that she had changed the elevation of her guns and increased their range, and my point of order was overruled, and said bill with this provision in it was passed and became Public Law, No. 543, Sixty-seventh Congress, approved March 4, 1923.

AND THEN WHAT HAPPENED?

The money was never spent. The President found out that naval experts had misrepresented the facts. The Secretary of State, Mr. Hughes, found out that he had been misinformed, and the Navy was ordered not to spend the money. And on March 14, 1924, when the subsequent deficiency appropriation bill was before the House, Chairman MADDEN offered the following amendment, which, without a dissenting vote, was passed, to wit:

Mr. MADDEN offered the following amendment: On page 27, after line 19, insert as a new paragraph the following:

"The appropriation of \$6,500,000 for making changes in the turret guns of certain battleships so as to increase the range of such guns, contained in the deficiency appropriation act, approved March 4, 1923, is hereby repealed."

And the chairman of the Committee on Appropriations then said:

Mr. MADDEN. Mr. Chairman, I call the attention of the committee to this situation. In the first place, the Navy Department came to the Committee on Appropriations and requested last year the sum of \$6,500,000 with which to elevate the turret guns on battleships so as to increase their range. They came with the information that the turret guns on the English battleships had been elevated so as to give them a

longer range, and that the \$6,500,000 would enable them to place the turret guns on our battleships on an equality with the guns on the English battleships. The committee was rather doubtful about the wisdom of authorizing the appropriation. The Naval Affairs Committee had given some consideration to the question and they reported a bill favoring the appropriation, but the bill was not passed. We had some doubt, as I say, about the propriety of it under the treaty in respect to the limitation of armaments and we wrote in the appropriation a provision that the money would not be used if it was a violation of the treaty. I think it turned out that our fears were more than verified.

The information which the Navy Department had upon which the appropriation was based was erroneous.

WHAT SECRETARY OF STATE HUGHES SAID

And then Chairman MADDEN read the following statement from Secretary Hughes, to wit:

The Department of State has been advised by the British Government categorically "that no alterations have been made in the elevation of the turret guns of any British capital ships since they were placed in commission," and, further, "that no additional deck protection has been provided since February 6, 1922, the date of the signing of the Washington treaty."

It gives me pleasure to make this correction, as it is desired that there should be no public misapprehension.

NAVY DEPARTMENT STATEMENT

And then Chairman MADDEN read the following statement from the Department of the Navy:

The Navy Department in the hearings before Congress stated that the elevation of the turret guns on the British capital ships had been and was being increased. This statement was based on information believed to be thoroughly reliable by the department.

The British Admiralty has informed the department that this is not the case, that the elevation of the turret guns on British capital ships is the same as when these ships were originally commissioned. This places the matter beyond further question, and the department takes pleasure in correcting its previous statement in consonance with the above.

And Chairman MADDEN passed his amendment repealing the former act that appropriated said money, and placed that \$6,500,000 of the people's money back into their Public Treasury unspent.

NAVAL AFFAIRS COMMITTEE STILL ACTIVE

Notwithstanding the action of the House, I learned that the gentleman from Illinois [Mr. BRITTEN] was still trying to secure the change in the range of our turret guns by raising their elevation, so during debate on March 20, 1924, I again discussed the question, after the distinguished gentleman from Massachusetts had referred to what Great Britain was doing. Let me quote excerpts from what I then said:

Mr. BLANTON. \* \* \* Last year, when without any authority of law and against our solemn treaty provisions we appropriated \$6,500,000 to raise the turrets of certain guns on certain battleships so as to give our guns a greater range. When the appropriation was proposed I made a point of order against it and called attention to our treaty provisions which prevented us in direct specific language from doing that very thing. Yet, because of just such speeches as the gentleman from Massachusetts made, it got your blood roused up. You believed from just such speeches that England was not keeping her pact with us and that she was modernizing ships and raising the turrets so as to increase the range of her guns, and that worked you up to such a pitch that through expediency alone my point of order was overruled and that \$6,500,000 was appropriated for that purpose.

Then Congress adjourned, and what happened? When the administration got a proper opportunity to look into it, Mr. Secretary Hughes decided that it might be violative of our treaty. And he decided something else. He made an investigation and he reported to the country that the representations as to what England had done made to our committee and to the Congress by our naval officers were not true. He caused the statement to be made to the country that England was not violating her pact and England had not gone beyond the terms of her treaty; that neither England nor any of the other powers that entered into that agreement had in any way violated their agreement.

Then what happened? We had the ridiculous spectacle just the other day of the chairman of the Committee on Appropriations being forced to put an amendment on the deficiency bill to return that \$6,500,000 back into the Treasury because it had not been used. I am not criticizing the distinguished chairman of our great Appropriations Committee, but commending him, for putting the money back into the Treasury. I am criticizing the speeches that caused the money to be taken out.

Mr. MADDEN. Will the gentleman yield?

Mr. BLANTON. Certainly. Was not that the fact?

Mr. MADDEN. Allow me to tell the story.

Mr. BLANTON. Did it not happen?

Mr. MADDEN. I will tell the story.

Mr. BLANTON. Please do not do it in my time. I have only five minutes.

Mr. MADDEN. I will do it in my time.

Mr. BLANTON. That is the fact, and you can not deny it; \$6,500,000 was thus appropriated and you put it back in the Treasury the other day in your deficiency bill, and you will not deny that Mr. Secretary Hughes, after Congress adjourned, stated to the country that the naval officers had misrepresented the facts and had misled your committee and had misled the House into passing such a law.

And then Chairman MADDEN explained the whole matter, as follows:

Mr. MADDEN. There is no secret, Mr. Chairman, about the fact that the Committee on Appropriations had some doubt when it was considering the request of the Navy Department for \$6,500,000 for the elevation of the turret guns on the battleships as to the propriety of making the appropriation, but the technical men of the Navy testified positively before us that England had elevated the turret guns of her ships to give them a longer range. In common with other members of the Committee on Appropriations, I felt at the time that if we elevated our turret guns we would be violating the treaty, but we thought that in the face of the statement by responsible naval officers of the Government that England was, as a matter of fact, elevating the guns on her ships since the conference that we would be derelict in the performance of the duty devolving upon us if we failed to bring our guns up to the same degree of efficiency as theirs.

Being still in doubt, we took the precaution to put the appropriation in such language that it could not be used if it violated the treaty. But it did not rest on that. The matter of the violation of the treaty was not the thing that the question turned on afterwards. The question was one of veracity, and the investigation that I made personally as chairman of the Committee on Appropriations, after the appropriation had become a law, led me to the conclusion that somebody had lied.

Mr. BLANTON. That is exactly what I said. You are corroborating me.

Mr. MADDEN. I did not deny what the gentleman said. I then assumed the responsibility, as chairman of the Committee on Appropriations, of going to the Navy and demanding that the money should not be used. [Applause.] I said if it were to be used I would get on the floor of the House and denounce the whole procedure. It was not used.

The President of the United States issued an order that it should not be used. In the face of all the facts in connection with the proposition I thought that the Committee on Appropriations would be justified in repealing the appropriation, and I offered an amendment on the floor when the deficiency bill was under consideration providing for the repeal of the appropriation and the authority which the provision carried to elevate the turret guns on the American battleships, and the House unanimously voted to concur in the amendment which I offered.

There is nothing secret about what we did. We have no apology to offer as members of the Committee on Appropriations for what we did. We did our duty in the beginning as we saw our duty, and when we discovered that we had done what we ought not to have done, we did our duty in the second instance by repealing the appropriation.

Mr. BLANTON. I was not criticizing the Appropriations Committee or its efficient chairman. I commend him for what he did in keeping this money from being used and in having it returned to the Treasury where it belongs. He bravely calls a spade a spade.

I was criticizing the speeches of the gentleman from Massachusetts and others that caused this \$6,500,000 to be appropriated.

Mr. MADDEN. Let me finish this statement. I think it is important. The Secretary of State categorically asked the question of the British Government what they had done, and they denied that they had done anything, and the Secretary of State made a public announcement to that effect, and Mr. Roosevelt, the Assistant Secretary of the Navy, also made public an announcement to the effect that they had made a mistake when they said to the Committee on Appropriations that England had elevated her guns.

PASSED BILL MAY 28, 1924

Then the Committee on Naval Affairs, in the dying hours of Congress, brought up before the House its bill to spend \$18,360,000 in alteration of battleships, and that bill had in it the following provision:

Sec. 3. That the alterations to capital ships and the construction of new vessels under the authorization contained in this act shall be subject to the limitations prescribed by the treaty limiting naval armament ratified August 17, 1923.

And I then opposed it and warned that the Navy intended to use part of this money in changing the range of our turret guns in violation of our treaty, from which I again quoted, from subdivision (d) of page 19 thereof, the following:

No alteration in side armor, in caliber, number, or general type in mounting of main armament shall be permitted.

But this bill passed by a vote of 168 for with 138 against, and became Public Law No. 297, Sixty-eighth Congress, approved December 18, 1924.

#### BUT TREATY PREVENTED CHANGE OF TURRET GUNS

If the provisions of our treaty agreed to in the Washington conference does not prevent our changing the range of our turret guns, then under the above law such action could have been taken. But our State Department has held that our treaty prevents such proposed change in raising the elevation of our guns, and the President of the United States has not allowed it to be done.

#### THEN WHY IS THIS BILL TO BE PASSED?

But my energetic, persistent friend from Illinois [Mr. BRITTEN] never gives up. He has determined to have these turret guns raised, and he is going to pass this bill authorizing it. But I predict that after he passes it he will not do what he desires, for our State Department and the President of the United States will not allow it. So we are wasting our time in passing this bill, so far as that item is concerned.

Mr. BRITTEN. Section 2 of the bill reads:

The alterations to the capital ships herein authorized shall be subject to the limitations prescribed in the treaty limiting naval armament ratified August 17, 1923.

Mr. BLANTON. That was in the other bill.

Mr. BRITTEN. Well, since the gentleman has raised the gun-elevation question, I will discuss that now. What actually happened was that certain naval officers came before our committee and also the Committee on Appropriations, which was considering the six million and a half appropriation for the elevation of our turret guns on 13 ships which were outranged by the ships of Great Britain. They said among other things that Great Britain and Japan had already elevated their guns.

Now, with that knowledge in hand, of course, Congress went ahead and appropriated enough money to elevate our guns so that we could shoot as far as the other fellow.

It developed six or eight months afterwards that England had not elevated her guns, but Japan positively had, and that Japan did not consider it was in violation of the spirit of the treaty at all, and had so notified our State Department.

Mr. FRENCH. Will the gentleman yield?

Mr. BRITTEN. I will yield.

Mr. FRENCH. How does the gentleman know that Japan has elevated her guns?

Mr. BRITTEN. I do not know it from observation; but I suppose my good friend will believe the Secretary of the Navy when he comes before our committee and lays down a copy of the letter written by Japan stating that they had done so, but did not consider that they had violated the Washington treaty.

Mr. FRENCH. I beg to say that no information of that kind has been brought to our committee.

Mr. BRITTEN. The hearings will show just what transpired, and all the gentleman has got to do is to telephone the department for the exact information.

Mr. RANKIN. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. RANKIN. When the appropriation of \$6,500,000 to elevate the guns was up for discussion in the House there was nothing said about Japan having violated the treaty. It was alleged that Great Britain had done so.

Mr. BRITTEN. We were told that both the great powers had done so.

Mr. RANKIN. That was afterwards taken up on the floor of the British Parliament, and it was shown that there was no truth in that statement, so far as Great Britain was concerned.

Mr. BRITTEN. What we are doing is to make these ships safe for the 1,200 men and officers aboard. The gun elevation is a small item of the major repairs and alterations. If the elevation of the guns is inconsistent with the spirit of the Washington conference, the guns will not be elevated. There is nothing specific in the bill for the elevation of the guns, but there is a specific provision that if any alteration is in violation of the treaty it will not be done. These alterations are in accordance with the policy inaugurated in 1924 to modernize all of our first-line ships. We have modernized the six coal burners. We have done the very thing to them that we are going to do to these ships—make them efficient, modern fighting craft and as safe as possible for the men that man them. We are putting blisters on the bottom to provide against torpedo attack. We are improving the decks to provide against airplane attacks. We are putting in new boilers and we are providing new arrangements for launching the planes. All of these improvements are exceedingly important to the life and safety of



the men aboard. There are some 1,200 of them. There is not a man on the floor of the House who would not spend \$13,000,000 or ten times that amount if the expenditure of that money is going to further protect the lives of our officers and men. That is what is contemplated in this bill.

Another item in this bill is for an increase in the cost of the V-4 fleet submarine. It increases the cost \$1,000,000. About \$400,000 of that money is to go to the Portsmouth Navy Yard, where the submarine is being constructed, and the balance is to go to the New York Navy Yard, where the engines are being made.

The bill will provide for the early commissioning of the air-plane carriers and for putting into first-class shape the battleships *Oklahoma* and *Nevada*. It is a matter of real economy, not extravagance, because we are going to make of the *Oklahoma* and *Nevada* two positively first-class ships that will be in commission until 1936—\$6,000,000 each for practically nine years of first-class service, and that is nothing at all when you consider the insurance that comes with this unimportant expenditure.

Mr. Speaker, the reconditioning proposed follows the general policy inaugurated by Congress in the act approved December 18, 1924, authorizing the reconditioning of the six coal-burning battleships. The *Oklahoma* and *Nevada*, which are the oldest of the oil-burning battleships, are next in line.

Of the battleships whose reconditioning has already been authorized, the work on the *Florida*, *Arkansas*, and *Texas* has been completed, and these vessels have recently been returned to active service. Near the completion of the work on these vessels the remaining three coal-burning battleships, the *Utah*, *Wyoming*, and *New York*, were placed in the navy yards for overhaul. The work on the latter vessels is now under way and will, it is estimated, be completed about the end of the present calendar year. It is proposed to undertake the work authorized on the *Oklahoma* and *Nevada* following the three battleships now under way and to complete it near the end of the calendar year 1928.

Under the provisions of the treaty limiting naval armament the earliest date by which the coal-burning battleships may be replaced by new tonnage is three in the year 1934 and three in 1935. Similarly, the *Oklahoma* and *Nevada* may not be replaced until 1936. The changes proposed will materially reduce the risk of loss of the vessels in action and of the men by whom they will be manned, particularly when subjected to submarine and air attack, which forms of attack have been greatly developed since the vessels were designed and built. This increased protection and the improvement in the military value of the vessels in other respects, considered in connection with the remaining period of service, are fully sufficient to justify the expenditure required for their reconditioning.

Certain of the alterations proposed on the *Oklahoma* and *Nevada* are similar to those authorized on the six coal-burning battleships by the acts approved December 18, 1924, and May 27, 1926, except as modifications in the details of the work are necessitated by differences in design of the vessels involved. These alterations are the installation of additional protection against submarine attack, the installation of anti-air attack deck protection, the reboiling of the vessels, the installation of air-plane catapults, and the installation of a modern fire-control system similar to but somewhat more extensive than undertaken on the *New York* and *Texas*. The *Oklahoma* and *Nevada* are at present oil-burning vessels and no change is necessary in the type of fuel used. The boilers of the *Nevada* are, however, in immediate need of renewal. While the boilers of the *Oklahoma* are in somewhat better condition, they would require renewal within a short time in any event, and it is desired to take advantage of the laying up of the vessel for the other alterations to effect the change in the boilers. While this procedure will result in a slight saving in the cost of the work, the principal advantage is that it will avoid the necessity of again withdrawing the vessel from active service for a prolonged period.

Mr. Speaker, in addition to the alterations listed above, the present bill contemplates undertaking on the *Oklahoma* and *Nevada* the installation of a 5-inch antiaircraft battery, changes to permit an increase in the range of the turret guns, and provides also for repairs and minor alterations involving a total expenditure in excess of the statutory limit.

The 5-inch antiaircraft gun has been adopted as the standard for the later battleships. Batteries of this type have been installed on the 16-inch-gun battleships *Maryland*, *Colorado*, and *West Virginia*, and funds have been requested for a similar installation on the 14-inch-gun battleships *Tennessee* and *California*.

In requesting authorization for the reconditioning of the *Oklahoma* and *Nevada*, the Navy Department suggested that the authority be couched in general terms authorizing repairs and alterations within a certain total amount instead of enumerating the items specifically, as was done in the case of the coal-burning battleships. The committee has no objection to this form of authorization in general, as the work which the Navy Department proposes to undertake is discussed with the committees of Congress in connection with obtaining the authorization for the work and later in connection with obtaining appropriations therefor. In view, however, of the past history of the question of the elevation of the turret guns, the committee considered it best to set out this item specifically in the report in order that there might be no possibility of misunderstanding on the part of any Member voting thereon.

Mr. Speaker, the deficiency act approved March 4, 1923, appropriated \$6,500,000 for changes to increase the range of the turret guns on the 13 older battleships, including the *Oklahoma* and *Nevada*. At the time the appropriation was made, Congress had been informed that similar changes were being undertaken by other nations signatory to the treaty limiting naval armament. It was later found that the information relative to other powers was incorrect, and the undertaking of the work was deferred until Congress might have further opportunity to consider the matter. The question was taken up again in connection with the deficiency act approved April 2, 1924, and the provision making appropriation for this work was repealed.

In the case of the 13 older battleships, the turret guns can be elevated to 15 degrees, giving maximum ranges between 21,000 yards and 24,000 yards for the different ships. In the case of the five later ships, the turret guns can be elevated only to 30 degrees, giving maximum ranges of approximately 35,000 yards. What is proposed for the *Oklahoma* and *Nevada* is to make such changes as will permit the turret guns to be elevated to 30 degrees, increasing the maximum range to about 34,000 yards.

There is no question in the minds of the committee but that the elevation of the turret guns is permissible under the terms of the treaty limiting naval armament and that the question of whether or not the work should be undertaken is entirely one of policy. However, the interpretation of the treaty is the province of the Executive, and the bill provides that the alterations therein authorized shall be subject to the limitations prescribed by the treaty. The committee is of the opinion that this change should be made not only on the turret guns of the *Oklahoma* and *Nevada* but also on the turret guns of the 11 other battleships on which the elevation is limited to 15 degrees. The increase in the maximum range of the turret guns of the older battleships would prevent their being outranged by the battleships of other powers. These changes would also equalize approximately the extreme ranges of all the battleships of our own fleet and would materially facilitate the operations of the fleet by enabling the vessels to be maneuvered together.

Mr. Speaker, the expenditure for repairs and alterations that may be undertaken by the Navy Department on an individual battleship at one overhaul is limited to a total of \$300,000 under all appropriations, unless specific authority for a greater expenditure has been obtained. Experience in connection with the reconditioning of the coal-burning battleships has shown that the limit of \$300,000 per vessel is not sufficient to permit undertaking all the repairs and minor alterations which it would be desirable to undertake in order to make these vessels as up to date as practicable on the completion of the reconditioning. It is proposed, therefore, in giving authority for the reconditioning of the *Oklahoma* and *Nevada*, to authorize repairs and minor alterations in excess of the statutory limit. The total proposed in the bill provides for an expenditure under this head approximating \$1,000,000 per vessel.

The following table shows in detail the expenditure to be made from the \$13,150,000 for the proposed alterations and repairs on the battleships *Oklahoma* and *Nevada*:

Item	Oklahoma	Nevada
Additional protection against submarine and air attack.....	\$1,300,000	\$1,300,000
Reboiling and incidental work.....	1,015,000	1,235,000
New fire control, new masts, and incidental changes.....	865,000	865,000
Airplane-handling arrangements.....	140,000	140,000
5-inch AA battery, including installation.....	1,540,000	1,540,000
Raise certain secondary battery guns.....	150,000	150,000
Increase elevation turret guns.....	470,000	470,000
Miscellaneous minor alterations.....	410,000	500,000
Miscellaneous repairs.....	530,000	530,000
Total.....	6,420,000	6,730,000
Total both vessels.....	13,150,000	

Mr. Speaker, I reserve the remainder of my time.

Mr. RANKIN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Mississippi makes the point of order that there is no quorum present. Evidently there is not.

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

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Anthony	Dickinson, Iowa	Lampert	Seger
Appleby	Dominick	Lee, Ga.	Sinclair
Arentz	Driver	Letts	Smith
Aswell	Fort	Lineberger	Sosnowski
Bacon	Fredericks	Lowrey	Stevenson
Barkley	Frithingham	McLaughlin, Nebr.	Strother
Bixler	Gallivan	Mead	Sullivan
Boies	Gibson	Michaelson	Swartz
Bowles	Goldsborough	Mills	Sweet
Brand, Ga.	Gorman	Montague	Swoope
Browne	Graham	Morgan	Taylor, Tenn.
Brunn	Green, Iowa	Morin	Thurston
Campbell	Griffin	Nelson, Wis.	Tillman
Carter, Calif.	Hale	O'Connell, R. I.	Updike
Carter, Okla.	Hammer	Patterson	Vare
Celler	Hayden	Porter	Walters
Cleary	Hersey	Pou	Wingo
Cramton	Hull, Tenn.	Prall	Wolverton
Crisp	Irwin	Pratt	Woodrum
Crowther	Johnson, Ky.	Quayle	Woodyard
Crumpacker	Keller	Rainey	Wyant
Curry	Kendall	Rayburn	Yates
Davey	Kiefner	Robinson	
Dempsey	King	Sears, Fla.	

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

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

The motion was agreed to.

The doors were opened.

Mr. MCCLINTIC. Mr. Speaker and gentlemen of the House, the passage of this bill will establish a precedent for the expenditure of approximately \$62,000,000. When I say \$62,000,000 I base that estimate upon the fact that there are nine other battleships in our Navy for which the Navy Department will ask that a similar appropriation be authorized in order that the guns on these ships may be elevated and may be reconditioned in other ways. When this bill was under consideration before the House Committee on Naval Affairs, the chairman, Mr. Butler, our distinguished leader, made an estimate that it would require 25 per cent more than would be appropriated in this bill to make the repairs and reconditioning of the battleships *Oklahoma* and *Nevada*. If that is true, then it is more than likely that we will be called on to expend approximately \$100,000,000 to recondition a lot of old battleships that would not be worth any more in a war against a major nation with modern ships than a lot of old out-of-date cannon.

Mr. Speaker, what is the situation confronting us? This is an omnibus bill, a bill in which the committee brings before the House an authorization to increase the cost of airplane carriers. What about the airplane carriers? In 1916 we authorized an appropriation of \$16,000,000 each to complete airplane carriers. In 1917 we increased that amount to \$19,000,000. In 1919 we increased it again to \$23,000,000. In 1925 we increased it to \$34,000,000, and now we are called upon to increase that amount to \$40,000,000. This is one of those cost-plus contracts where there is an added fee of \$2,000,000 for the shipbuilding company. I am told that this is the only major construction job that these two shipbuilding corporations have at the present time, and if that is true, then all of the overhead, all of the salaries of the different officers, all of the expenses and the interest, and all of those other matters that can be charged up in cost are being levied against the Government. In view of that situation it would be far better to not appropriate another dime until you know how much this Government is going to be called upon to pay. Would we lose any money? No. The ships are 93 per cent completed, and you know just as well as I know that if we authorize \$6,000,000 more to be added to the cost of these two airplane carriers, that the shipbuilding corporations will get every cent of that \$6,000,000, so we are confronted with this situation. The Naval Affairs Committee brought forward three separate bills. When they found out that there would probably be opposition to the bill which provides for the elevation of these guns, they put it in with these two other measures that they think will be more popular before the House.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. MCCLINTIC. I can not yield now. This sort of legislation ought not to be enacted into law. It is wrong in principle and it is wrong from any other standpoint. What about

the elevation of the guns? I am a member of the Naval Affairs Committee. England has not elevated any of her guns. If Japan has ever elevated a single gun on a battleship, I never had that information brought to me, and I make the statement now, without fear of contradiction, that if we elevate the guns on our battleships then, just as soon as we have completed that job, England will likewise start out and elevate the guns on her battleships, and then they will have superior range to that which we now enjoy on our ships. In other words, the passage of this bill simply means the beginning of a competitive movement to which there will be no end, because under the present conditions the guns on some of our battleships exceed the range of the guns on the battleships that belong to England. According to the information given when the hearings were held the elevation of guns on our battleships will give them a slight increase in range over all other ships of the world. Therefore it can be positively stated that, if the guns of the battleships of any other nation now have a range superior to our ships, then, should we elevate our guns so as to outshoot the other ships belonging to different major nations, they will immediately begin making alterations to elevate their guns, which will give them a greater range than we can possibly give the guns on our ships, for the reason they will be able to increase the elevation the same number of degrees and, of course, this will give their guns a correspondingly longer range.

I am sure that 85 per cent of the American people believe that battleships can never be used again in a modern war. This new situation has been brought about by the invention of submarines and aircraft. None will deny the fact that no battle will be won in the future until aircraft has first played its part and the country that wins in the air will win in all other activities. Therefore, why waste all this money in order to fix up quarters for a lot of officers in the Navy who do not desire service on submarines and destroyers? I have been a passenger on the battleship *Oklahoma* for 60 days. It is a wonderful ship, has a fine captain and an excellent crew, yet the maximum speed, taking into consideration oil consumption, is less than 15 miles per hour, and when the ship is steamed at a rate of 21 knots the oil consumption is increased five times. Ships of this type have a great deal of very delicate machinery and if something gets out of order in the machinery the entire ship is out of commission. A 2,000-pound bomb exploded either on the deck of this ship or the water near by would either sink the same or throw enough of its machinery out of alignment as to render it useless. Therefore it seems to me that the subject of battleships to be used in war times should be dismissed.

I am in favor of maintaining all the battleships that we have at the present time in the fleet for diplomatic purposes and there is no more inspiring sight in peace times than to witness these gigantic hulks of steel, trimmed in fancy colors, with the officers all gayly rigged out with their gold braid, epaulets, and cockadores when the ship visits some foreign land. It is the only type of vessel that can be used for large official entertainments, and I have seen at least 1,000 couples dancing and engaging in other kinds of merriment aboard one of these battleships. Thus it can be seen that there is a use for battleships which contributes toward maintaining the friendship between our country and other nations in peace times.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. MCCLINTIC. Not now.

What about these battleships? Are they any good to us in a modern war? No; no more good than an old muzzle-loading shotgun. Is there any man in this House who can ever point out how we can use the battleships in a modern war against modern nations? No. If our battleships are within striking distance of the coast of any major nation, what will happen? We would lose them, because it is not possible to bring aboard an invading fleet a sufficient amount of aircraft to protect it against the aircraft available on land. So if that is true, why waste \$100,000,000 that will not bring any efficiency to our Navy? Why put this money in old antiques? Why not expend this money in up-to-date appliances which will play an important part before any war will ever be won or lost in the future, and if I am correct in my deduction, why should the Committee on Naval Affairs bring such a measure as this before the House? I make this statement, if we elevate the guns on our battleships and give them a range of 25 miles, it will be necessary to elevate the muzzles to 30 degrees, and a projectile fired from one of the guns will have to describe an arc. In other words, the gunner will have to fire that projectile high in the air, with the hope it will fall upon a target some 25 miles away; a target that will be a little over 100 feet wide. When it is taken into consideration that the ship throwing the projectile will be in motion, it is practically inconceivable as



to how the shot can find its mark when the target can not be seen. It has been estimated that only one shot out of 10,000 might hit a ship at this distance. In other words, if an enemy ship would remain stationary for three days, one of our guns might accidentally hit it. It will be remembered that during the World War the Germans had a long shooting gun that had a range of more than twice the distance of all guns on battleships. This gun was set in concrete and was absolutely stationary. The target, being the city of Paris, was likewise stationary; yet, according to the information I have, no two shots fell within one-half mile of each other. Therefore it can be seen that it would be utterly foolish to expect the gun of a battleship to do any serious damage if elevated so as to have this increased range.

When this subject came before the committee I examined the experts by asking a number of questions, which I will include in the RECORD, as they are pertinent to the subject:

Mr. McCLINTIC. Do you know of any nation that you could get close enough to with a cruiser or a battleship to destroy its commerce?

Admiral BLOCH. I do not quite understand your question.

Mr. McCLINTIC. You made the statement that you were going to use cruisers and battleships to destroy commerce. Do you know of any nation that you could get a cruiser or a battleship close enough to so that you could hit a city at the present time, taking aircraft into consideration?

Admiral BLOCH. I did not say anything about cities. I said they could destroy commerce; that is, vessels on the seas.

Mr. McCLINTIC. The statement was made that you needed new boilers in the *Oklahoma*, leaving the inference that they were in bad shape. Is it not a fact that the *Oklahoma* won the engineering test over all the ships in the Navy in 1925?

Admiral HALLIGAN. She had a high standing; I do not remember whether she won.

Mr. McCLINTIC. It is a fact. So her boilers in 1925 must have been in excellent condition. Why are they in such bad condition at the present time?

Admiral HALLIGAN. They are not at present in bad condition, but within the next five years we would want to renew them.

Mr. McCLINTIC. This is in anticipation.

Admiral HALLIGAN. Yes; they will have to be renewed.

Mr. McCLINTIC. Then, as a matter of fact, the boilers are in good condition at the present time?

Admiral HALLIGAN. They are in very good operating condition, but it would be necessary to renew them within the next few years; it would be advisable to take advantage of her decks being opened up for the other work.

Mr. McCLINTIC. In fact, you think it would be advisable to renew the boilers in all of them in the next five years; that is, the boilers in the *Oklahoma* are in as good condition as those in practically any other ship of the Navy, are they not?

Admiral HALLIGAN. No, sir.

Mr. VINSON. Are they oil or coal burners?

Admiral HALLIGAN. Oil burners.

Mr. McCLINTIC. You are figuring on spending \$6,000,000 on the *Nevada*. Is it not a fact, and is it not generally known in the Navy, that you can not steer the *Nevada* straight, and that it has never been possible to steer the *Nevada* straight?

Admiral BLOCH. I think we have here this morning the former navigator of the *Nevada*, who could tell you about that, and that is Captain Richardson.

Captain RICHARDSON. I was navigator and executive officer on the *Nevada* during the war, and this is the first time I have heard anything like that.

Mr. McCLINTIC. I will make the statement that you can not steer the *Nevada* straight. I have ridden behind the *Nevada* for 60 days, and I can bring a civilian witness here within 15 minutes who would prove that.

Admiral McVAY. I was in command of the *Oklahoma* during the war period, and the *Nevada* was the next ship in line, and there was nothing the matter with the *Nevada* except for one slight accident. This is news to me, because we had no trouble.

Mr. McCLINTIC. I happen to have been on the *Oklahoma* for 60 days behind the *Nevada*, and I know at that time sometimes she would be over here and sometimes over there.

Mr. VINSON. It depends on what the climate is.

Mr. McCLINTIC. Do you know whether all the officers on board the *Oklahoma* were of the opinion that the *Nevada* would not steer straight?

Captain RICHARDSON. I think if you would ask any watch officer he would tell you the ship ahead of him could not steer a straight course.

Mr. McCLINTIC. I came to that conclusion; and if you can not steer a ship straight, there must be something wrong. I do not know what it is; I am asking for your opinion.

In regard to the elevation of these guns, has England elevated any of her guns on any of her capital ships or battleships?

Admiral BLOCH. I do not think so.

Mr. McCLINTIC. Then, if we elevate our guns, we would be the first Nation to recondition our ships with that purpose in mind, would we not?

Admiral BLOCH. I do not know, sir; I do not know about any other nation, sir.

Mr. McCLINTIC. Does anybody in the Navy know?

Admiral BLOCH. I do not think so.

Mr. McCLINTIC. If there is nobody in the Navy who knows, then we shall have to take it for granted that the United States would be the first Nation to recondition their ships for the purpose of elevating the guns and extending the range.

Mr. BRITTEN. I would not want that assumption to be made. Let me read you what Mr. Hector C. Bywater says. He is one of the greatest experts on navies in the world, and he is a British writer. Here is what he said on May 14, 1924, referring to the elevation of guns. I will read just the last three lines, where he says:

"Discussion on this point is really superfluous in view of the well-known fact that both France and Japan have reconstructed their capital ships along these lines during the last two years."

Mr. McCLINTIC. That does not say anything about the elevation of guns.

Mr. BRITTEN. Yes; it does say something about the elevation of guns, because, previous to what I just read, he says:

"Speaking as one who has studied the Washington naval treaty as closely, perhaps, as anyone, I have no hesitation in saying that the United States could increase the elevation of the guns in its older battleships without infringing either the letter or the spirit of the treaty."

That is Bywater's statement.

Mr. McCLINTIC. It does not say that any other nation would elevate the guns on its ships.

The statement has been made here that if we elevate our guns to 30° it will give us a longer range than any of the English ships, or any other of the battleships, so-called capital ships, of the other nations of the world. Then we set the precedent, do we not?

The CHAIRMAN. We do.

Mr. McCLINTIC. In elevating the guns and getting an increased range?

The CHAIRMAN. I presume we do.

Mr. McCLINTIC. I would like to ask if Admiral Beuret would—

The CHAIRMAN (interposing). I think perhaps my colleague, Mr. BRITTEN, is better informed than I am. I only wish to have it stated in the record that I am willing to assist in making these guns shoot farther. Whether other nations have done it or not, I do not know. I know what they have done with cruisers.

Mr. McCLINTIC. Then, we can assume—

Mr. BRITTEN (interposing). What objection is there to making our guns shoot farther than the other fellows?

Mr. McCLINTIC. It simply starts this competition all over again that we have been trying to stop.

Mr. BRITTEN. That is what you are in favor of, so far as aviation is concerned. You are willing to build airplanes to destroy the other fellows' ships?

Mr. McCLINTIC. Yes.

Mr. BRITTEN. Why not make the guns so that they will shoot farther?

Mr. McCLINTIC. That is not mentioned in the disarmament conference treaty.

Mr. BRITTEN. Neither is this.

The CHAIRMAN. These nations were parties to this conference in which it was agreed that they proposed by this conference to reduce armaments. I will call my friend's attention to this statement: "Desiring to contribute to the maintenance of general peace and reduce competition in armaments;" that was the purpose, and they have done it pretty well.

Mr. McCLINTIC. According to the letter addressed to you, Mr. Chairman, by Mr. Hughes, when he was Secretary of State, he referred to the fact that the elevation of the turret guns tends to defeat it to a considerable extent, referring to the disarmament conference. We have set the precedent by starting out in this elevation program, which the other nations will have to follow.

The CHAIRMAN. There is no doubt but that we are not violating any part of this agreement. But I just read what the preamble says. While they failed to reach any conclusion in reference to the smaller cruisers it was proposed by the American Government that they should be considered. But they failed to reach it and then they sat down and wrote the treaty, in which they said that the purpose was to prevent the very thing that is now occurring.

Mr. McCLINTIC. I am going to ask Admiral Beuret how far can you see a ship when it is on the water? What would be the distance at which you can get the range of a ship that you sight—how many miles?

Admiral BLOCH. Under certain conditions of the atmosphere I have seen the tops of ships—that is, a point of aim—at over 30,000 yards. There are other conditions under which you can not see them at 6,000 yards.

Mr. McCLINTIC. What do you estimate the number of hits that you could make at the range which this proposed elevation would give you?

Admiral BLOCH. With the assistance of aircraft you can do very good shooting.

Mr. MCCLINTIC. How wide is a battleship?

Admiral BLOCH. Roughly, about 100 feet.

Mr. MCCLINTIC. And how long?

Admiral BLOCH. It is 600 and some feet long.

Mr. MCCLINTIC. I have been advised that when you can not see a ship, the chance of hitting at a distance of about 30,000 yards would be 1 in 10,000.

Admiral BLOCH. I think that estimate is incorrect.

Mr. MCCLINTIC. I am asking you the question. I have been so advised.

Admiral BLOCH. I think that estimate is very incorrect.

Mr. MCCLINTIC. I want to ask you if you remember, or if you have ever been told what was the recommendation of Admiral Beatty with respect to building ships to be used in the World War when he came here during the World War?

Admiral BLOCH. I do not remember.

Mr. MCCLINTIC. Did he not advise this Government to build only small, fast ships?

Admiral BLOCH. I do not know.

Mr. MCCLINTIC. I will put it in the record that I have been told that was his recommendation to this Government. Was it not a fact that that recommendation was made before we had ever invented the large, heavy bombs to be dropped from airplanes?

Admiral BLOCH. I think if Admiral Beatty made any recommendations they were largely governed by conditions in the war, when there was a surplussage of heavy ships on the side of the Allies, and destroyers were badly needed for use against submarines, as convoys.

Mr. MCCLINTIC. If destroyers were badly needed then, is it not more than likely if we have another war there will be more destroyers used than capital ships?

Mr. VINSON. We have 282.

Mr. MCCLINTIC. Seven destroyers are equal in tonnage to one of these cruisers?

Admiral BLOCH. Seven destroyers are not equal in tonnage to a 35,000-ton battleship.

Mr. MCCLINTIC. What service did our battleships give to the United States in the World War?

Admiral BLOCH. That is not quite a fair comparison, to say what service our battleships rendered. You might say what service did the battleships of the Allies render. They gave complete protection to the Allies.

Mr. MCCLINTIC. Where were our battleships used in the World War?

Admiral BLOCH. We had a number of battleships on the other side.

Mr. MCCLINTIC. Were they out on the ocean?

Admiral BLOCH. Yes; for part of the time.

Mr. MCCLINTIC. Of course, that was before we developed the heavy bombs. If we had had those heavy bombs at that time all of them, in my opinion, would have been in some place of safety.

This \$13,150,000 that is proposed to be expended for the elevation of guns would build approximately 266 bombing planes. Would you say that the expenditure of the \$13,000,000 on two old battleships would be as beneficial as the building of 266 new bombing planes?

Admiral BLOCH. I think you are going to build both. I think you want the best battleships, the best bombing planes, the best airplanes, and the best destroyers, and unless they are the best you are not going to have the best Navy.

Mr. MCCLINTIC. What part would battleships play if we had another big war?

Admiral BLOCH. It depends on who our opponent is. If it is an opponent with battleships, they will be very valuable.

Mr. MCCLINTIC. Is it not a fact that a battleship's best speed is only about 12 miles per hour, taking the oil consumption into consideration?

Admiral BLOCH. No.

Mr. MCCLINTIC. What is the best average speed?

Admiral BLOCH. The highest speed a battleship would make is 21 knots.

Mr. MCCLINTIC. I said taking into consideration oil consumption. When you increase the speed of a battleship from 9 or 10 knots to 21 knots you increase the oil consumption about five times, do you not?

Admiral BLOCH. I do not know the exact figures, in regard to that.

Admiral HALLIGAN. You increase it very much. I can give it to you accurately for a particular cruise.

Mr. MCCLINTIC. I have been informed that when you increase the speed of a battleship suddenly to 21 knots, it increases the oil consumption about five times over that at a speed of about 10 knots.

Admiral HALLIGAN. That is very probable.

Mr. MCCLINTIC. Then, it is reasonable to make the deduction that a battleship would seriously retard the progress of any fleet from the standpoint of speed, is it not?

Admiral BEURET. That same rule would apply to all ships.

Mr. MCCLINTIC. No fleet can be any faster than its slowest ship?

Admiral BEURET. That is correct; but the two statements are not connected. A battleship can go farther at a slower speed than it can at a faster speed, until you get down to a certain minimum speed

below which you get no advantage. If you had to go a certain distance on a certain amount of oil, you would have to regulate your speed so your consumption of oil would not be greater than required for that distance, and you could go farther at a slower speed than at a higher speed. It would be the same for all ships.

Admiral HALLIGAN. It is about 10 knots for all ships.

Mr. MCCLINTIC. I can not conceive of any place where you could use a battleship in another great war with any first-class nation, because I know you can not advance close enough to a land air force but what you would lose out. For that reason it seems utterly foolish to me to expend \$13,000,000 to elevate guns a few degrees to enable you to shoot at something when you can not see it.

Mr. VINSON. If you go on that theory, it would be foolish to appropriate money to maintain them.

Mr. MCCLINTIC. You will never use them in another war. Do you think it possible for any nation to ever land an army on our shores as long as we have an adequate air defense?

Admiral BLOCH. That is a question which is so theoretical that I do not think anybody can answer it.

Mr. MCCLINTIC. I have heard a great many experts so testify under oath.

Admiral BLOCH. I do not want you to think that I am engaged in any controversy against the usefulness of airplanes. All I want to say is that, in my opinion, an adequate air force is necessary, and I also think an adequate navy, a battleship and cruiser navy, and an adequate destroyer navy is also very essential.

Mr. MCCLINTIC. I am willing to concede that we have to have some battleships for peace times because they are the only ships that are sufficiently large and sufficiently equipped for that purpose.

Admiral BLOCH. That is not the only use for them.

Mr. MCCLINTIC. But when it comes to the standpoint of fighting, if we did not use them in the last war, and we have since developed these large planes that can carry bombs 500 miles, where are you going to use them?

Admiral HALLIGAN. I think the commonly accepted Navy view—that is, the view of most Navy officers—is that the final decision in a naval war will be made by battleships on the surface.

Mr. MCCLINTIC. You are bound to admit that in any engagement, if you are in striking distance of any major nation, your ships will be destroyed because they can not carry—no invading fleet can carry enough aircraft to combat land aircraft. Then what are you going to do with the battleships?

Admiral HALLIGAN. A war may be lost by other means than by invasion. In other words, a country whose commerce is destroyed may lose a war without having its continental limits invaded. A decision may be arrived at without invasion.

Mr. MCCLINTIC. That may be true with respect to some little island like England, if England did not have a sufficient number of ships. But I am talking about the United States.

Why should we expend a lot of money to elevate guns on a few ships considered by 85 per cent of the American people to be obsolete? That is what I can not get through my head.

If we want them and can use them—you can laugh, if you want to, Mr. Secretary, but if you go out and combat the public you will find that Mitchell showed up the Army and the Navy and all his predictions have come through.

Mr. ROBINSON. I hope you will take a referendum to find whether your 85 per cent is correct.

The CHAIRMAN. I would like to have you show, if you can, how it will be an advantage to the Government to spend the estimated sum of \$13,150,000 in the repair of these two old ships; and I always add 25 per cent to your estimate, because you will come back for additional amounts. I say, I am only thinking of the past, and the explanations I have had to make in the House two or three times. You are coming back again for more money for the airplane carriers.

Mr. MCCLINTIC. The speed of a battleship, as compared with that of a cruiser, is only about one-half; a cruiser will always go twice as fast as a battleship when you take into consideration the oil consumption. We know that the United States, situated as it is, as long as it has an adequate air force, can not be in any danger from any foreign country from the standpoint of ships coming over here and invading this country.

Then, if that is true, we can not take our battleships and go to any other nation without losing them. So why expend a lot of money on a useless type of fighting equipment that would be destroyed in a few minutes if it was carried away from our shores?

Mr. BRITTEN. Are you in favor of doing away with our 18 battleships?

Mr. MCCLINTIC. No; we have to have them.

Mr. BRITTEN. Why?

Mr. MCCLINTIC. For peace times; for diplomatic purposes.

Mr. VINSON. I want to ask my colleague from Oklahoma this question. You made a statement about the value of cruisers. I presume you would be in favor of cruisers?

Mr. MCCLINTIC. I am in favor of a balanced navy, with a sufficient number of cruisers to do the work that is to be done by cruisers.



Mr. VINSON. Do you think what we have now is sufficient?

Mr. McCLINTIC. Let me answer that question in this way. The speed of a cruiser and a destroyer is practically the same.

Mr. VINSON. We are talking about cruisers.

Mr. McCLINTIC. The work of a destroyer is really that of a small cruiser. The functions are practically the same as those of a cruiser.

Mr. BRITTEN. They do not carry the same size guns.

Mr. McCLINTIC. No; but they carry torpedoes.

Mr. VINSON. Do they have the same cruising radius?

Mr. McCLINTIC. No; but they have a sufficient cruising radius to go from here to Australia and back.

Mr. BRITTEN. Which have?

Mr. McCLINTIC. With our supply stations situated along the route.

Mr. BRITTEN. You mean with a supply ship alongside of them?

Mr. McCLINTIC. The same thing is true with battleships as well as cruisers.

Mr. VINSON. I want to know how you stand on cruisers.

Mr. McCLINTIC. We have now 282 destroyers, and that is equal to 50 cruisers in tonnage. The destroyers would go practically as far. The chief damage that can be done by a destroyer is by its torpedoes, and the destroyers having more maneuverability than any other type of ship can dart in back and forth and produce more damage than a cruiser.

Mr. Speaker, I can not see why any person would ever be in favor of using all of this money for the purpose of trying to recondition a lot of old battleships that are now considered by 85 per cent of the American people to be obsolete. There is another situation to which I desire to call attention. When this bill was before the Committee on Naval Affairs I made a motion that the subject be referred to the Department of State and that this department be requested to furnish a report as to whether or not such a law would violate the spirit of the disarmament conference. There was not a single member, as I remember, on the committee who was willing even to consider the views of the State Department; in other words, by their vote they said the Navy Department has sufficient authority over this subject, and my motion was voted down.

Now, I want to read to this House what the Secretary of State said to the Committee on Naval Affairs when this subject of elevating guns was first brought up. In a letter dated January 26, 1925, addressed to Chairman BUTLER, the Secretary said:

The British Government lay particular emphasis on what is described as the larger aspect of the question; that is to say, that one of the objects of the treaty is to reduce the burden of competition in armaments, and the British Government feel that action by the United States in the elevation of its guns would tend to defeat the object to a considerable extent.

Continuing, he said:

The assurance is repeated that no alteration has been made in the elevation of the turret guns of any existing British capital ships since they were first placed in commission.

He further said:

I am of the opinion, however, that while such changes as would be contemplated in the case of American ships would not constitute violation of the terms of the treaty, they would tend to evoke the competition which it has been the policy of this Government to mitigate. It may also be stated that, so far as the United States is concerned, the question appears to be of consequence only in relation to certain of the specified retained ships, and these ships under the replacement clauses of the treaty are to be replaced within 10 or 12 years.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma, as indicated by him, has expired.

Mr. McCLINTIC. I yield to myself five minutes more.

I want to say further that in 1933 these two ships are subject to be replaced. In other words, it will be in order to pass another bill appropriating money for the construction of two more battleships to take the place of the *Oklahoma* and the *Nevada*. It will be 1928 before it will be possible to get the money that is asked for in this appropriation bill. It may be until 1930 before they can be completed. If that is true, they have only three more years to run until the time would come to ask for a new appropriation.

Now, gentlemen of the House, if that is the situation—and this is true—why waste all this money? Why appropriate large sums that are not needed at the present time? Is there anybody in this House who believes that by adding a few blisters on the side of a ship or laying a few plates on top of the ship you can render a battleship immune from attack by submarine or airplane? Why, every expert witness who testified before the Special Aircraft Committee under oath swore that in his opinion every time a 2,000-pound bomb filled with TNT was

dropped from a plane on a ship it would either sink the ship or render the same incapable of performing service. It would disarrange the machinery, jam the turrets, and the battleship would not be anything but a floating graveyard.

I can not understand why this House is not in favor of using all the latest ideas and relegating to the rear all those superannuated ideas that can not help the efficiency of our country; and while I realize that sometimes it is unpopular to stand up against the majority of the members of a committee, yet I am confident I am right in making this fight, as confident as I ever was in my life, because I know that if we spend a hundred million dollars for the reconstruction and building up of these old battleships, there will be only a few more years before they will be tied up in some harbor and out of commission, just as they were during the last war. So I hope no such precedent will be established.

It is very probable that the day is not far distant when all of our old battleships will be used as targets. The following clipping from a Washington paper shows that the Navy proposes to spend \$100,000 to fix up the old *North Dakota*:

SHIP "NORTH DAKOTA" TO BE NAVY TARGET—NAVY WILL SPEND \$100,000 TO FIT OLD BATTLE CRAFT TO BE TOWED TO SEA

(Special to the Washington Post)

NORFOLK, VA., December 23.—After being out of commission for three years awaiting an appropriation to cover the cost of converting her into a radio-controlled target, the battleship *North Dakota* is to be put in dry dock and made ready to be sunk.

The Navy Department has just authorized the docking of the ship so her bottom can be painted and scraped before she is towed to sea to be the target for airplanes and warships. It is thought she will be taken to sea after the Scouting Fleet returns from winter maneuvers in Cuban waters.

The *North Dakota*, in her day, was a first-line battleship of the Navy. Her gun crew won first prizes on two occasions at target shooting in Cuban waters and on the southern drill grounds off the Virginia Capes.

The Navy Department will spend upward of \$100,000 to fit her out as a target for aircraft and warships, it was stated at the Norfolk Navy Yard to-day. She will be a much less expensive target than the uncompleted dreadnaught *Washington*, which was sunk by air bombs and shell fire about two years ago off the Virginia capes after several million dollars had been spent on her at the Philadelphia Navy Yard.

When it is taken into consideration that this Congress has refused to render any help to the agricultural class, but on the other hand persists in authorizing the appropriation of millions of dollars that can not possibly be of service to our national defense, it is enough to make any person disgusted with the policies advocated by the majority leaders. A battleship used to be the backbone of the Navy, just the same as a muzzle-loading shotgun used to be far superior to a bow and arrow. Yet when it is known that no fleet can be any faster than its slowest ship, one is bound to admit that battleships will seriously retard the progress of any fighting unit.

The hue and cry that always goes up when a matter of this kind is under consideration is that our Nation should be as well prepared as any other country for war. I make the positive statement that if we will expend this money for modern, up-to-date implements of war, that it will be of far more value to the Nation as a whole. In other words, I am in favor of the kind of preparedness that will be of real service to the country, should we be so unfortunate as to become involved in a war. Everyone knows that a battleship can not possibly be used in a modern war without being protected by submarines, destroyers, cruisers, and aircraft. Then if this statement is true a fleet of battleships would be the most severe handicap that our country could have in case of war, for the reason it would require the larger portion of our fleet to protect the battleships and they would be so busy looking after this activity that they would not have much time to look after the enemy.

In view of the fact that all progressive citizens agree that aircraft, submarines, and the faster types of ships will be the only efficient fighting instruments in future wars, I am hoping that this House will vote down this legislation, because we have all to gain and nothing to lose by so doing. [Applause.]

Mr. BRITTEN. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. BUTLER].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for one minute.

Mr. BUTLER. Mr. Speaker, I am not a naval expert like my friend from Oklahoma [Mr. McCLINTIC]. I know little about these subjects except that the Navy Department has asked that these ships be put in repair, and in obedience to that request the Subcommittee on Naval Appropriations has

withheld the cost of the maintenance of these two ships and reduced the total amount. The ships will go out of commission until repaired.

Now, as to the gun elevation, I have contended against that for years that it was a violation of the spirit of the treaty. There is no authority in this bill to elevate the guns. That was agreed to by our committee unanimously. The elevation is left to the discretion of the President of the United States. The money is here included. I have it in mind to say—and I am not quoting anybody when I do say it—the whole subject is now being diplomatically considered as to whether or not it was a violation of the spirit of the treaty.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. BRITTEN. Mr. Speaker, I yield to the gentleman another minute.

Mr. BUTLER. I am obliged to the gentleman.

I shall not assume that anyone in this House would venture his reputation as a man of honor to urge a violation of that treaty. Whether or not this elevation of the guns is a violation of the treaty I do not know. But take it from me—it is no wild statement—England had her guns elevated when she signed this treaty and Japan has elevated hers since the treaty. There is no question about that. I have never heard that disputed until now. Therefore we are not breaking any contract either with England or Japan.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has again expired.

Mr. BRITTEN. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON of Georgia. Mr. Speaker and Members of the House, in the five minutes allotted to me I shall endeavor to separate the chaff from the wheat, so that the House may thoroughly understand for what we are called upon to vote.

This bill has the approval of the Navy Department, the Director of the Budget, and is in accordance with the financial program of the President.

The gentleman from Oklahoma [Mr. McCLINTIC] said he is against all for which this bill provides, and yet in the next breath he says, "Why not do something modern and up to date?" That is exactly what we are trying to do. We are trying to complete the two airplane carriers. The gentleman from Oklahoma pointed out the great advantage of aviation, yet in the very next breath he calls upon the Members of this House not to spend the \$6,000,000 necessary to finish these two great airplane carriers. These two ships are the greatest ships that have ever been devised by man. They are 90 feet in the beam and eight hundred and odd feet long; they have 180,000 horsepower. One ship will carry 120 airplanes and the other 111. So, gentlemen, I say to you that even though the shipbuilders did not progress with this work as rapidly as they should, it is in the interest of economy to spend this \$6,000,000 and finish the ships.

Now, the gentleman from Oklahoma says this is a cost-plus contract and that the contractors will get all of the \$6,000,000. Here is the situation: In 1916 the *Saratoga* and the *Lexington* were not airplane carriers; they were battle cruisers, and when Secretary Daniels awarded the contract in 1916 he provided for a cost-plus contract. In 1920, before the limitation conference, the contract was changed to cost plus a fixed fee, so it is immaterial how much it costs the Government to build these ships; the contractors can not receive but \$2,000,000, and they have already received \$1,800,000 of the fee.

Now, in regard to the elevation of the guns. That is one of the items provided for in the reconditioning of two ships, the *Oklahoma* and *Nevada*. It is proposed that the *Oklahoma* and *Nevada*, and every other ship in the Navy, shall ultimately go into shipyards to become modernized, to become modernized by putting submarine protection on them, putting blisters on them, putting anti-aircraft guns on them, and at the same time overhauling the boilers. Incidentally, while the ships are in the yards, if it is not in violation of the spirit of the treaty, then we authorize guns to be elevated. But bear this one thing in mind: Nobody is trying to violate either the letter or spirit of the treaty, for the bill distinctly provides that:

The alterations to the capital ships herein authorized shall be subject to the limitations prescribed in the treaty limiting naval armament ratified August 17, 1923.

Mr. BLANTON. And that has been in the preceding bills providing for this work.

Mr. VINSON of Georgia. And if the department and President conclude that it would violate the spirit of the treaty to elevate the guns, the guns will not be elevated.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. MADDEN. Then why take a chance?

Mr. VINSON of Georgia. Will the gentleman from Illinois yield to me some time in order to answer the gentleman from Illinois?

Mr. BRITTEN. I am sorry, but I have no more time.

Mr. McCLINTIC. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Speaker and Members of the House, I am not a student of this legislation except in a general way, and I do not claim to be informed as to the technical aspects of this bill or any legislation touching our military establishment. Of course, I am in favor of all necessary preparations for the defense of the country. I am in favor of economy, but I would not risk for a day the safety of the country in any effort to save money. However, if we intend ever to restore the Government to a simple and economic basis, it is necessary that we keep the expenditures for our Army and Navy within reasonable limits. We can not cut the cost very effectively in any of the other departments of the Government. Appropriations for the Army for the approaching year amount to \$357,000,000, and the amount carried in the naval appropriations bill is \$325,000,000. There will be deficiencies to be provided for in addition to these amounts, so that the expenditures on the military establishment for the incoming year run up close to three-quarters of a billion dollars.

This is about three times what it was before the World War. We entered the war in opposition to militarism and in the hope that we might lead the world in the effort to find peaceful methods for settling international disputes. We expended about \$25,000,000,000 of treasure and sacrificed 100,000 lives of brave Americans who died on foreign soil and incurred all the financial burdens resulting from the war to be met in the years to come and which will be handed down to our children and our children's children. What have we accomplished by all this cost in blood and money? Unless our sacrifices result in more peaceful relationships among the nations of the earth our efforts will have failed of their highest and holiest purpose. If the war taught any one lesson more plainly than all others, it is that militarism brings war and that disarmament is the one great essential step toward peace. I am not greatly disturbed about the expenditures involved in this bill, nor any danger that our Navy will be used for purposes of aggrandizement or offense. But I wish to enter my unqualified dissent from the premise upon which Members advocate the passage of this legislation. I do not interpret the treaty formed at the peace conference in Washington as a commitment on the part of our Government to fix our naval program according to any standard to be set by other nations. That conference was held at a time when it was thought that if the world was ever to fix its eyes upon higher ideals and to start along the path that leads away from the burdens of enormous military establishments the hour was at hand when the United States should call together the leading nations and undertake to commit them to a limitation of the vast programs upon which they had embarked and which thoughtful statesmen everywhere recognized would sooner or later endanger the peace and happiness of mankind. The nations of Europe were indebted to us about \$12,000,000,000. We held the purse strings of the universe, and we were recognized as the leader of the moral forces of civilization. These are the considerations which led to the thought that the opportune time had arrived for the great work which President Harding undertook in assembling the peace conference at Washington.

Ah, gentlemen say we were outraded in that conference, and the whole thing was a farce and a failure. I deny it. If nothing had been accomplished except to meet around a common council table for the first time and talk and merely express the hope that sometime the world would undertake to set up peaceful methods for the settlement of their controversies instead of resorting to the sword, it would have been one of the greatest achievements in history down to that hour. [Applause.]

The peace conference represented at least a step in the right direction, and it offered new hope and new inspiration to the statesmanship of the world. It is at least one barrier to some of the gentlemen on this floor who seem to treat war as the natural relationship among men and who preach here the doctrine of the sword. But we did not commit ourselves in the Washington peace conference to follow any standard that does not express the Christian sentiment of America. Our purpose was to check other nations in the made program of militarism upon which they had embarked following the war, utterly heedless of the outstanding lesson of that great conflict. Our purpose was to lead the nations of Europe—not to be led by them. We are free from the hatreds and jealousies and antipathies of the old world, and we have avoided the militaristic spirit which has deluged those countries in blood through the cen-



turies. I repudiate the contention that those nations shall fix our standard or that any of them shall become the keeper of the conscience and moral purpose of the people of the United States. [Applause.]

We are big enough in resources, high enough in our resolves, happy and free, shut off by an ocean from the controversies and hatreds of the old world, to lead mankind to higher and better things and not follow the standards of those who have reddened the paths of history in blood and slaughter. [Applause.]

Great Britain, with her colonies scattered over the world, with her commerce upon which her very life depends, relying upon other nations for her supply of food and raw materials, and situate next door to all the brawls and quarrels that have come down to European nations through centuries of strife, may well anticipate necessities for a defensive navy of which we need have no fears. Any talk of a conflict between Great Britain and the United States is ridiculous.

Canada would constitute all the protection we could need so long as she is within our reach even if there were any danger of a conflict between Great Britain and the United States. Prior to the war no one ever advocated a proposition that the United States should have a Navy larger than second to Great Britain. It is only since the war and the demoralization that has followed that we hear men stand on this floor and talk as if we are in danger unless we maintain a Navy larger than that of any other country. If the fears entertained by some are well founded, the logical thing to do would be to prepare for war, both on land and sea, and remain armed to the teeth, prepared to make war against any nation or combination of nations any day in the year. But the people of this country would not tolerate such a scheme. It is at variance with all our ideals and traditions and in conflict with every lesson of human history. The doctrine of militarism is un-American and would never be allowed to find lodgment here. It was militarism that brought on the World War and beat Germany to her knees. It was only a verification of the truth proclaimed by the Savior that he who lives by the sword shall perish by the sword.

Thoughtful men recognize that any war of the future must be largely a contest of finances and resources. Let our statesmanship concern itself with a solution of problems that underlie peaceful pursuits; and let us set an example to the world of prosperity and accomplishments of a peaceful, productive people devoted to justice and striving to serve the less fortunate peoples of earth.

No nation threatens our supremacy, and we are in no danger at the hands of any foreign foe. The tasks that should engage our concern are to be found in the settlement of domestic affairs. A few days ago we had an interesting debate in this House upon the question of adding three cruisers to our Navy.

Members talked as if the country were in war or about to be attacked and as if the small provision carried in that bill would determine results of the conflict. Yet the night before that debate took place in the House a great Senator—one of the greatest who ever sat in the Senate of the United States, a member of the party now in control of the Government—declared in a public speech that his party purchased its way to power and that the Presidency of this Republic had been placed upon the auction block. But the next day that speech went unanswered while we witnessed on this floor a heated debate upon the proposition to add three cruisers to the Navy to save us from the dangers of foreign enemies!

Let us vindicate before the world that the experiment of government of the people by the people for the people is a success. Let us demonstrate that we possess the wisdom and the power and the self-control to enforce the laws of the land and afford protection to life and property within our borders. Let us make good our boasted claim of equality, equality of opportunity, equality before the law, and eradicate class favors with all the attendant class hatred and class prejudice that endanger our future happiness. Solomon said:

He that ruleth his spirit is mightier than he that taketh a city.

The supreme test to confront us will not be involved in a combat of force with foreign powers, but in the struggle for self-control and self-government. Our success in these things will determine the perpetuity of this Republic. The only dangers that really threaten us are to be found at our doors. [Applause.]

Mr. BRITTEN. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, there are two prevalent impressions which this Congress will effectually dispel. One of them is that republics are ungrateful. The lavish expenditures made by appropriation and authorization for a great variety of objects and for all classes and conditions of our citizens prove

that the United States is not merely grateful but generous. We shall probably have to revise our estimates as to the surplus by reason of what this Congress has done.

The other impression is that the United States is not generous to the American Navy. On this I shall file a table giving comparisons with the expenditures of other countries, and I think it may be a surprise to some of you when you learn that in this session of Congress appropriations and authorizations to be included in appropriation bills have been adopted or are pending in the great aggregate of \$355,000,000. The total provision in the last budget of Great Britain for her navy was \$291,000,000. The appropriations made by the United States are more than the combined expenditures for army and navy of both France and Italy. You speak of how militaristic a nation France is, of the ambitions of Italy, but our appropriations for the Navy alone are more than the combined expenditures of those two countries for both army and navy, and the same is true of appropriations by Japan and Italy. For our Navy a more generous provision is made than for the combined cost of the army and the navy of both countries.

The following is a comparative table:

Amount provided for United States Navy in pending naval appropriation bill (approximately)-----	\$324,394,680
Amount provided in H. R. 16507:	
Increase in limits of cost for aircraft carriers Lexington and Saratoga from \$34,000,000 to \$40,000,000 each-----	\$12,000,000
Alterations to ships Oklahoma and Nevada, including changes to permit an increase in the range of turret guns-----	13,150,000
Increase in limit of cost for one fleet submarine (mine-laying type) from \$5,300,000 to \$6,300,000-----	1,000,000
Amount provided in H. R. 16973 for improvements at naval stations-----	26,150,000
Total-----	4,652,000
Total-----	355,196,680

Amounts expended by Great Britain for military purposes (refer to Statesman's Yearbook, 1926):

Army-----	\$45,000,000
Air Service-----	15,000,000
Navy-----	60,000,000
Aggregate amount in dollars (approximately)-----	\$582,000,000
For Navy-----	291,000,000

Below are given the dates on which the Budgets were adopted for 1925-26, and the rates of exchange on the days of adoption:

	Rate of exchange	
France, July 12, 1925-----	Franc=4.62 cents.	
Japan, Mar. 28, 1925-----	Yen =42 cents.	
Italy, July 1, 1925-----	Lira =3.3 cents.	

	Computations at above rates	
France, 1925-26:		
Army-----	3,849,171,609 francs (1 franc, 4.62 cents)=	\$177,831,728
Navy-----	1,442,402,527 francs (1 franc, 4.62 cents)=	66,638,996
Total-----	5,291,574,136	244,470,724

Reference: Chambre des Deputes, Report on the Budget, 1926. The above figures include the ordinary and extraordinary expenses. (Vol. I, p. 225.)

Italy, 1925-26:		
Army-----	2,130,000,000 lire (1 lira, 3.3 cents)=	\$70,290,000
Navy-----	980,000,000 lire (1 lira, 3.3 cents)=	32,340,000
Total-----	3,110,000,000	102,630,000

Reference: Italia, Previsione dell'Entrata e della Spesa Pamphlet N. 295-"A" (p. 68).

Japan, 1925-26:		
Army-----	192,191,000 yen (1 yen, 42 cents)=	\$80,720,220
Navy-----	224,852,000 yen (1 yen, 42 cents)=	94,437,840
Total-----	417,043,000	175,158,060

Reference: Japanese Yearbook, 1926. The above figures include the ordinary and extraordinary expenses (p. 421).

To show how startling has been the increase in the cost of our Navy, the expenditures in 1887 were \$15,141,000; in 1907, \$97,128,000; the provision for the coming year is expected to be \$355,000,000. There is a further comparison to be made in that we shall spend in the coming year upon our Navy \$161,583,000 more than the combined cost, according to the latest figures, of the navies of France, Italy, and Japan.

Mr. BRITTEN. Will the gentleman from Ohio be good enough to take enough time to tell the House that he is in favor of this bill?

Mr. BURTON. I was intending to offer some consideration in favor of this bill, but my time is limited. Very reluctantly, I feel compelled to vote for this bill. We can not leave these airplane carriers, which are to cost \$40,000,000 each, unfinished. The elevation of our guns should be such that the two battle-

ships named in the bill shall have as long a range as those of any other country. Otherwise they would be less effective.

Nevertheless the excessive cost of our Navy merits our most earnest attention, and demands not only that we should resort to every measure which has a tendency to promote international peace but prevent the construction of further warships and naval equipment unnecessary for the rational needs of our country.

Mr. McCLINTIC. Mr. Speaker, I yield five minutes to the gentleman from Illinois, the distinguished chairman of the Committee on Appropriations [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I do not know that I will want to use five minutes, because I simply want to say a few words.

I am in favor of the provision for increasing the limit of cost on the airplane carriers. I think this is one of the Navy's essential needs. I am opposed to any legislation that will be violative of the treaty, even if it says it is not, in elevating guns on American ships, and because I am sure this is a violation of the treaty.

This question was before us once before and we appropriated the money to elevate the guns and we found that everything they said to us about what Great Britain had done was inaccurate. We also found out that the whole question of what Great Britain had done originated in a colloquy between an English naval officer and an American naval officer who were not exactly sober at the time. [Laughter.]

When the American naval officer saw one of his friends he told him what had happened with respect to the elevation of the guns on the English ships, and when this friend repeated what he was told he said he saw the guns while they were being elevated. [Laughter.] When the next man repeated it he saw the guns after they were elevated, and when the next man repeated the story he said he saw them when they were shooting the maximum range of the guns.

It is clear to me from all the information I have that the English guns have not been elevated since the signing of the treaty. They may have been before the treaty, but not since.

On account of the inaccuracy of the statement made to the Committee on Appropriations at the time, which I proved to be inaccurate in a discussion with the Assistant Secretary of the Navy—because I insisted on getting all the facts as they were disclosed to me—we repealed the appropriation which we had then made for the elevation of the guns on the American ships.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. The gentleman did that on March 20, and then, on May 28, the Committee on Naval Affairs brought in another legislative bill and provided for the very same elevation, and then the State Department held it was in violation of our four-pact treaty.

Mr. MADDEN. We ought to go slow. We ought to be quite clear about our facts. We ought not to create any more international complications than we have to. We ought to be sure we are right before we act, and for one I propose to vote against anything that is intended to spend money or authorize its expenditure under a doubtful right. [Applause.]

Mr. McCLINTIC. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has one minute.

Mr. McCLINTIC. Mr. Speaker and gentlemen, I want to say in conclusion that I am sure there is not a Member of the House who would object to appropriating money to build airplane carriers, but when it is taken into consideration that 93 per cent of the work is completed we can not lose a dollar by putting it off until next December to appropriate the money. We will then have some information of what is needed to complete the contract. Therefore the House should not pass this omnibus bill that contains such objectionable features as enumerated by the distinguished chairman of the Appropriation Committee. So the only thing to do is to vote down this bill until we can handle it in a proper way.

Mr. BRITTON. Mr. Speaker, the interesting part of the statement of the gentleman from Oklahoma is that he says the State Department holds that in elevating the turret guns of the battleships we will violate the Washington treaty, and then he reads a statement signed by Secretary Hughes, in which Secretary Hughes says that in his opinion it is not a violation of the treaty.

The gentleman states another thing which is rather unusual. He said he made a motion in the committee, and not a single member of the Committee on Naval Affairs stood by him, to get information from the State Department, and then he proceeds to read the desired information, which proves conclusively that the State Department favors elevating our turret guns.

The fact is that 19 or 20 members were in favor of doing just what we are doing this afternoon; whether the gentleman

was there at that moment or not I do not know. Now, the gentleman from Illinois [Mr. MADDEN] says that he is opposed to our elevating the guns. In the name of Heaven, how can a Representative elected in Chicago—not in London, but in Chicago—stand before you men and say, "I do not want our guns to shoot as far as the guns of Great Britain or Japan"? Can it be possible? A man elected in Chicago, not in London, says to you that our guns shall not shoot as far as the guns of Japan or Great Britain. Oh, no; it may hurt somebody's feelings if our guns shoot as far as England's. How absurd! The gentleman from Illinois [Mr. MADDEN] has been a very successful business man. He has been successful in competition with other men and has amassed a fortune. He is a fine man, a man of excellent character, a great big business man in Chicago, where he has been successful through competition with other business men, and yet he objects to our competing in range of guns with England. In effect, he says British ships may be superior to ours in speed and be superior to ours in range. They can do what they did to the Germans in South America during the war. They selected their distance and blew them out of the sea without the loss of a single British seaman nor a scratch to their ships.

I can not understand that attitude. Certainly England is not going to interpret the Washington treaty for us? It is up to us to interpret it—I do not mean the House of Representatives, but I mean the President of the United States and his Cabinet. This bill has the support of the Coolidge administration. [Applause.]

Mr. Speaker, as 13 of our 18 battleships are outranged and outraced by all 20 of the British first-line ships, it must be evident to all that we are not maintaining the 5-5 ratio with England.

It is equally absurd to argue that our ships are equal to the British when we are outranged and outraced.

We know that Great Britain has objected to the elevation of our guns as being in conflict with the spirit of the Washington conference.

We also know that Japan has elevated her first-line guns since the Washington conference.

Just why the British insist on our inferiority is hard to understand, and it is equally discouraging to realize that the present administration permits the British Government to determine what our rights are under the Washington treaty. The intent of the treaty is clear; the British and American Navies were to be equal in capital ships.

Mr. Speaker, to suggest that British guns should outrange ours is absurd and the American public now expects the Congress which is charged with the proper national defense to see to it that our fleet may have a maximum efficiency at long ranges. With modern fire control and airplane spotting, naval strength must be measured by the blow a ship's guns deliver at long ranges.

To longer neglect this important improvement in the efficiency of our ships is unwarranted and decidedly unfair to the twelve hundred men who man them. Increased torpedo protection, added antiaircraft facilities, increased speed, and superior hitting at long ranges all contribute immeasurably to the safety of officers and men afloat, and we certainly owe them these factors of security. They make for confidence aboard, and that means better ships.

All British guns may now be elevated 22° or more. Guns on 13 of our ships may be elevated but 15°. The passage of my bill will insure an elevation of 30° for all our guns, and therein is where the shoe pinches England. We will then outrange anything on the high seas.

England and all other first-class nations have violated the spirit of the Washington conference by their cruiser-building programs.

It is high time that our spirit of self-sacrifice be changed to one of self-protection.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and on a division there were—ayes 132, noes 62.

Mr. BLANTON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] Two hundred and fifty-three Members present, a quorum.

Mr. McCLINTIC. Mr. Speaker, I demand the yeas and nays. The question was taken on ordering the yeas and nays, and 70 Members having arisen, the yeas and nays were ordered.

The question was taken; and there were—yeas 246, nays 111, not voting 75, as follows:



[Roll No. 42]

## YEAS—246

Abernethy	Dyer	Larsen	Rogers
Aldrich	Eaton	Lazaro	Rutherford
Allen	Edwards	Lea, Calif.	Sanders, N. Y.
Andrew	Ellis	Leatherwood	Sanders, Tex.
Arentz	Englebright	Leavitt	Sandlin
Aswell	Esterly	Leibach	Shreve
Auf der Heide	Fairchild	Lindsay	Simmons
Bacharach	Faust	Lineberger	Sinnott
Bachmann	Fenn	Linthicum	Smithwick
Bankhead	Fisher	Luce	Snell
Barkley	Fitzgerald, Roy G.	Lyon	Somers, N. Y.
Beers	Fitzgerald, W. T.	McDuffie	Spearing
Begg	Fort	McLaughlin, Mich.	Stalker
Bell	Foss	McLaughlin, Nebr.	Stedman
Black, N. Y.	Free	McLeod	Stobbs
Bland	Freeman	McMillan	Strong, Pa.
Bloom	French	McReynolds	Summers, Wash.
Bowman	Gambrell	McSweeney	Sweet
Boylan	Garner, Tex.	MacGregor	Swing
Briggs	Garrett, Tenn.	Magee, N. Y.	Taber
Brigham	Gasque	Magee, Pa.	Taylor, N. J.
Britten	Gifford	Magrady	Taylor, Tenn.
Browning	Gilbert	Major	Temple
Brumm	Glynn	Mansfield	Thatcher
Buchanan	Golder	Mapes	Thompson
Burdick	Graham	Martin, La.	Thurston
Burtness	Green, Fla.	Martin, Mass.	Tilson
Burton	Griest	Menges	Timberlake
Butler	Hadley	Merritt	Tinkham
Byrns	Hale	Michaelson	Tolley
Campbell	Hall, Ind.	Michener	Treadway
Carew	Hall, N. Dak.	Miller	Tucker
Carpenter	Hardy	Milligan	Tydings
Celler	Harrison	Montgomery	Underhill
Chalmers	Hawley	Moore, Ky.	Underwood
Chapman	Hayden	Moore, Ohio	Updike
Chindblom	Hickey	Moore, Va.	Valle
Cochran	Hill, Ala.	Morgan	Vestal
Cole	Hill, Md.	Murphy	Vincent, Mich.
Collier	Hogg	Nelson, Me.	Vinson, Ga.
Colton	Hooper	Newton, Minn.	Vinson, Ky.
Connally, Tex.	Houston	Newton, Mo.	Wainwright
Connelly	Hudspeth	Norton	Warren
Corning	Hull, William E.	O'Connell, N. Y.	Wason
Cox	Jeffers	O'Connell, R. I.	Watres
Coyle	Jenkins	O'Connor, N. Y.	Watson
Crisp	Johnson, Ill.	Oldfield	Weaver
Crowthier	Johnson, Ind.	Oliver, Ala.	Welch, Calif.
Crumpacker	Johnson, S. Dak.	Oliver, N. Y.	Welsh, Pa.
Cullen	Johnson, Tex.	Parker	White, Me.
Curry	Kahn	Parks	Whitehead
Dallinger	Kearns	Peery	Whittington
Darrow	Kelly	Perkins	Wilson, La.
Davenport	Kemp	Perlman	Wingo
Deal	Ketcham	Phillips	Winter
Denison	Kless	Pou	Woodruff
Dickinson, Mo.	Kincheloe	Quayle	Wright
Dickstein	Kindred	Ransley	Wurzbach
Doughton	Knutson	Reece	Wyant
Douglass	Kurtz	Reed, N. Y.	Zihlman
Doyle	Lanham	Reid, Ill.	
Drewry	Lankford	Robison, Ky.	

## NAYS—111

Ackerman	Davis	Johnson, Wash.	Robinson, Iowa
Adkins	Dickinson, Iowa	Jones	Romjue
Allgood	Dowell	Keller	Rouse
Almon	Driver	Kopp	Rubey
Andresen	Elliott	Kunz	Sabath
Arnold	Eslick	Kvale	Schafer
Ayres	Fletcher	LaGuardia	Schneider
Barbour	Frear	Lampert	Shallenberger
Beck	Fulmer	Letts	Sinclair
Berger	Funk	Little	Speaks
Black, Tex.	Furlow	Lowrey	Sproul, Ill.
Blanton	Garber	Lozier	Sproul, Kans.
Bowling	Gardner, Ind.	McClintic	Steagall
Box	Garrett, Tex.	McKeown	Strong, Kans.
Brand, Ohio	Goodwin	McSwain	Summers, Tex.
Browne	Greenwood	Madden	Swank
Bulwinkle	Hammer	Mooney	Taylor, Colo.
Busby	Hare	Morehead	Taylor, W. Va.
Canfield	Hastings	Nelson, Mo.	Thomas
Cannon	Haugen	Nelson, Wis.	Voigt
Carss	Hersey	O'Connor, La.	Wefald
Carter, Okla.	Hill, Wash.	Peavey	Wheeler
Christopherson	Hoch	Quin	White, Kans.
Clague	Holaday	Ragon	Williams, Ill.
Collins	Howard	Ramseyer	Williams, Tex.
Cooper, Wis.	Huddleston	Rankin	Williamson
Cramton	Hull, Morton D.	Rathbone	Wilson, Miss.
Crosser	Jacobstein	Reed, Ark.	

## NOT VOTING—75

Anthony	Dominick	James	Patterson
Appleby	Drane	Johnson, Ky.	Porter
Bacon	Evans	Kendall	Prall
Bailey	Fish	Kerr	Pratt
Beedy	Fredericks	Klefer	Purnell
Bixler	Frothingham	King	Rainey
Boles	Gallivan	Kirk	Rayburn
Bowles	Gibson	Lee, Ga.	Rowbottom
Brand, Ga.	Goldsborough	McFadden	Scott
Carter, Calif.	Gorman	Manlove	Sears, Fla.
Cleary	Green, Iowa	Mead	Sears, Nebr.
Connolly, Pa.	Griffin	Mills	Seger
Cooper, Ohio	Hudson	Montague	Smith
Davey	Hull, Tenn.	Morin	Sosnowski
Dempsey	Irwin	Morrow	Stevenson

Strother	Tillman	Walters	Woodrum
Sullivan	Tincher	Weller	Woodyard
Swartz	Upshaw	Wolverton	Yates
Swoope	Vare	Wood	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Smith with Mr. Montague.  
 Mr. Frothingham with Mr. Rainey.  
 Mr. Mills with Mr. Tillman.  
 Mr. Bacon with Mr. Stevenson.  
 Mr. Carter of California with Mr. Woodrum.  
 Mr. Seger with Mr. Johnson of Kentucky.  
 Mr. Connolly of Pennsylvania with Mr. Hull of Tennessee.  
 Mr. Green of Iowa with Mr. Gallivan.  
 Mr. McFadden with Mr. Dominick.  
 Mr. Vare with Mr. Brand of Georgia.  
 Mr. Funnell with Mr. Griffin.  
 Mr. Manlove with Mr. Kerr.  
 Mr. Wood with Mr. Goldsborough.  
 Mr. Hudson with Mr. Mead.  
 Mr. Wolverton with Mr. Upshaw.  
 Mr. Yates with Mr. Sullivan.  
 Mr. Sosnowski with Mr. Rayburn.  
 Mr. Porter with Mr. Davey.  
 Mr. Anthony with Mr. Sears of Florida.  
 Mr. Morin with Mr. Morrow.  
 Mr. Bailey with Mr. Drane.  
 Mr. Cooper of Ohio with Mr. Cleary.  
 Mr. Dempsey with Mr. Evans.  
 Mr. Kiefner with Mr. Weller.  
 Mr. Strother with Mr. Prall.  
 Mr. Kendall with Mr. Lee of Georgia.

The result of the vote was announced as above recorded.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate passed without amendment House bills and a House joint resolution of the following titles:

H. R. 14930. An act granting the consent of Congress to the H. A. Carpenter Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of St. Marys, Pleasants County, W. Va., to a point opposite thereto in Washington County, Ohio;

H. R. 15129. An act granting the consent of Congress to the Indiana Bridge Co. to construct, maintain, and operate a bridge across the Ohio River at Evansville, Ind.;

H. R. 16282. An act granting the consent of Congress to the Nebraska-Iowa Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. R. 16685. An act granting the consent of Congress to the Carrollton Bridge Co., its successors and assigns, to construct, operate, and maintain a bridge across the Ohio River between Carrollton, Carroll County, Ky., and a point directly across the river in Switzerland County, Ind.;

H. R. 16770. An act granting the consent of Congress to the Starr County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River;

H. R. 17128. An act granting the consent of Congress to the State of Indiana, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, and permitting the State of Kentucky to act jointly with the State of Indiana in the construction, maintenance, and operation of said bridge;

H. R. 17264. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.;

H. R. 15905. An act to authorize the Postmaster General to cancel a certain screen wagon contract, and for other purposes; and

H. J. Res. 332. A joint resolution to correct an error in Public No. 526, Sixty-ninth Congress.

The message also announced that the Senate had passed Senate resolutions as follows:

## Senate Resolution 375

IN THE SENATE OF THE UNITED STATES,

February 27, 1927.

*Resolved*, That the Senate has heard with profound sorrow of the death of Hon. ALBERT B. CUMMINS, late a Senator from the State of Iowa.

*Resolved*, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

## Senate Resolution 376

IN THE SENATE OF THE UNITED STATES,  
February 27, 1927.

*Resolved*, That the Senate has heard with profound sorrow of the death of Hon. WILLIAM B. MCKINLEY, late a Senator from the State of Illinois.

*Resolved*, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 17243) entitled "An act to authorize appropriations for construction at military posts, and for other purposes," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. WADSWORTH, Mr. REED of Pennsylvania, Mr. GREENE, Mr. FLETCHER, and Mr. SHEPPARD, and that the Senate agrees to the report of the committee of conference on the said bill.

The message also announced that the Senate agrees to the amendments of the House of Representatives to the following Senate bills:

S. 70. An act for the relief of Charles A. Mayo, T. S. Taylor, and Frank Hickey;

S. 105. An act for the relief of Arthur E. Colgate, administrator of Clinton G. Colgate, deceased;

S. 111. An act for the relief of the owners of the ferryboat *Oregon*;

S. 115. An act for the relief of the owner of the steamship *Neptune*;

S. 118. An act for the relief of all owners of cargo aboard the steamship *Gaelic Prince* at the time of her collision with the U. S. S. *Antigone*;

S. 2594. An act for the relief of Odolon Ramos; and

S. 5083. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Louisville, Ky., and to repeal certain former bridge laws.

## CONSTRUCTION OF CERTAIN PUBLIC WORKS

Mr. VINSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16973) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, which I send to the desk and ask to have read.

The Clerk read the bill.

The SPEAKER. Is a second demanded?

Mr. FRENCH. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FRENCH. I am opposed to the bill unless some changes are made which I desire to suggest. In its present form I would have to oppose the bill.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Speaker, if the gentleman desires to explain the bill, I shall withhold raising the points to which I object; but if he will yield, I would like to direct his attention to the particular language of the bill that I feel is unfortunate.

Mr. VINSON of Georgia. Mr. Speaker, I shall be very grateful if the gentleman from Idaho will give the House the benefit of his views as to the language that is objectionable to him.

Mr. FRENCH. Mr. Speaker, this bill seeks to authorize the construction of buildings and to provide for facilities for the accommodation of activities under the Navy Department at various places. While the subcommittee of which I am a member has not had the opportunity of going into the merits of all of them, generally speaking, I would say that we recognize that the activities must be cared for, and for that reason in a general way I would be in favor of the object of the bill if the bill did not contain two provisions which I think are objectionable. In the first paragraph we find the language:

That the Secretary of the Navy be, and he is hereby, authorized to proceed with the construction of the following-named public works, etc.

I think the unfortunate language is the directory language contained there, which might permit the Secretary of the Navy, if he had funds from which he could draw, to proceed without the matter ever being estimated for and sent to Congress by the Budget or passed upon by the Committee on Appropriations.

I have language in mind that I think would carry authorization, and I hope that is all the gentleman is proposing.

Mr. VINSON of Georgia. That is all. I would be very grateful if the gentleman will give us the language that he has to suggest.

Mr. FRENCH. I think then that the authorization could be carried by striking out the words in the fourth line "to proceed with the construction of," and inserting the words "to construct subject to appropriations hereafter to be made."

Mr. VINSON of Georgia. That is entirely satisfactory to me, and I shall be very glad if the gentleman will offer that as an amendment.

Mr. FRENCH. Then, Mr. Speaker, I ask unanimous consent that the first paragraph be modified to carry the language that I have suggested.

The SPEAKER. Amendments are not in order under the present procedure. The proper procedure would be for the gentleman from Georgia to withdraw his motion and offer a motion embodying the proposed modification.

Mr. FRENCH. Mr. Speaker, I recognize the force of the Speaker's suggestion, but let me call attention to another objectionable feature; and if the gentleman will accept my suggestion there, then I think he can withdraw his motion and include both propositions in his modified motion. On page 2, section 2, we find a provision that the Secretary of the Navy be, and he is hereby, authorized to execute on behalf of the United States all instruments necessary to accomplish the aforesaid purposes. It seems to me that if we pass an authorization act, and if we then carry into an appropriation bill money for the purpose of carrying out the project authorized, everything that ought to be done is done. I can not see any reason why this language should be added. I think it should be stricken out.

Mr. VINSON of Georgia. I agree with the gentleman. The reason it is in there is because these are certain items of the public works bill.

Mr. FRENCH. Then, do I understand the gentleman will withdraw his motion and renew it in a modified form?

Mr. VINSON of Georgia. Mr. Speaker, I withdraw the motion that I made, and I now move to suspend the rules and pass the bill (H. R. 16973), which I have modified as the gentleman from Idaho has suggested, and which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized to construct, subject to appropriations hereafter to be made, the following-named public works projects at a cost not to exceed the amount stated after each item enumerated:

Naval air station, Coco Solo, Canal Zone: Officers' quarters, \$240,000; quarters for married chief petty officers, \$144,000; barracks and mess hall, \$400,000; engine-overhaul shop, \$90,000; general storehouse, \$187,000; two hangars, \$370,000.

Naval air station, Pearl Harbor, Hawaii: Engine-overhaul shop, \$110,000; aircraft-overhaul shop, \$110,000; hangar and assembly shop, \$216,000; storehouse, \$300,000; magazine, \$30,000; hangar, \$224,000; runway and beach, \$160,000.

Naval air station, Sand Point, Wash.: Hangar, \$120,000; engine-overhaul shop, \$70,000; aircraft-overhaul shop, \$60,000; runway and beach, \$75,000; storehouse, \$60,000; inflammable stores, \$26,000; magazine, \$20,000; administration building and dispensary, \$55,000; barracks and mess hall, \$225,000; officers' quarters, \$130,000; power house, distributing systems, roads, and walks, \$140,000; pier, \$40,000; railroad connection, \$30,000.

Naval air station, San Diego, Calif.: Seaplane hangar, \$120,000; runway and beach, \$50,000; storehouse, \$210,000.

Naval air station, Hampton Roads, Va.: Boat-landing float, \$5,000; seaplane hangar and shop, \$285,000; runways and beaches, \$100,000; storehouse, \$250,000.

The SPEAKER. Is a second demanded?

Mr. FRENCH. Mr. Speaker, I demand a second.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, this Committee on Naval Affairs is getting to be and already is one of the most extravagant that afflicts our Public Treasury. It gets worse each Congress. The bill we just passed involved \$31,450,000, and part of it was against the treaty promulgated here at the Washington Conference, twice so held by our State Department. And this \$31,450,000 is additional to the annual appropriation of between three and four hundred million dollars. And this follows the three extra \$50,000,000 cruisers put over on the Ameri-



can people the other day. And I hope that President Coolidge will veto that bill.

The bill now before us seeks to spend \$4,652,000 more for the Navy Department. I know how easy it is for Members to be influenced by pork-barrel expenditures in their districts. Doubtless if I had one of these navy yards in mine I would feel that way. I might then have voted with you under suspension of the rules a while ago, but it is against the interest of the whole people of the United States, notwithstanding the popular clamor from these men in the navy yards who want to be kept on the pay roll whether there is necessary work for them to do or not. It is against the interest of the people of the United States for the New York Shipbuilding Co. to keep its manager here and its lobby here every day that Congress is in session to get these bills through, so that it can have these big contracts year in and year out. When you passed that bill for the three cruisers the other day, he was the first man I met here at the Speaker lobby when I walked into the House. He is the same one who gave Congressmen that magnificent trip to Philadelphia and Camden when the U. S. S. *Washington* was launched, and who entertained so royally.

It is against the interest of the people who pay the taxes to continually vote for these bills. My friend from Pennsylvania used to tell us that he was against the elevation of the turret guns, but his committee passed the bill just the same. He has been against it—

Mr. BUTLER. If the gentleman will yield, my friend will do me justice—until England trampled on the spirit of the treaty I was opposed to it; now I am for it.

Mr. BLANTON. And here is the gentleman from Illinois [Mr. MADDEN], who thoroughly investigated the matter, and who says England did not do that. He says our naval experts imposed on the Naval Affairs Committee and imposed on the Committee on Appropriations and imposed on the Secretary of the Navy and lied about the matter.

Mr. BUTLER. That is not the part I complain of. I complain of England building 64 cruisers in violation of the spirit of that treaty.

Mr. BLANTON. England needs them, situated as she is; but we do not need them. We can take care of this country without them. England does not have thousands of miles of ocean on each side of her, as we have, and there is not a country in the world who could ultimately give us any trouble. We can defend ourselves. And spending all of these millions on the plea of defending our country is utter foolishness and should stop. Some day the people are going to rise up and demand that it be stopped.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill as amended.

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

On a division (demanded by Mr. BLANTON) there were—ayes 198, noes 24.

So, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

#### RECLAMATION AND DEVELOPMENT OF SWAMP AND CUT-OVER LANDS IN THE SOUTH

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks on the reclamation of swamp and cut-over lands.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WHITTINGTON. Mr. Speaker, the members of the Subcommittee on Appropriations, and particularly the gentleman from Tennessee, are to be congratulated for including in the second deficiency appropriation bill for the fiscal year 1927 the item of \$50,000 for investigations looking to the reclamation and development of swamp and cut-over lands in the South.

The South is vitally interested in the improvement of rural conditions, and it realizes that the tendency to leave the country and go to the city must be checked. Living conditions in the country must be made as attractive as those in the city. Rural development is engaging the attention of thoughtful men everywhere.

On December 5, 1924, Congress authorized, to be appropriated out of the General Treasury, the sum of \$100,000 for investigations to be made by the Secretary of the Interior, under the Bureau of Reclamation, to obtain information as to how arid and semiarid swamp and cut-over lands might best be developed.

On May 10, 1926, the Sixty-ninth Congress, first session, appropriated, under the authorization, \$15,000 for making such investigations. This was the first appropriation for such purposes. The second session of the Sixty-ninth Congress has already appropriated an additional \$15,000 for investigations. I am familiar with the hearings on which the item of \$50,000,

included in the second deficiency bill, passed by the House on February 26, 1927, is based, and I am sure that I speak the sentiment of all those Members who are interested when I say that we are grateful to the distinguished ranking minority member of the Committee on Appropriations, the gentleman from Tennessee [Mr. BYRNS], for his fine service in securing this important item in the bill.

There is a widespread movement throughout the South for the reclamation of abandoned farm lands, and for the conservation of the soil. There is also a very wide interest in the development of swamp, overflow, and cut-over lands in all of the Southern States. Dr. Elwood Mead, director of reclamation, has used the initial \$15,000 to good effect.

I may say in passing that the present Director of Reclamation, Dr. Elwood Mead, is one of the most eminent living authorities on settlement and reclamation work. He has had wide experience in the United States and in foreign countries. He understands the fundamentals of reclamation, and he knows that all plans for the development of swamp lands and for the improvement of cut-over lands must have in view the fundamental importance of settling these lands when they are improved. The improvement must include aid for building up communities; reclamation must include settlement.

The chief of the division of settlement and economic operations in the Bureau of Reclamation, Mr. H. A. Brown, visited the Southern States in October, 1926, and as a result of his visit, typical property in each State suitable for rural development was selected for inspection. The Director of Reclamation appointed an unusually fine committee to make the inspection. This committee consisted of Mr. Howard Elliott, chairman of the board of directors of the Northern Pacific Railway; Hon. Daniel C. Roper, former Commissioner of Internal Revenue; and Mr. George Soule, of New York, an economist of high repute. These advisers, together with the Commissioner of Reclamation, and others interested in rural development in the South, visited the lands selected for their inspection in Mississippi, Alabama, Tennessee, Georgia, South Carolina, and North Carolina during the month of December, 1926. After very careful study and thorough investigation, these advisers formulated a report on the settlement and rural development of such lands, and the President, at the request of the Secretary of the Interior, transmitted this report to Congress on February 26, 1927. The report will be printed, and I am sure that it will be a distinct contribution toward the problem of rural development.

In this connection I call attention to the fact that I introduced a bill that was passed by Congress on July 3, 1926, authorizing and directing the Secretary of the Interior to have an examination and investigation made of the swamp and overflow lands on the Yazoo, Tallahatchie, and Coldwater Rivers in the third congressional district in Mississippi with a view to their development and reclamation.

Under the appropriation the Director of Reclamation was enabled to make a report in compliance with the terms of the bill. Mr. Charles A. Bissell, chief engineer of the Bureau of Reclamation, made a trip to the Yazoo Delta, Miss., and made an inspection and investigation of the Delta during the months of September, October, and November, 1926, to obtain data and prepare a report to Congress in accordance with the provisions of the bill which I had the honor to introduce, and which as I have stated, was passed July 3, 1926. The President, at the request of the Secretary of the Interior, on February 26, 1927, transmitted to Congress the report of Mr. Charles A. Bissell, made to Director Elwood Mead, of the Bureau of Reclamation, and embracing data and important information that will be of great benefit to the Yazoo-Mississippi Delta. It has been ordered printed as House Document No. 765, Sixty-ninth Congress, second session.

More money was needed, for great interest was manifested in this important work in all the Southern States. The item of \$50,000 in the pending bill will make a total appropriation of \$80,000 made by the Sixty-ninth Congress for this important work, which means much to the growth and development of the South.

Reclamation is as old as recorded history. Egypt developed agriculture by irrigation from the Nile, and farming was made possible in Mesopotamia by irrigation from the Euphrates. Reclamation by irrigation is practiced to-day in Africa, in Europe, in Asia, and in Australia.

This is no new subject in the United States. Many Commonwealths owe their progress to the policy of reclamation. The State of Utah inaugurated such a policy more than half a century ago. Something like 20,000,000 acres of land in the arid and semiarid regions of the United States have been reclaimed.

The Federal Government did not embark upon a general policy of reclamation until 1902. Prior to that time irrigation and reclamation had been carried on by the several States and by development companies.

It is estimated that under the policy inaugurated by the United States about 25 years ago some two billion acres of land in the West have been reclaimed. The Federal Government has appropriated approximately \$200,000,000 for reclamation of arid lands in the Western States, including the State of Texas. It is well to remember, however, that but one-tenth of the land irrigated in the United States has been financed by the Federal Government.

The United States does not make a donation in the matter of reclamation. The Government lends money for the construction of the projects, and the costs, without interest, are to be repaid by the settlers. The item of interest is an important one. It has been estimated that the item of interest consumes from 40 to 60 per cent of the costs of drainage improvements in the South. If the Federal Government were to extend the same aid in promoting reclamation by drainage as it does in promoting reclamation by irrigation, it would enable a saving of 50 per cent in the costs of drainage improvements to the land-owners.

In 1902 a revolving fund for reclamation was created from the sale of public lands in the 16 arid and semiarid Western States, after that date. Subsequently, in 1907, the State of Texas was included in the reclamation program. There are no public lands in Texas, and it can not be said that reclamation now obtains only as a result of the proceeds from the sales of public lands.

It will be remembered, however, that large areas of public lands were sold in the States of the South as well as in Western States after 1902. The idea was that in the West the proceeds of public lands sold would be utilized to reclaim and develop the remaining public lands of those States. It was argued that in 1850 the Federal Government had donated swamp and overflow lands to the Southern States in an effort to promote the internal development of the country. The fact is, however, that larger areas of public lands have been donated to the Western States than were ever donated to the Southern States.

Reclamation is now being promoted by appropriations from the Treasury of the United States. There is just as good reason for extending the policy of reclamation to other sections of the country as there was for inaugurating it for the benefit of the Western States.

Congress realizes that reclamation should be national and, accordingly, for the fiscal year 1919, it made an appropriation of \$100,000 for the investigation of lands outside existing reclamation projects, in other parts of the country. Careful studies were made, and particularly in the South. Valuable information covering every State in the Union was accumulated. In the meantime, there has been a revolution in the fundamental principles underlying reclamation. There has also been an evolution in the policy.

It is conceded that the original idea of reclamation by building dams and by constructing canals is not enough. Turning water on dry land is not reclamation; these improvements do not constitute reclamation. The failure to recognize other important elements has led to much criticism of the reclamation policy of the Government. The defect in the policy was not in construction but it was in settlement. It takes men to build a country. The failure of reclamation thus far has been the neglect of the human element.

Reclamation to be successful involves aid and directed settlement. It means the building up of a community as well as the building of dams, canals, and reservoirs. In a word, reclamation now means, and must mean if it is to be successful, the building up of the rural life of the United States.

The Bureau of Reclamation is alive to the fact that in many instances reclamation has failed; it has been tried and found wanting. Settlement as well as improvement is essential.

The policy of reclamation has already been extended by taking in the great State of Texas, and the fundamental benefits of reclamation have been recognized. It has been contended for many years that the policy of reclamation ought to include other sections of the country. There is just as good reason for reclaiming the cut-over sections of the North, the abandoned lands of the East, the swamp and cut-over lands of the South as there is for reclaiming the arid lands of the West. The public interest is just as great in the one case as it is in the other, and the justification is just as good in one case as in the other. The sentiment for reclamation has grown; public opinion has become crystallized. Reclamation must no longer be for one section of the country, but for the Nation if the policy is to endure.

It was but reasonable, therefore, that Congress should make an authorization in 1924 of \$100,000 to make investigations of the swamp and cut-over lands, with a view to their reclamation.

In all the plans for future reclamation we have the experiences of the West to profit by. The other sections of the country will be in a better position, because of the experiences of the West, to make development really effective and worth while.

As I have said, I am profoundly interested in the investigations that have been made in the South, including those near Hattiesburg, in south Mississippi, and in the Delta section of the State. We have in Mississippi something like 30,000,000 acres of land, with about 6,500,000 acres in cultivation in 1925. There are about 3,000,000 acres of swamp lands and about 2,750,000 acres in overflow lands. There are approximately 14,000,000 acres of cut-over lands. One-half of the lands are cut over, one-tenth of the area is swamp land, and one-tenth is overflow land. The lands in Mississippi can be reclaimed and developed more cheaply and can be operated more profitably than those in almost any other section of the country.

Reclamation is a part of the internal improvement policy of the United States. It distributes the population, it creates national wealth. It provides for transportation, it furnishes markets for factories, it makes business for railroads, and it contributes to the health of the community and the Nation. In the West reclamation means the irrigation of arid lands; in the South it means the development of cut-over lands and the drainage of swamp lands.

In other sections of the country it may mean the reclamation of abandoned and worn-out lands. Soils are being depleted and farms are being deserted. There are fewer farms in Mississippi to-day than there were five years ago. The abandonment of the farms is a menace confronting the American people to-day. One of the greatest problems confronting us at this time is to make the countryside more attractive. The pioneer days have passed. The farmer will no longer endure the hardships of pioneer days on the frontier. Life in the city is too attractive. Agriculture, however, is the basic industry, and for its own well-being the Federal Government must promote agriculture, and as a part of its general policy for the public welfare it must contribute to the building up of the country life in the United States. Cities may multiply, but the citizens must be clothed and fed. The population of the Nation is increasing and we must provide for a larger population with succeeding years.

The South is a particularly inviting field for reclamation work. Its advantages are numerous. We have greater rainfall, very much more soil fertility, and the growing season is much longer. Moreover, the acre cost of irrigation in the West is several times the acre cost of drainage work in the South. Reclamation in the South means clearing and drainage, and the cost of drainage is very much less than the cost of irrigation.

Again, in the South we are in greater proximity to the markets of the country. It is not necessary to transport the products of the South over the transcontinental railroads. Because of its climate, its rainfall, and its soil, the advantages of the South are unusually attractive for reclamation.

The South is facing the dawn of a new day. The eyes of the Nation are turning toward the unsurpassed advantages and resources of the Southern States. Cotton mills are being transplanted from New England to the Carolinas; factories are being moved from Massachusetts to Tennessee.

The southern Representatives are determined to cooperate in every way possible to promote the reclamation of the entire country, and in formulating a broad policy of reclamation. The Representatives of the South emphasize that the reclamation of cut-over and swamp lands is not a sectional but a national problem, and the Nation is vitally interested in entering the field of rural development because the interests of the whole Nation must be protected.

If California can point with pride to the colonization policy adopted in that State, for rural development, North Carolina can point with equal pride to the interesting and successful experiments that have been conducted in land settlements by such public-spirited men as Mr. Hugh McRae, of that splendid State.

The modern and better idea is that in reclamation and in rural development the fundamental object is not reclaiming more land, but building homes, not the making of money, but the establishment of communities with facilities for business and for social life that are attractive to worthwhile citizens.

I am sure that the Southern States stand ready to cooperate with the other States of the Union in promoting the national policy and program of reclamation. Without such a policy



reclamation can not endure, nor can it continue. The policy can not be sectional; it must be national.

#### STRATEGIC IMPORTANCE OF CHARLESTON NAVY YARD

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD certain editorial excerpts from the News and Courier, Charleston, S. C., and the Wilmington Star, of Wilmington, on military preparedness of the southeast and the port of Charleston in relation therewith.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. McMILLAN. Mr. Speaker, under leave granted by the House of Representatives I am herewith inserting in the RECORD an editorial of the Wilmington (N. C.) Star under recent date and one of the Charleston (S. C.) News and Courier under date of Saturday, February 26, 1927, commenting on military fortifications of the South Atlantic coast and the strategic military importance of the port of Charleston to the Panama Canal and the Caribbean Sea:

[Editorial from the Wilmington Star]

Representative McMILLAN, of South Carolina, voicing a plea for the Charleston Navy Yard, before the House, sitting as a Committee of the Whole House on the state of the Union, gave expression to a sound political truth when he said that Democratic administrations pass up the South because it always votes right, while the Republicans give it the go-by because it always votes wrong. Mr. McMILLAN used this as an argument for the South to demand its political rights for so long ignored by the rest of the country.

The question of navy-yard support, which prompted the Charleston Representative to speak his mind, is one of the most crying illustrations of pork barrel discrimination against the South. Along the Atlantic coast there are seven navy yards, six of them being north of Cape Hatteras, commonly considered the boundary line between northern and southern waters, and but one along the 3,500-mile stretch of coast to the south. Now, the Government proposes to lessen efficiency at the one southern yard by a curtailment of appropriations.

There is much more to this condition than is betrayed by the navy-yard situation brought to light by Mr. McMILLAN. The Coast Artillery defenses along the southern coast are woefully inadequate. There has been since the war a persistent dismantling of fortifications that leaves the southern coast of America open for attack in event of war.

"Wilmington and Cape Fear, formerly protected by Fort Caswell, are now defenseless. In fact, the entire coast from Fortress Monroe in Charleston harbor is without the semblance of defense in the event of war. Can we logically believe that this condition is the result of military expediency, when the earmarks are plainly those of political necessity?"

[From the Charleston News and Courier]

#### CHARLESTON AND THE CARIBBEAN

Again and quite strikingly, the strategical value of the port of Charleston with reference to the West Indies, Central America, and the Caribbean Sea is demonstrated. The Government being in a hurry to get marines to Nicaragua brings the naval transport *Henderson* to Charleston as the most convenient port from which to embark them en route to Nicaragua via Guantanamo, Cuba.

The importance of Charleston in relation to the Caribbean is a thing that they are very prone to forget at Washington, but whenever there is need of haste in reaching this region from an American port the port of Charleston is the port that is called into use. President Taft nearly 20 years ago declared Charleston to be the most convenient port to Panama. He himself sailed from this port for the canal on two occasions, once when he was Secretary of War and once when he was President elect. In both cases he chose Charleston because he wished to make the trip with the least possible loss of time.

When the Navy took a party of 100 leading editors from all parts of the United States to the West Indies three years ago this month the *Henderson* was brought into Charleston to carry them there.

If there should ever be serious trouble in the Caribbean, Charleston will be the port of largest importance from a military standpoint; if there is ever serious trouble in the southern Pacific, Charleston will be the port of chief importance because the Panama Canal has made Charleston in the larger sense a Pacific as well as an Atlantic port. All of this is so obvious that it ought to be taken into the most serious account by those who have the shaping of the policies of the United States Government. To continue the maintenance of military fortifications on the North Atlantic and the maintenance of six great navy yards on the North Atlantic while virtually abandoning the Charleston Navy Yard and the coastal defenses of Charleston is indefensible.

The likelihood of this country becoming involved in any situation which would make any North Atlantic port of first importance in a military sense is remote. But with the responsibility of the Panama

Canal on our hands, with mounting investments in Latin America, the time may well come when a well-equipped navy yard at the port of Charleston would save this country untold millions.

#### SOUTH CAROLINA, THE POWER STATE OF THE SOUTH

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my remarks on certain power development beginning construction in South Carolina.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FULMER. Mr. Speaker and gentlemen of the House, I am sure that it will be of interest to you, as well as to the country, to know that there is going to be built in the very near future in Lexington County, near Columbia, S. C., my district, a mammoth hydroelectric power plant. This investment will involve millions of dollars, and when completed will be capable of developing 250,000 horsepower, with what is believed to be the greatest dam in the world, certainly in America, so far as cubic contents go, and with a lake larger than any other artificial body of water east of the Mississippi.

The dam will be 188 feet high, over 8,000 feet in length, and will contain 11,000,000 cubic yards. The storage of water behind the dam will be the largest of any in this country, and the lake created by it will be over 30 miles in length, and at one point 14 miles in width, covering 50,000 acres of land. Its average width throughout its whole length will be nearly 3 miles. Its top surface will be nearly twice as large as that of Lake George, in New York State. The huge quantity of water which will be stored in the upper 60 feet of the basin will permit it to carry in suspension a very large potential of energy, which will be an invaluable asset to the manufacturing industry of South Carolina during a period of drought.

If we were to visualize this storage of water in a cube, it would be 4,000 feet long, 4,000 feet wide, and 4,000 feet high. The dam will be nothing less than a mountain rolled into place. A conception of its magnitude is in the fact that the width at the base of the mid section is over 1,200 feet, or almost one-quarter of a mile.

The actual capacity of machinery to be installed in the power house will be over 200,000 horsepower, and with the power station centrally located to the Broad River Co.'s supertension transmission lines this will provide, with other interconnections, the means for a widespread distribution of power throughout the State of South Carolina.

The Lexington Power Co. owns the water rights and will be owners of this project. Officers of this company are: T. C. Williams, Columbia, S. C., president; W. S. Murray, New York, vice president; Henry Flood, jr., of New York, treasurer. Mr. Arthur R. Wellwood, of New York, will be the engineer in charge of this development, representing Murray & Flood, of New York City.

South Carolina is so situated that we enjoy 12 months in the year a wonderful climate. Our State is blessed with a rich agricultural soil and comes high in the Union in the production of agricultural crops. With these wonderful resources largely undeveloped in South Carolina, it would be well for you and your friends to visit our State and investigate the opportunities now offered to manufacturing interest. Our State is blessed with an abundance of cheap labor, which is so necessary in the successful operation of all manufacturing plants. I would be glad, my friends, to have you and your friends, when traveling South, stop over in Columbia, S. C., which is known as the power city of the South, call on its chamber of commerce, which you will find to be the liveliest chamber of commerce in the South, and secure information as to the wonderful resources and opportunities in our State, and also that you might have the opportunity of looking over this mammoth power project which is now about to be constructed.

I might say, my friends, in conclusion, that, blessed with the spirit of a new empire, South Carolina and the South today speeds upward, gloriously, in single challenge to the admiration and interest of the Nation and the world. In the light of this new progress glows the pulse of ambition, energy, and new life, and the way is open to a broad and mighty objective.

#### THE FARMER'S PLIGHT

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a poem written on farm relief.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SINCLAIR. Mr. Speaker, under the leave to extend my remarks in the RECORD I wish to include an original poem entitled "The farmer's plight," written by a real dirt farmer and former county commissioner of Sioux County, N. Dak., Mr. W. R. Oibart, of Morrilton, S. Dak. This poem so well expresses the sentiment of the real farmers and is so truly

descriptive of the adverse conditions under which they live and work that I feel it should be read by all who have been opposing in Congress the effort to pass farm relief legislation:

THE FARMER'S PLIGHT

I'm a farmer of the great Northwest;  
I help to raise the food  
For folks in cities everywhere,  
And all their hungry brood;  
From early morn until to bed  
I toll that all the world be fed.

I rise at 4 and milk the cows  
And feed the pigs and chickens,  
Then hustle out into the fields  
And hurry like the dickens;  
I never take the time to go  
Not even to a picture show.

Vacation week and pleasure trips  
Just seem to be intended  
For everybody else but me;  
My work is never ended,  
And when the summer has rolled 'round  
I find I've covered lots of ground.

When strong winds blow, with dust and dirt,  
I have no time to waste;  
When the sun is hot, more work I've got;  
It's one continual haste;  
I'm worked and hustled all year through,  
But I wonder what it's coming to.

My crops are good and I am glad  
And everyone rejoices;  
They read the papers with a smile,  
"There'll be food at lower prices."  
But it gets a bit beneath my skin,  
When the season's gone, the fix I'm in.

I pay my twine and thresher bill,  
My help, and for tin "Lizzie,"  
Machinery, interest, taxes, notes,  
And bills that make me dizzy;  
And after all is said and done  
I've less than when the year begun.

I write my Congressman to see  
If he can by legislation  
Correct the disadvantages  
And improve the situation;  
He says it is his firm belief  
That laws should pass for farm relief.

I hope some law may come to pass  
That I may never need to  
Lose my farm and home at last.  
"Don't bite the hands that feed you."  
You may regret some future day  
That you refused to give fair play.

(By W. R. Cibart, Morristown, S. Dak.)

HOUSE RESOLUTION 447

Mr. WHITE of Maine. Mr. Speaker, I present a report from the Committee on Rules for printing under the rule.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 447. House resolution providing for the consideration of S. 3896, "An act to amend section 11 of the merchant marine act of 1920, and to complete the construction of the loan fund authorized by that section."

The SPEAKER. Referred to the House Calendar and ordered to be printed.

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to prefer a unanimous-consent request touching the order of business. The Consent Calendar is to be called?

The SPEAKER. It is about to be called.

Mr. GARRETT of Tennessee. I find from an examination of the Consent Calendar that there are 33 Senate bills and joint resolutions on it. It is rather improbable that House bills passed now can reach final passage, and I ask unanimous consent that the Senate bills upon the Consent Calendar may be first reported.

Mr. ABERNETHY. Reserving the right to object—

The SPEAKER. The gentleman from Tennessee asks unanimous consent that in the consideration of the Consent Calendar the Senate bills may be first reported. Is there objection?

Mr. ABERNETHY. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

Mr. GARRETT of Tennessee. I will ask the gentleman to withhold his objection for a moment.

Mr. ABERNETHY. I will withhold it.

Mr. GARRETT of Tennessee. I assume there is some interest in the Senate bills on the part of Members of the House. My request is made only in the hope that some of them can get through. I doubt if any of the House bills that have not yet received consideration will get through, even if passed by the House. I have no personal interest in it.

Mr. SCHAFER. Mr. Speaker, I object. If the Senate had attended to its business in the last few days it would be in proper shape to act upon House bills also.

Mr. TILSON. Let me state the facts as they are. All of these Senate bills are of interest to our districts and our States just the same as if we had introduced them here. Therefore, not only as a matter of courtesy to the other body but also as a matter of promoting the interests of our constituents, we shall serve them just as well by passing Senate bills as by passing House bills. As stated by the gentleman from Tennessee, for the most part the House bills now passed will have no opportunity to pass the Senate, whereas bills that have already passed the Senate and which are here need action only by the House. Of course, if we so desire, we can assume a dog-in-the-manger policy and refuse to pass any bills simply because we can not get our particular bills passed through the House and Senate. The gentleman from Tennessee, however, proposes something practical.

Mr. CHINDBLOM. And if we do this in the House, we may benefit by the reciprocal action by the Senate, and Members will have a better opportunity to get their bills passed in the Senate?

Mr. TILSON. Yes. We may defeat our own purposes in refusing to pass the Senate bills.

Mr. BARKLEY. These Senate bills are similar to House bills already on the calendar?

Mr. TILSON. Yes; almost all of them are.

Mr. SCHAFER. Mr. Speaker, I will withdraw my objection.

Mr. ABERNETHY. Reserving the right to object, Mr. Speaker, I have no objection to considering Senate bills that may not be amended, but I do object to taking up amended Senate bills, because there are some on this calendar that ought not to pass. I have no objection to make to anything that no objection can be made to. I withdraw my objection to anything there is no controversy about.

Mr. TILSON. If the gentleman from North Carolina will sit here there will be no controversy about bills that he wishes to defeat. His objection can stop them.

Mr. ABERNETHY. Mr. Speaker, I will withdraw my reservation.

Mr. BANKHEAD. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it. The House will be in order.

Mr. CANNON. Mr. Speaker, reserving the right to object—

The SPEAKER. The Chair has not recognized the gentleman from Missouri, and will not recognize any gentleman until the House is in order. Is there objection to the request of the gentleman from Tennessee [Mr. GARRETT]?

Mr. HASTINGS. Reserving the right to object, Mr. Speaker, I want to make this observation to the majority leader, or rather this inquiry, as to whether or not this Consent Calendar may hereafter be called, and to state at the same time that as to a number of these House bills some of them are on the Senate Calendar and they may be passed, because favorable reports are made on them. I wonder if we would have opportunity to consider any of these bills should they be passed?

Mr. TILSON. If the Members of the House are willing to keep a quorum by staying here long hours to-day, if necessary, we could pass a number of these bills.

Mr. HASTINGS. I am not making any objection.

Mr. BEGG. I would like to ask the floor leader what is the use of staying here until 11 or 12 o'clock if the Senate bills on the calendar are not to be called up? I would like to have the floor leader make a statement as to that.

Mr. TILSON. I have already made my statement.

Mr. CANNON. The gentleman from Tennessee does not include in his list of House bills those which, if they passed the House now, can not pass the Senate—bills known as bridge bills?

Mr. TILSON. Bridge bills will undoubtedly pass the Senate. The suggestion of the gentleman from Tennessee can be made to include bridge bills and Senate bills.

Mr. GARRETT of Tennessee. There has been a great deal of confusion, so that the purport of my request has been misunderstood. I have not a single bill on this Consent Calendar, and I am not interested in the matter one way or other in a personal way. The common-sense thing to do is to take up the Senate bills on the calendar and call them first, because if they



are passed to-day they can get through. It is dubious as to whether House bills passed to-day can be enacted. I think the Senate has already adopted the policy of considering only House bills over there, and not Senate bills. At least my suggestion was made wholly in the interest of getting business done. I presume we are interested in the Senate bills as well as in House bills. I will include Senate bills on the Speaker's table that have not been put on the calendar and bridge bills.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that in the consideration of the Consent Calendar Senate bills, bridge bills, and House bills similar to the Senate bills may be given precedence. Is there objection?

Mr. DICKSTEIN. Reserving the right to object, Mr. Speaker, I understand there is a bill on the Consent Calendar which amends the immigration law to some extent. Do I understand that that would be taken up under this program?

The SPEAKER. The Chair can not say as to that. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, Mr. Speaker, does the gentleman from Tennessee mean House bills where similar bills have been passed by the Senate or where similar bills are on the calendar?

Mr. GARRETT of Tennessee. Where similar bills are on the Speaker's desk.

Mr. HUDSPETH. A number of Senate bills have been passed where there are similar House bills, so that if we should pass the House bills to-day they could be sent to the Senate and substituted for the Senate bills. I have a very important measure on this calendar which is of great interest to the people of the Southwest, a bill amending the potash act. A similar bill has been passed by the Senate, as I understand it.

Mr. GARRETT of Tennessee. Mr. Speaker, the situation is this, as I understand it: The Consent Calendar for to-day will only last until 4 o'clock. Does the gentleman say the bill has passed the Senate?

Mr. HUDSPETH. I am not sure that it has passed the Senate, but it has been favorably reported by the Senate committee and is on the Senate calendar. If I can get unanimous consent to pass my bill to-day, Senator SHEPPARD says he can immediately substitute the House bill for the Senate bill and have it taken up to-morrow.

Mr. HOWARD. That is my position exactly.

Mr. HUDSPETH. Under the gentleman's request I would be barred from having my bill brought up to-day.

Mr. MICHENER. Mr. Speaker, I demand the regular order.

Mr. GARRETT of Tennessee. I think the suggestion I have made is in the interest of expedition of business.

Mr. HUDSPETH. Mr. Speaker, I will have to object.

The SPEAKER. The Chair did not hear the gentleman from Texas. Does the gentleman from Texas object?

Mr. CHINDBLOM. The gentleman can not insure the certainty of his bill by objecting to this request.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none. The Clerk will call the Consent Calendar.

#### MESSAGE FROM THE PRESIDENT

A message, in writing, from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

#### CONSENT CALENDAR

##### SHOSHONE TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to consider Senate bill 5523, authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims, in place of House bill 16838.

The SPEAKER. The gentleman from Montana asks unanimous consent for the present consideration of Senate bill 5523 in lieu of House bill 16838, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, is not this the bill that was vetoed last session?

Mr. LEAVITT. It was vetoed on account of the interest feature in it, but that has been eliminated.

Mr. LA GUARDIA. And that was the only objection which caused its veto?

Mr. LEAVITT. Yes.

Mr. LA GUARDIA. And that is out of the bill now?

Mr. LEAVITT. Yes.

Mr. WINTER. The President stated in his veto message that if the interest item were eliminated, he saw no reason why this bill should not be approved.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding the lapse of time or statutes of limitation, to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims which the Shoshone Tribe of Indians of the Wind River Reservation in the State of Wyoming may have against the United States arising under or growing out of the treaty of July 3, 1868 (15 Stat. L. p. 673), or arising under or growing out of any subsequent treaty or agreement between said Shoshone Tribe of Indians and the United States or any subsequent act of Congress affecting said tribe, which claims have not heretofore been determined and adjudicated upon their merits by the Court of Claims or the Supreme Court of the United States.

Sec. 2. The claims of said tribe shall be presented by petition, subject, however, to amendment at any time. The suit under this act shall be instituted or petition filed in the Court of Claims within three years from the date of approval of this act. Such suit shall make the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming party plaintiff and the United States party defendant. The petition shall be verified upon information and belief by the attorney or attorneys employed by said tribe to prosecute said claims under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior. Letters, papers, documents, and public records, or certified copies thereof, bearing upon the claims presented may be used in evidence; and the departments of Government shall give the attorney of said tribe access to any such letters, papers, documents, or public records and shall furnish certified copies of such thereof as may be deemed material.

Sec. 3. In said suit the court shall also hear, examine, and adjudicate any claims which the United States may have against said tribe, but any payment, including gratuities which the United States may have made to said tribe, shall not operate as an estoppel, but may be pleaded as an offset in such suit: *Provided, however,* That the United States may interpose to such suit or action any and all pleas of defense, affirmative and negative, legal and equitable, which it may have thereto not herein specifically barred by the provisions of this act. In reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Shoshone Indians in and to such money, lands, or other property.

Sec. 4. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by said Shoshone Tribe of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribe.

Sec. 5. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to said suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

Sec. 6. A copy of the petition in such suit shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States.

Sec. 7. All amounts which may be found due and recovered for said tribe under the provisions of this act, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of said tribe, and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

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.

A similar House bill was laid on the table.

#### BLACK BASS

The first business on the Consent Calendar was the bill (S. 5266) to prohibit the sale of black bass in the District of Columbia.

The Clerk read the title of the bill.

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

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to ask a question or two about this bill. Does the gentleman want to shut out the sale of sea bass?

Mr. ZIHLMAN. No; I am assured this does not apply to sea bass.

Mr. EDWARDS. Mr. Speaker, further reserving the right to object, how long are you going to prohibit the sale of black bass in the District of Columbia?

Mr. ZIHLMAN. There is no definite limit. The bill prohibits the sale of large-mouth black bass.

Mr. EDWARDS. That is a considerable item of food here in the District fish market, is it not?

Mr. ZIHLMAN. Well, I do not think that fresh-water bass represent a large item of food here, although there are quite a number sold. This is one of few jurisdictions not prohibiting the sale of this game fish. This bill was introduced in the Senate by the Senator from Missouri [Mr. HAWES].

The SPEAKER. Is there objection?

Mr. EDWARDS. Mr. Speaker, I object.

ADDITIONAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The next business on the Consent Calendar was the bill (S. 1642) to provide for the appointment of an additional district judge for the eastern district of Pennsylvania.

The Clerk read the title of the bill.

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

Mr. SCHAFER. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I object.

WATERS OF THE NORTH PLATTE RIVER

The next business on the Consent Calendar was the bill (S. 4409) granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

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

Mr. SIMMONS. Mr. Speaker, I object.

ADDITIONAL JUDGE FOR THE DISTRICT OF MARYLAND

The next business on the Consent Calendar was the bill (S. 3418) to create an additional judge in the district of Maryland. The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, I object.

Mr. SCHAFER. Mr. Speaker, I object.

Mr. HILL of Maryland. Mr. Speaker, only two objections have been made. This bill requires three objections.

Mr. BLANTON. Mr. Speaker, does this bill require three objections?

The SPEAKER. Yes.

Mr. BLANTON and Mr. SCHAFER objected.

Mr. HILL of Maryland. There are only two objections, Mr. Speaker.

The SPEAKER. The Chair hears only two objections.

Mr. SNELL. Mr. Speaker, does not the same condition apply to this bill as applied to the other one?

Mr. HILL of Maryland. No.

The SPEAKER. Is there objection? Only two objections have been heard, and the Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional judge of the District Court of the United States for the District of Maryland, who shall reside in said district, and whose compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

Sec. 2. That this act shall take effect immediately.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out the last word. I want to call the attention of the House to the fact that you have several judges bills here to-day on the Consent Calendar, but the need of additional judges in the southern district of New York has not been cared for. You are simply picking up a district here and there and providing judges. We passed a bill caring for all the districts where additional judges were needed, but that bill in some way was halted on the other side of the Capitol.

I want to say to gentlemen who always criticize us when we come here on any question by saying we are seeking to hamper the enforcement of the law that there are thousands of cases pending on the calendar in the southern district of New York, where both the civil and criminal dockets of that court are absolutely congested. They are over two years behind on the criminal side, and there is a great need for three more judges in the southern district of New York. I do not see how you can consistently criticize us for not cooperating with you in seeking to enforce the law when by the very action of Congress you are not giving the southern district of New York the judges necessary to carry on the work.

Mr. SCHAFER. Will the gentleman yield? Is the gentleman for this pending bill or against it?

Mr. LAGUARDIA. I am talking on the general situation.

Mr. SCHAFER. I understand that; but we want to know whether the gentleman is for this bill or against it.

Mr. LAGUARDIA. I know the needs of the southern district of New York.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. O'CONNOR of New York. The gentleman is stating statistics which were put before this House in the first session of the Congress, but have been entirely repudiated after investigation in New York. The southern district does not need any additional judges and is not going to get any.

Mr. LAGUARDIA. The gentleman knows that the only objection on that side of the House is that Tammany Hall wanted one of these judges, and that is all there is to it. Let us be perfectly frank about the matter. The gentleman as a practicing lawyer in New York knows the terrible condition in the Federal court for the southern district of New York.

Mr. O'CONNOR of New York. I know the contrary from my own investigation and from the investigation of the Attorney General.

Mr. LAGUARDIA. Why, your own member on the Judiciary Committee signed the report at the last session of Congress.

Mr. O'CONNOR of New York. And he is now opposed to the bill.

Mr. LAGUARDIA. Yes; because he got his orders from Fourteenth Street.

Mr. BLANTON. Why, I thought the gentleman and the gentleman from New York [Mr. O'CONNOR] were working in double harness.

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.

RESURVEY OF CERTAIN LANDS

The next business on the Consent Calendar was the bill (S. 1914) directing the resurvey of certain lands.

The Clerk read the title of the bill.

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

Mr. BEGG. Reserving the right to object, Mr. Speaker, I would like to have somebody who knows about this bill tell me why this land has to be resurveyed.

Mr. HILL of Washington. When this land was surveyed, only the exterior lines were surveyed.

Mr. BEGG. And it was surveyed by contract surveyors?

Mr. HILL of Washington. Yes. Plats were made showing a survey, but the fact is the lands were not surveyed. There are no interior lines and no subdivisional corners. This is a heavily timbered country and there is not a mark.

Mr. BEGG. Is this private land or public land?

Mr. HILL of Washington. Part of it is public land and part of it is private land.

Mr. BEGG. If it is private land, why should the Government survey it?

Mr. HILL of Washington. Because the Government has not completed its survey. It has not been surveyed completely.

Mr. BEGG. It surveyed it down to townships and has maps for it.

Mr. HILL of Washington. It surveyed the exterior lines.

Mr. BEGG. Yes; down to township lines.

Mr. HILL of Washington. Yes; but there are no subdivisional lines.

Mr. BEGG. If it is private land—for instance, if I own a township—why should the Government pay for a survey of it?

Mr. HILL of Washington. A township is 36 miles square.

Mr. BEGG. I know that.

Mr. HILL of Washington. And there are sections and quarter sections on this land where there are no lines whatever.

Mr. BEGG. Why should the Government survey private land?

Mr. WINTER. If the gentleman will yield to me I might suggest that it is necessary so that the survey can be official. The survey would not be official if private parties made it.

Mr. BEGG. If the gentleman will permit another question, why does the Government need an acreage survey on public lands?

Mr. WINTER. It needs an acreage survey to establish the quarter section and the section lines and the corners.

Mr. BEGG. Why do we need that on public lands?



Mr. HILL of Washington. In order that the lines may be determined so that the lands can be located by the Government and the parties who have located on the lands.

Mr. BEGG. This land is not open to entry.

Mr. HILL of Washington. Part of the land has passed into private ownership.

Mr. BEGG. How did the owner get a grant from the Government originally unless he had a survey?

Mr. HILL of Washington. They went by the plats in the General Land Office, but there are no markings and they can not determine their lines. They can not tell where the lands are, and there is a great deal of confusion. They overlap, and there is no authority in the State courts to order a survey of these lands and an official survey is necessary.

Mr. BEGG. How much will this cost the Government?

Mr. HILL of Washington. About \$10,000.

Mr. BEGG. I suppose there is somebody who wants the job out there this summer?

Mr. HILL of Washington. The Government surveys this land with its own surveyors. There is no contract surveying any more.

Mr. CHINDBLOM. If the gentleman will permit, the report of the Secretary of the Interior says the purpose of the bill is to relieve the owners of the cost which they are financially unable to pay.

Mr. BEGG. Certainly; I knew that. I just wanted to bring that out very plainly. This is simply getting the Government to do something for some private land owners that they ought to do and pay for themselves.

Mr. HILL of Washington. It is an original survey as far as the Government is concerned.

Mr. BEGG. The Government paid for the other survey; why was not that original?

Mr. HILL of Washington. I hope the gentleman from Ohio will not object to the bill, because it is necessary.

Mr. HILL of Maryland. Reserving the right to object, and I shall not object, I would like to thank the House for passing the judges' bill for Maryland.

The SPEAKER. Is there objection to the consideration of this bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to cause to be resurveyed townships 29 and 30 north, range 38 east, of the Willamette meridian, and townships 30 and 32 north, range 39 east of the Willamette meridian all in the State of Washington, and to cause proper marks and designations to be placed at the corners of the quarter sections thereof, said work to be done at public expense out of appropriations available for survey of the public lands.

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

A motion to reconsider was laid on the table.

#### ADDITIONAL DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT

The next business on the Consent Calendar was the bill (S. 227) to provide for the appointment of an additional district judge for the district of Connecticut.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

Mr. GASQUE. I object.

The SPEAKER. It takes three objections.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional judge of the District Court of the United States for the District of Connecticut whose compensation, duties, and powers shall be the same as now provided by law for other district judges and who shall reside within the said district of Connecticut.

SEC. 2. This act shall take effect upon its approval by the President.

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.

#### ADDITIONAL DISTRICT JUDGE FOR PENNSYLVANIA

Mr. BLANTON. Mr. Speaker, if they are going to pass these judge bills, I withdraw my objection to Calendar No. 945, S. 1642. You might as well pass them all if you are going to pass one.

The SPEAKER. Without objection, the Clerk will return to Calendar 945, S. 1642.

The Clerk read the bill, as follows:

An act (S. 1642) to provide for the appointment of an additional district judge for the eastern district of Pennsylvania.

*Be it enacted, etc.,* That the President is authorized to appoint, by and with the advice and consent of the Senate, an additional district judge for the United States District Court for the Eastern District of Pennsylvania, who shall reside in such district.

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

A motion to reconsider was laid on the table.

#### REPORT OF THE DIRECTOR GENERAL OF RAILROAD (H. DOC. NO. 770)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying documents, ordered printed and referred to the Committee on Interstate and Foreign Commerce.

*To the Congress of the United States:*

I transmit herewith for the information of the Congress the report of the Director General of Railroads from January 1, 1926, to January 1, 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE, February 28, 1927.

#### ADDITIONAL JUDGE FOR THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF THE STATE OF IOWA

The next business on the Consent Calendar was the bill (S. 475) to authorize the President of the United States to appoint an additional judge for the district court of the United States for the southern district of the State of Iowa.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. KVALE, Mr. COLLINS, and Mr. CROSSER objected.

EXCHANGE OF LAND IN GUNNISON COUNTY, COLO., AND DELTA COUNTY, COLO.

Mr. WINTER. Mr. Speaker, I call attention to calendar No. 957, Senate 4069, an identical House bill being on the calendar.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 4069) to authorize the Secretary of the Interior to exchange for lands in private ownership in Gunnison County, Colo., certain public lands in Delta County, Colo.

The SPEAKER. Is there objection?

Mr. DICKSTEIN. Reserving the right to object, what is the purpose of this exchange?

Mr. WINTER. The purpose is, as stated by the department, to consolidate the holdings of the Government that lie on the opposite side of the river.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and empowered, in his discretion, to exchange certain public lands in the county of Delta, State of Colorado, described as follows: The southwest quarter of the southwest quarter of section 2, the south half of the south half of section 3, the north half of the north half of section 10, and the northwest quarter of the northwest quarter of section 11, all in township 13 south of range 91 west of the sixth principal meridian, for other lands of approximately equal aggregate value now owned by the Juanita Coal & Coke Co., a Colorado corporation, and situate in the county of Dennison, State of Colorado, described as follows: The east half and the southwest quarter of section 19, all in township 13 south of range 90 west of the sixth principal meridian: *Provided*, That by such action he will be enabled advantageously to consolidate the holdings of coal lands by the United States: *And provided further*, That patent to be issued for the south half of the southwest quarter of section 3, township 13 south of range 91 west, shall contain appropriate notations as provided by section 9 of the act of December 29, 1916 (39 Stat. p. 862.)

SEC. 2. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

#### ADDITION TO SOLDIERS HOME, MARION, IND.

The next business on the Consent Calendar was the bill (S. 4027) to authorize the construction of three cottages and an annex to the hospital at the National Home for Disabled Volunteer Soldiers, at Marion, Ind.

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 Board of Managers of the National Home for Disabled Volunteer Soldiers is authorized and directed to construct at the Marion Branch of such home, at Marion, Ind., on land now owned by the United States, three cottages with an aggregate capacity of 200 beds, and a sanitary, fireproof hospital annex to the present hospital with a capacity of 50 beds.

SEC. 2. Upon the order of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers, the following persons shall be admitted to such cottages and hospital annex for the purpose of receiving medical treatment and the other benefits of such home: All persons who served in the military or naval forces of the United States, including the Organized Militia, the National Guard, and the Naval Militia, when called into the Federal service, and were separated therefrom under honorable conditions, who have no adequate means of support and, by reason of diseases or wounds, are either temporarily or permanently incapacitated from earning a living.

SEC. 3. There is hereby authorized to be appropriated the sum of \$700,000 in order to carry out the provisions of section 1 of this act, of which amount \$600,000 shall be available for the construction of the three cottages and \$100,000 for the hospital annex, including the construction of such necessary approach work, roadways, and other facilities leading thereto, heating and ventilating apparatus, furniture, equipment, and accessories, as may be approved by the Board of Managers.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, at the end of line 11, after the word "appropriated," insert the words "not more than."

Mr. CHINDBLOM. Mr. Speaker, I suggest to the gentleman that the same words should go in after the figures "\$100,000" in line 15.

Mr. CRAMTON. I do not think it will matter about that, but this will give a chance for scrutiny as to whether they really need that much money.

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

The 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.

#### GRAZING ON PUBLIC LANDS IN ALASKA

The next business on the Consent Calendar was the bill (S. 3963) to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon.

The Clerk read the title of the bill.

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

Mr. BEGG. Mr. Speaker, reserving the right to object, I think the bill ought to be objected to on the ground that there are too many important things in it to be passed by unanimous consent. What is the idea of making a lease for 20 years, which the lessee can cancel by writing a letter?

Mr. SINNOTT. This bill is a real conservation measure. I have a letter from the Secretary of the Interior this morning urging the passage of legislation. It is also advocated by the Secretary of Agriculture and by the Governor of Alaska.

Mr. BEGG. I do not care who advocates it. I want to know what argument there is in granting a man a lease and at the same time authorizing him to cancel it by writing a letter, relieving him from all liability?

Mr. SINNOTT. He is not relieved from all or any liability.

Mr. BEGG. On page 4 we find the language:

Each lease shall provide that the lessee may surrender his lease, and if he has complied with the terms and conditions up to the time of surrender, may avoid further liability for fees thereunder by giving written notice to the Secretary of such surrender.

Mr. SINNOTT. He must have complied with the terms and paid his rent.

Mr. BEGG. Then why give him a 20-year lease?

Mr. SINNOTT. The lessee may also have died.

Mr. LAGUARDIA. Is not this true? This is for the encouragement and development of the reindeer industry?

Mr. SINNOTT. Yes.

Mr. LAGUARDIA. And they do not know how it is going to work out. They are willing to take a 20-year lease of this,

but they want the option terminated at the end of 10 years in the event that this industry does not turn out as they expect.

Mr. SINNOTT. It is for the protection of the natives, who own 70 per cent of the reindeer, between two and three hundred thousand reindeer.

Mr. LAGUARDIA. We had this bill up in committee, and we went into it very carefully, and I think it is one of the best bills that we have ever had for the District of Alaska.

Mr. SINNOTT. As it is now there is a fight and a scramble for the range.

Mr. BEGG. The gentleman's answer about the 20-year proposition is not at all satisfactory. It seems to me that a five-year lease would be ample, but I want to ask another question. Why give the lessee the right to sign this lease when he can cancel it by writing a letter?

Mr. SINNOTT. It may be unprofitable or he may desire to sell it. The lessee may have died and his estate may desire to transfer it. It can only be transferred with the approval of the Secretary.

Mr. BEGG. Why such a provision? This looks like a lease drawn up simply in the interest of some grazers up there. I have never seen a bill that sacrificed the Government's interests like this. In other words, the Government holds the bag and pays the bill.

Mr. SINNOTT. Oh, no; it is principally in the interest of the natives of Alaska.

Mr. SUTHERLAND. Mr. Speaker, I can assure the gentleman that the attitude of the Secretary of the Interior in asking for the passage of this bill is that he may relieve the situation up there. He wants to segregate the land so that each family that owns reindeer may have separate areas on which to graze the stock, and, furthermore, he distributes them over the Territory more, and in a way preserves the supply of moss that they feed on.

Mr. BEGG. There is some reason to that kind of an argument. In other words, there is not any intention at all to protect the interest of the Government in any way. It is just to give the Government authority to scatter these natives over different areas and stop squabbling?

Mr. SINNOTT. Oh, no; under this lease the Government gets something that is definite. It will get a rental, and there is no rental now. Without the passage of this bill the Government would not get anything at all.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,*

#### DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress in promoting the conservation of the natural resources of Alaska to provide for the protection and development of forage plants and for the beneficial utilization thereof for grazing by livestock under such regulations as may be considered necessary and consistent with the purposes and provisions of this act. In effectuating this policy the use of these lands for grazing shall be subordinated (a) to the development of their mineral resources, (b) to the protection, development, and utilization of their forests, (c) to the protection, development, and utilization of their water resources, (d) to their use for agriculture, and (e) to the protection, development, and utilization of such other resources as may be of greater benefit to the public.

#### DEFINITIONS

SEC. 2. As used in this act—

- (1) The term "person" means individual, partnership, corporation, or association.
- (2) The term "district" means any grazing district established under the provisions of this act.
- (3) The term "Secretary" means the Secretary of the Interior.
- (4) The term "lessee" means the holder of any lease.

#### GRAZING DISTRICTS

SEC. 3. (a) The Secretary may establish grazing districts upon any public lands outside of the Aleutian Islands Reservation, national forests, and other reservations administered by the Secretary of Agriculture and outside of national parks and monuments which, in his opinion, are valuable for the grazing of livestock. Such districts may include such areas of surveyed and unsurveyed lands as he determines may be conveniently administered as a unit, even if such areas are neither contiguous nor adjacent.

(b) The Secretary, after the establishment of a district, is authorized to lease the grazing privileges therein in accordance with the provisions of this title.

#### ALTERATION OF GRAZING DISTRICTS

SEC. 4. After any district is established the area embraced therein may be altered in any of the following ways:



(1) The Secretary may add to such districts any public lands which, in his opinion, should be made a part of the district.

(2) The Secretary, subject to existing rights of any lessee, may exclude from such district any lands which he determines are no longer valuable for grazing purposes or are more valuable for other purposes.

(3) The Secretary may enter into cooperative agreement with any person, in respect of the administration, as a part of a district, of lands owned by such person which are contiguous or adjacent to such district or any part thereof.

#### NOTICE OF ESTABLISHMENT OF GRAZING DISTRICT

SEC. 5. Before establishing a district the Secretary shall publish once a week for a period of six consecutive weeks in a newspaper of general circulation in each judicial division in which the proposed district is to be established, a notice describing the boundaries of the proposed district and announcing the date on which he proposes to establish the district.

#### PREFERENCES

SEC. 6. In considering applications to lease grazing privileges the Secretary shall, as far as is consistent with the efficient administration of the grazing district, prefer (1) occupants of the range and (2) settlers over all other applicants.

#### TERMS AND CONDITIONS OF LEASES

SEC. 7. (a) All leases shall be made by the Secretary for a term of 20 years except where the Secretary determines the land may be required for other than grazing purposes within the period of 10 years; or where the applicant desires a shorter term, and in such cases leases may be made for a shorter term.

(b) Leases shall be made for grazing on a definite area except where local conditions or the administration of grazing privileges makes more practicable a lease based on the number of stock to be grazed.

(c) Each lease shall provide that the lessee may surrender his lease, and, if he has complied with the terms and conditions of the lease to the time of surrender, may avoid further liability for fees thereunder by giving written notice to the Secretary of such surrender. The lease shall specify the length of time of notice, which shall not exceed one year.

#### GRAZING FEES

SEC. 8. (a) The Secretary shall determine for each lease the grazing fee to be paid. Such fee shall—

(1) Be fixed on the basis of the area leased or on the basis of the number and kind of stock permitted to be grazed;

(2) Be fixed, for the period of the lease, as a seasonal or annual fee, payable annually or semiannually on the dates specified in the lease;

(3) Be fixed with due regard to the general economic value of the grazing privileges, and in no case shall exceed such value; and

(4) Be moderate.

(b) If the Secretary determines such action to be for the public interest by reason of (1) depletion or destruction of the range by any cause beyond the control of the lessee, or (2) calamity or disease causing wholesale destruction of or injury to livestock, he may grant an extension of time for making payment of any grazing fee under any lease, reduce the amount of any such payment, or release or discharge the lessee from making such payment.

#### DISPOSITIONS OF RECEIPTS

SEC. 9. All moneys received during any fiscal year on account of such fees in excess of the actual cost of administration of this act shall be paid at the end thereof by the Secretary of the Treasury to the Territory of Alaska, to be expended in such manner as the Legislature of the Territory may direct for the benefit of public education and roads.

#### ASSIGNMENT OF LEASES

SEC. 10. The lessee may, with the approval of the Secretary, assign in whole or in part any lease, and to the extent of such assignment be relieved from any liability in respect of such lease, accruing subsequent to the effective date of such assignment.

#### IMPROVEMENTS

SEC. 11. (a) The Secretary may authorize a lessee to construct and/or maintain and utilize upon any area included within the provisions of his lease any fence, building, corral, reservoir, well, or other improvements needed for the exercise of the grazing privileges of the lessee within such area; but any such fence shall be constructed as to permit the ingress and egress of miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

(b) The lessee shall be given 90 days from the date of termination of his lease for any cause to remove from the area included within the provisions of his lease any fence, building, corral, or other removable range improvement owned or controlled by him.

(c) If such lessee notifies the Secretary on or before the termination of his determination to leave on the land any improvements the construction or maintenance of which has been authorized by the Secretary, no other person shall use or occupy under any grazing lease, or entry

under any public land law, the land on which any such improvements are located until there has been paid to the person entitled thereto the value of such improvements as determined by the Secretary.

#### PENALTIES

SEC. 12. Within one year from the date of the establishment of any district the Secretary shall give notice by publication in one or more newspapers of general circulation in each judicial division in which such district or any part thereof is located that after the date specified in such notice it shall be unlawful for any person to graze any class of livestock on lands in such district except under authority of a lease made or permission granted by the Secretary; and any person who willfully grazes livestock on such lands after such date and without such authority shall, upon conviction, be punished by a fine of not more than \$500.

#### STOCK DRIVEWAYS AND FREE GRAZING

SEC. 13. (a) The Secretary may establish and maintain, and regulate the use of, stock driveways in districts and may charge a fee for or permit the free use of such driveways.

(b) The Secretary may permit any person, including prospectors and miners, to graze free of charge a small number of livestock upon any land included within any grazing district.

(c) The Secretary may permit any native of Alaska (including Eskimos and half breeds) who has not severed his tribal relations and exercised the right of franchise, to graze any number of livestock owned by him free of charge on the public lands, either within or without a grazing district.

#### HEARING AND APPEALS

SEC. 14. Any lessee or applicant for grazing privileges, including any person described in subdivision (c) of section 13, may procure a review of any action or decision of any officer or employee of the Interior Department in respect of such privileges, by filing with the register of the local land office an application for a hearing, stating the nature of the action or decision complained of and the grounds of complaint. Upon the filing of any such application the register of such land office shall proceed to review such action or decision as nearly as may be in accordance with the rules of practice then applicable to applications to contest entries under the public land law. Subject to such rules of practice, appeals may be taken by any party in interest from the decision of the register to the Commissioner of the General Land Office, and from the decision of the Commissioner of the General Land Office to the Secretary.

#### ADMINISTRATION

SEC. 15. (a) The Secretary shall promulgate all rules and regulations necessary to the administration of this title, shall execute its provisions, and may (1) in accordance with the civil service laws appoint such employees and in accordance with the classification act of 1923 fix their compensation, and (2) make such expenditures (including expenditures for personal service and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, and for printing and binding) as may be necessary efficiently to execute the provisions of this title.

(b) The Secretary of Agriculture is authorized, upon the request of the Secretary of the Interior, to cooperate in the administration of this act in matters pertaining to the care of plant and animal life, including reindeer.

#### LAWS APPLICABLE

SEC. 16. Laws now applicable to lands or resources in the Territory of Alaska shall continue in force and effect to the same extent and in the same manner after the enactment of this act as before, and nothing in this act shall preclude or prevent ingress or egress upon the lands in districts for any purpose authorized by any such law, including prospecting for and extraction of minerals.

Mr. BLACK of Texas. Mr. Speaker, I desire to offer an amendment.

Mr. SINNOTT. Mr. Speaker, there are some committee amendments.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 21, after the word "agriculture" insert the words "and outside of national parks and monuments."

The amendment was agreed to.

Page 4, line 5, strike out "(1) occupants of the range and (2) settlers over all other applicants" and insert in lieu thereof "(1) natives, (2) other occupants of the range, and (3) settlers over all other applicants."

The amendment was agreed to.

Page 8, line 5, strike out all of lines 5 to 9, inclusive, and insert:

"(c) The Secretary may, in his discretion grant a permit or lease for a grazing allotment without charge on unallotted public lands to any

Eskimo or other native or half-breed. Whenever such native or half-breed grazes his livestock through cooperative agreement on allotment held by other lessee or permittee, any grazing fees charged for said allotment shall be reduced in proportion to the relative number of such native-owned livestock to the total number on said allotment."

The amendment was agreed to.

Page 9, strike out all of lines 22 to 25, inclusive, and insert:

"(b) The Secretary of Agriculture is authorized to continue investigations, experiments, and demonstrations for the welfare, improvement, and increase of the reindeer industry in Alaska, and upon the request of the Secretary of the Interior to cooperate in matters pertaining to the care of plant and animal life, including reindeer."

The amendment was agreed to.

Mr. SINNOTT. Mr. Speaker, I desire to offer a committee amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 2, after the word "termination," insert "of his lease."

The amendment was agreed to.

Mr. BLACK of Texas. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On pages 5 and 6 strike out section 9 and insert in lieu thereof the following language:

"All moneys received on account of such fee shall be deposited in the Treasury of the United States as miscellaneous receipts, but 10 per cent of all moneys received from each district during a fiscal year is hereby appropriated for the succeeding fiscal year and made available for expenditure by the Secretary for the making, erection, or purchase of range improvements, and 25 per cent of all moneys received from each district during each fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the Territory of Alaska, to be expended as prescribed by the legislature of the Territory for the benefit of public education and roads."

Mr. LAGUARDIA. Mr. Speaker, I make the point of order.

Mr. BLACK of Texas. What is the point of order?

Mr. LAGUARDIA. That it is not germane.

Mr. BLACK of Texas. Does the gentleman want to argue the point of order? I wish to be heard.

Mr. CRAMTON. Mr. Speaker, I desire to make a point of order. As I heard the language read it seemed to make an appropriation?

Mr. BLACK of Texas. No.

Mr. CRAMTON. It makes 10 per cent of the receipts available for expenditure by the Secretary of the Interior for certain purposes; and if I heard it correctly, that is an appropriation.

Mr. BLACK of Texas. It is exactly the language of the proposed grazing leasing law of the public lands and is suggested by the Secretary of the Interior in his report on this bill. The Secretary approved the bill in its entirety, except section 9; and if the gentleman will look at section 9, it turns over all money received from this leasing act to be appropriated by the Legislature of the Territory of Alaska. I shall not press the point of order. I have not had a chance to examine the matter.

It is in accordance with the proposed law relating to the leasing of public lands for grazing purposes.

Mr. CRAMTON. I will withdraw the point of order.

Mr. BLACK of Texas. I would not press this if it were not recommended by the Secretary of the Interior.

Mr. SINNOTT. We had before our committee the Assistant Secretary of the Interior, Mr. Finney, advocating the bill in the form in which we have reported it; and this morning I received a letter from the Secretary, which I wish to insert, advocating the passage of the bill:

THE SECRETARY OF THE INTERIOR,  
Washington, February 28, 1927.

Hon. N. J. SINNOTT,  
Chairman Committee on Public Lands,  
House of Representatives.

MY DEAR MR. SINNOTT: S. 5963, providing a method for leasing unserved public lands in Alaska for grazing purposes, passed the Senate July 1, 1926, and, with amendments, was favorably reported by the House Committee on Public Lands February 9, 1927. I hope that the bill may become a law during the present session of Congress.

As you are aware, there are approximately 350,000 reindeer in Alaska, of which 235,000 are owned by natives, the other deer being in private ownership.

These animals graze in the northern part of the Territory, and while by unwritten understanding the herds occupy to a considerable extent separate grazing areas, there is no authority of law under which such areas may be set apart for the definite and exclusive use of natives or

of white owners, nor is there any authority in this or other departments to prevent overgrazing and consequent destruction of forage.

The Alaska natives and their reindeer are under the immediate supervision of the Bureau of Education of this department, and Washington officers of that bureau advise me that some law under which definite allotments of grazing areas to natives may be made is urgently needed.

On certain islands and coastal areas in western Alaska there is said to be abundant pasturage for sheep and cattle, and an effort is being made to build up a livestock industry in that part of Alaska; but it can not be placed upon a stable basis, or develop into anything substantial, without some authority to lease such areas for grazing purposes. The enactment of the legislation is recommended by the Governor of Alaska, by the manager of the Alaska Railroad, by the Secretary of Agriculture (April 24, 1926), and by myself (April 17, 1926).

Very truly yours,

HUBERT WORK.

Mr. BLACK of Texas. In my time I would like to read what the Secretary of the Interior says. He says:

It is my opinion that this provision—

Speaking of section 9—

should be amended so as to conform to the language of the general leasing bill applicable to the remaining public lands of the United States.

Mr. SINNOTT. Of course, the general leasing bill has not passed. It has been pending in the Senate, but it has not become a law.

Mr. BLACK of Texas. Yes. Let me finish reading what the Secretary says. He says:

I see no reason for treating Alaska differently in this respect from the way the Western States are treated in the other bill, and for many reasons it is my judgment that the policy should be uniform.

Mr. SINNOTT. That is not the case here.

Mr. BLACK of Texas. Does the gentleman think we are going to adopt the grazing bill on public lands and turn over all the moneys received from the grazing leases to the legislatures of the States where the lands are situated, to be expended by them as they see fit? That is what this bill does.

Mr. SINNOTT. They are turned over for the purpose of public education.

Mr. LAGUARDIA. This is but a small amount. If the gentleman's amendment carries it simply means the defeat of this bill at this Congress.

Mr. BLACK of Texas. Why so? There are a number of amendments in the bill, and the bill has to go back to the Senate. If you pass the bill in its present form, you will set the precedent of turning over all the money derived from the leasing of public land to the legislature of the State where the land is located, to be expended as the legislature sees fit.

Mr. SINNOTT. That only means that the proceeds will be used for the purpose of public education and roads.

Mr. BLACK of Texas. But you will be setting the precedent of turning the money over to the legislature to be expended by the State. I ask unanimous consent to modify my amendment by inserting, instead of the words "hereby appropriated," the words "hereby authorized to be appropriated."

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

There was no objection.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK].

Mr. SUTHERLAND. Mr. Speaker, I hope this amendment will not prevail. The Secretary of the Interior says there is no reason why Alaska should be treated differently from the States in this matter. Alaska is in a different situation entirely. We are attempting to develop our resources in the Territory, and are encouraging capital to come there. For that reason we hesitate to tax any industry in the Territory; and if a small amount of money derived from grazing leases comes into the Territory, it simply offsets the taxing of industry to that extent. I think the amendment should not prevail, the opinion of the Secretary of the Interior to the contrary notwithstanding.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Texas.

The question was taken, and the amendment rejected.

Mr. BEGG. Mr. Speaker, I offer an amendment to this bill. On page 6 I move to strike out section 10.

The SPEAKER. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 6, strike out all of lines 5 to 10, inclusive.



Mr. BEGG. Mr. Speaker, I want to say just a word. It is not a question of vital importance whether the amendment carries or not, but there is no valid excuse why a man who can cancel his lease shall have the right of assignment unless he wants to make a profit, and since we are giving the lessee all the profit there is in it, I do not see why he should have the right to assign that lease.

Mr. ARENTZ. Mr. Speaker, will the gentleman yield there?

Mr. BEGG. Yes.

Mr. ARENTZ. The gentleman should know that leases on the forest reserves can be held for a 10-year period. If a man enters into an arrangement trying to promote the reindeer industry, for example, he is going to develop that country incidentally in the leasing of these ranges.

Mr. BEGG. I do not think there is anything in that.

Mr. SINNOTT. A man may be able to build up a very valuable leasehold, and then he may become sick, or he may break his leg, or become incapacitated otherwise. He should be allowed to assign his lease with the approval of the Secretary of the Interior.

Mr. BEGG. The gentleman then made a mistake a moment ago when he said there was not anything in this. Now he says somebody may be trying to build up a valuable estate.

Mr. SINNOTT. That was nothing misleading in my statement.

Mr. BEGG. I certainly understood the gentleman to say that there was not any value to the United States, and no return was expected, and it was simply to permit the allocation of these tribes.

Mr. SINNOTT. It may be a valuable leasehold.

Mr. BURTNESS. He might be in a position where he would have to sell his reindeer. Would it be of any value to him?

Mr. KINDRED. Does not the gentleman realize that by not allowing a man to assign his right under this bill you would thereby deprive a citizen of the right of assigning property rights?

Mr. BLACK of Texas. Not at all.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. BEGG].

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the third reading of the Senate bill.

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

A motion to reconsider the vote whereby the Senate bill was passed was ordered to be laid on the table.

#### BLACK BASS

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to return to the consideration of Senate bill 5266 to prohibit the sale of black bass in the District of Columbia.

The SPEAKER. The gentleman from Maryland asks unanimous consent to return to the consideration of Senate bill 5266, which the Clerk will report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the word "person" when used in this act shall include any company, partnership, corporation, or association.

SEC. 2. It shall be unlawful for any person to offer for sale or to sell within the District of Columbia either large-mouth or small-mouth black bass.

SEC. 3. Any person violating the provisions of this act shall, upon conviction thereof, be punished by a fine not exceeding \$100, or by imprisonment for a term of not more than three months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. This act shall become effective immediately upon its passage and approval.

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.

#### GRAZING ON PUBLIC LANDS IN ALASKA

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the grazing bill that has just passed by inserting a letter from one of the leading lawyers of Seattle.

The SPEAKER. Is there objection to the request of the Delegate from Alaska?

There was no objection.

LXVIII—322

The letter referred to follows:

SEATTLE, February 12, 1927.

HON. DAN SUTHERLAND,

House of Representatives, Washington, D. C.

MY DEAR DAN: I received your telegram asking me to write you explaining the difference between the withdrawal of the Bering River coal lands in Alaska by the United States Government, after title was initiated thereto and the present action by the Mexican Government for the abrogation of the oil land rights there.

The action of our Government in regard to the coal and oil lands in Alaska is such that it is difficult to refer to it without cynicism. Hence the sarcasm in my telegram. This is what was done:

The law for many years had been that coal lands in the Western States should be sold at private sale at \$10 per acre where the lands were more than 20 miles from a railroad and \$20 per acre if within 20 miles of a railroad. Only surveyed lands were thus sold, and only one claim not exceeding 160 acres could be sold to the same person.

In 1900 this law was extended to Alaska. The Bering River coal fields were discovered about 1901, but as none of the lands were surveyed the general law was ineffective. To correct this Congress, in 1904, passed an act to sell the coal lands in Alaska on the unsurveyed lands. It was provided that the applicant must mark the location of the lands he desired to purchase and survey them at his own expense. The lands in the West were surveyed by the Government. There were no railroads, and the price was fixed at \$10 per acre. The cost of surveying was at least \$10 per acre. So that really the price placed on the Alaska coal lands was about double that asked for similar lands in the West. No one could purchase more than 160 acres, and the other provisions of the general law were applied.

Under this law more than 30,000 acres of coal lands were located in the Bering River field, and smaller quantities in other fields.

Surveys were begun, trails and roads were built, docks, wharves, and other buildings erected, railroad surveys were made, and two independent railroads were started to the coal fields which lay 20 to 40 miles from tidewater. In the aggregate several millions of dollars were spent in preparation for mining the coal on an extensive scale. A town of 3,000 inhabitants or more was built at Katalla. The nearest market was more than 1,000 miles away.

In 1906 the Government decided on a new land policy. Instead of selling its coal lands it proposed to lease them. Executive orders were issued withdrawing all coal lands from sale. A message was sent to Congress advocating the repeal of the existing law and the enactment of a leasing law instead.

The order of withdrawal provided that bona fide rights already initiated should be entitled to perfect their claims and secure title. However, the Interior Department was openly hostile to all the locations and filed protests against them. The Justice Department brought criminal charges against the locators. More than 200 were indicted for conspiracy to defraud the Government.

It was conceded by everyone that 160 acres was not sufficient land on which to open a coal mine. The locators, therefore, had formed groups and taken contiguous claims with the intention of working them together. This had been the practice for years in the West, but in Alaska this grouping of locations was the basis of the protests and criminal charges. It was alleged to be a conspiracy to acquire more than 160 acres for one ownership.

The Interior Department, which had filed the protests, also sat in judgment upon the matter and was therefore prosecutor, judge, and jury. There was no right of appeal from its decision to the civil courts.

The filing of the protests and criminal charges at once stopped all development work. Railroad building ceased, and the population of the district rapidly disappeared.

The protests were all, or nearly all, decided adversely to the claimants and their locations were canceled. There had been about \$400,000 paid into the Treasury as the purchase price of the lands. When the claims were canceled this money was not refunded, but remained in the Treasury, so that the Government retained both the land and the money.

The criminal cases were brought to trial in three different cities. One lot were tried in Seattle, one in Chicago, and the other in Detroit. The Government exerted all its resources to convict the claimants, but in every case they were all acquitted.

Nearly eight years passed before Congress could be induced to pass the leasing law. During all that time the coal lands were idle, and coal for the inhabitants was imported. The buildings and improvements soon fell into decay and became a total loss. In the aggregate, several millions of dollars' worth of property was thus destroyed. Many of the coal claimants were bankrupted, some committed suicide, and some went insane. The white population of the Territory, which had been growing fast, began to decline. At this time it is about one-third what it was 20 years ago.

In October, 1914, Congress at last passed the leasing law for Alaska coal lands. Section 13 of that act is as follows:

"That the possession of any lessee of the land or coal deposits leased under this act for all purposes involving adverse claims to the

leased property shall be deemed the possession of the United States, and for such purposes the lessee shall occupy the same relation to the property leased as if operated directly by the United States."

It also provided for a refund of moneys paid for coal land in certain cases.

There is no appeal from the decisions of the Land Department, but it is the law that after the title to a piece of land is passed from the Government to a private individual a claimant for the land may sue such individual in the courts and there try out which has the better claim or title. The leasing act proposed to offer the same lands that had before been sold for leasing. To prevent any coal claimant from gaining access to the courts to try out his right to the land the above clause was inserted. No suit was ever brought. Murderers and other criminals are entitled to their day in court, but this right was denied the Alaska coal claimants. Thus the coal lands in Alaska were nationalized.

Among the groups of coal-land buyers was one known as the English Co. This group, headed by a prominent lawyer at Seattle, Charles F. Munday, located four or five thousand acres of coal lands. They were the first in the field. They interested some British investors in the field who spent more than a million dollars in development work. The investment was totally wiped out. Munday and the English manager of the company were among those indicted. Munday was tried and acquitted. Stracey, the manager, kept out of the United States and was never arrested. When Munday was acquitted the people of Seattle gave him a banquet.

I understand the Mexican Government now proposes to nationalize its oil lands. These lands were bought years ago by the present owners. They were not bought from the Government direct, but from private owners. The Government now requires them to surrender their titles and take leases, on penalty of confiscation if they do not.

No doubt the result of nationalization in Mexico will be the same as it was in Alaska, but there is a difference in method. In Mexico the Government did not offer its lands for sale and invite purchasers. It did not get the purchase money in hand and then change its policy and keep the money and retake the lands. It has not charged the buyers with crime and arrested them for conspiracy. It does not deny the owners access to the courts. It is even willing that the owners shall have the right to lease the same lands. There seems to be no violation of confidence or guilty fear of its own courts. There is no cruelty to worthy pioneers. It seems to be just plain, open, honest robbery.

Very sincerely yours,

FALCON JOSLIN.

#### ADDITIONAL JUDGE, WESTERN DISTRICT OF NEW YORK

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 1490, to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York. This bill was reported by the Judiciary Committee, but inadvertently left off the calendar owing to the fact that Mr. DEMPSEY, the introducer of the bill, is quite seriously ill and it had not come to my attention. It is a Senate bill.

Mr. CAREW. Mr. Speaker, reserving the right to object, is that bill on this calendar?

The SPEAKER. The bill, as the Chair understands, is a bill which has passed the Senate but has not been put on the Consent Calendar for some reason or other. It will require unanimous consent to consider it.

Mr. CAREW. The gentleman might make more progress if he would wait until he got the bill on the calendar.

The SPEAKER. The bill is properly on the Union Calendar but is not on the Consent Calendar.

Mr. CAREW. Has this bill passed the Senate?

Mr. MACGREGOR. It has passed the Senate, and the Senate bill has been reported from the Judiciary Committee of the House. The introducer of the bill, Mr. DEMPSEY, is very sick, and that is the reason why it was not placed on the Consent Calendar.

Mr. CAREW. Mr. Speaker, the gentleman who represents a part of that district on this side of the Chamber is not here at the present time. It might very well be that he would like to examine the bill, and for that reason I think the gentleman ought to submit it to Mr. MEAD, or wait until I can receive some assurance from Mr. MEAD as to his disposition toward the bill; otherwise I should feel I must object.

Mr. MACGREGOR. I can quite assure the gentleman that Mr. MEAD is perfectly satisfied with this proposition.

Mr. CAREW. On most things I would take any assurance that the gentleman from New York would give me, but I do not know whether I could do that in regard to the disposition of the gentleman over here.

Mr. MACGREGOR. I trust the gentleman will not object.

Mr. CAREW. Will not the gentleman have a chance to bring this bill up some time during the week?

Mr. MACGREGOR. No; I do not so understand.

The SPEAKER. The Chair would recognize the gentleman to ask unanimous consent to consider this bill under the circumstances.

Mr. MACGREGOR. With that understanding, I will wire Mr. MEAD and ask him if he is satisfied with this proposition.

Mr. CAREW. I think the gentleman will expedite the bill if he does that.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MACGREGOR. Yes.

Mr. CHINDBLOM. Has a similar bill been reported by the House committee?

Mr. MACGREGOR. The Senate bill has been reported by the House committee; yes.

Mr. CHINDBLOM. Then it may be in order now?

The SPEAKER. No; as the Chair understands, the bill is on the Union Calendar.

Mr. MACGREGOR. The only reason why this bill is not in the regular form is due to the illness of Mr. DEMPSEY.

Mr. CAREW. I would suggest to the gentleman from Illinois that he confine his attention to the great State of Illinois and to the wonderful city of Chicago.

Mr. CHINDBLOM. The "gentleman from Illinois" will say to the gentleman from New York that he is a Member of this House and has a right to give his attention to the procedure of the House and will continue to do so.

Mr. CAREW. Well, he might not help his colleague by doing so.

Mr. MACGREGOR. Mr. Speaker, I withdraw the request for the present.

#### CONTRACTS CONNECTED WITH THE PROSECUTION OF THE WAR

The next business on the Consent Calendar was the bill (S. 3641) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended.

The Clerk read the title of the bill.

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

Mr. SCHAFER. Mr. Speaker, I object.

#### UTE INDIANS OF UTAH

The next business on the Consent Calendar was the bill (S. 1924) for the relief of the Uintah and White River Tribes of Ute Indians of Utah.

The Clerk read the title of the bill.

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

Mr. CRAMTON. Mr. Speaker, I object.

#### IMMIGRATION ACT OF 1924

The next business on the Consent Calendar was Senate Joint Resolution 82, to amend subdivision A of section 4 of the immigration act of 1924.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. ABERNETHY. Mr. Speaker, I object.

Mr. PERLMAN. Mr. Speaker, does not this bill require more than one objection?

The SPEAKER. It does not.

Mr. JOHNSON of Washington. Will the gentleman withhold his objection a moment?

Mr. ABERNETHY. It is of no use to withhold it. I am going to object. If the gentleman wants to make a speech, all right; but I am going to object.

Mr. BANKHEAD. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection.

Mr. ABERNETHY. I object.

#### FORT SILL MILITARY RESERVATION

The next business on the Consent Calendar was the bill (S. 3614) authorizing an appropriation for the construction of a hard-surfaced road across Fort Sill (Okla.) Military Reservation.

The Clerk read the title of the bill.

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

Mr. BEGG. Mr. Speaker, I object.

#### SECTIONS 50½ AND 70 OF THE ARTICLES OF WAR

The next business on the Consent Calendar was the bill (S. 1483) to amend section 50½ and section 70 of the Articles of War.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. I object, Mr. Speaker.



## HARRIMAN GEOGRAPHIC CODE SYSTEM

The next business on the Consent Calendar was the joint resolution (S. J. Res. 110) authorizing a joint committee of both Houses to consider the purchase of the right to an unrestricted use of the Harriman Geographic Code System under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code System for all governmental, administrative, or publication purposes for which the same may be desirable.

The Clerk read the title of the bill.

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

Mr. BLANTON. I object, Mr. Speaker.

## THE NATIONAL ARBORETUM BILL

Mr. HAUGEN. Mr. Speaker, I present a conference report on the bill (S. 1640) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes, for printing.

## THE PRESIDIO OF SAN FRANCISCO

The next business on the Consent Calendar was the bill (S. 4964) transferring a portion of the lands of the military reservation of the Presidio of San Francisco to the Department of the Treasury.

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 following-described lands forming a part of the military reservation of the Presidio of San Francisco, Calif., are hereby transferred to and placed under the jurisdiction and control of the Department of the Treasury for use for marine hospital purposes, and such lands shall no longer be held and considered a part of such military reservation, except that a strip of land lying north of the southern boundary of the reservation and west of a line through the center of Fifteenth Avenue extended, of which Lobos Creek shall be the median line, together with a 40-foot right of way as an exit from the military reservation of the Presidio of San Francisco to the boulevard lying between Thirteenth and Fourteenth Avenues, city of San Francisco, are reserved to the War Department:

Beginning at a concrete monument on the southern boundary of the Presidio Military Reservation, which monument is 396 feet south 76 degrees west from a point which is 151.14 feet north of the monument marking the west end of the course on the southern boundary of said reservation described in General Orders 189, War Department, 1907, as bearing south 76 degrees 20 minutes 40 seconds, west 110.96 chains; thence north 19 degrees 31 minutes, east 221.4 feet; thence north 27 degrees 26 minutes, east 174 feet; thence north 42 degrees 45 minutes, east 69 feet; thence north 5 degrees 6 minutes, west 204.6 feet; thence north 10 degrees 12 minutes, east 170.5 feet; thence north 23 degrees 52 minutes, east 185 feet; thence north 70 degrees 7 minutes, west 380 feet; thence north 1 degree 38 minutes, east 225 feet; thence north 53 degrees 57 minutes, west 209 feet; thence south 81 degrees, west 264 feet; thence south 59 degrees, west 717.2 feet; thence in a southerly direction 1,030 feet, more or less, to the point of intersection of the west line of Sixteenth Avenue, San Francisco, Calif., and the southern boundary of the reservation of the Presidio of San Francisco, Calif.; thence in an easterly direction by courses and distances, following the southern boundary of said reservation, to the point or place of beginning.

*Provided further,* That whenever this property ceases to be used for marine hospital purposes, title to same shall revert to the War Department.

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.

A similar House bill was laid on the table.

## SECRET APPARATUS AND EQUIPMENT

The next business on the Consent Calendar was the bill (S. 1487) to authorize the Secretary of War to class as secret certain apparatus pertaining to the Signal Corps, Air Service, and Chemical Warfare Service, and empower him to authorize purchases thereof and award contracts therefor without notice or advertisement.

The Clerk read the title of the bill.

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

Mr. LaGUARDIA and Mr. SCHAFER objected.

## SPRINGFIELD, MASS., MILITARY RESERVATION

The next business on the Consent Calendar was the bill (S. 4851) authorizing the Secretary of War to convey to the

city of Springfield, Mass., certain parcels of land within the Springfield Armory Military Reservation, Mass., and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he hereby is, authorized and empowered to convey by quitclaim deed to the city of Springfield, Mass., for public highway purposes, and for no other purpose, all the right, title, and interest of the United States of America in and to certain strips or parcels of land within the Springfield Armory Military Reservation, Mass., the areas to be conveyed being particularly described as follows:

First parcel. Beginning at a point in the boundary line between land of the United States and the highway already established as Walnut Street, said point being located in the westerly line of Walnut Street extended and 1.56 feet southerly of the south line of Hickory Street; thence southerly 10 degrees 1 minute 50 seconds east, a distance of 71.46 feet; thence south 18 degrees 44 minutes 30 seconds east, a distance of 70.29 feet; thence on a curve to the right of 30 feet radius, a distance of 35.43 feet; thence south 48 degrees 54 minutes 50 seconds west, a distance of 25.69 feet, to the boundary line between land of the United States and the highway established as Mill Street; thence south 27 degrees 32 minutes 10 seconds east, on said boundary line a distance of 65.22 feet; thence north 62 degrees 27 minutes 50 seconds east, a distance of 9.32 feet; thence on a curve to the right of 20 feet radius, a distance of 34.49 feet; thence south 18 degrees 44 minutes 30 seconds east, a distance of 117.4 feet; thence on a curve to the left of 201.78 feet radius, a distance of 161.73 feet; thence on a curve to the right of 42.76 feet radius, a distance of 45.25 feet, to a point in the westerly line of Oakland Street; thence north 4 degrees 1 minute 55 seconds west, a distance of 37.44 feet to a point in the boundary line between the land of the United States and the highway established as Allen Street; thence north 82 degrees 18 minutes 5 seconds east, by the said boundary line, a distance of 270.51 feet to the northerly line of Allen Street; thence north 87 degrees 19 minutes 10 seconds west, a distance of 197.54 feet; thence on a curve to the right of 143.1 feet radius, a distance of 67.11 feet; thence on a curve to the right of 161.25 feet radius, a distance of 106.68 feet; thence north 22 degrees 31 minutes 30 seconds west, a distance of 49.36 feet; thence north 18 degrees 44 minutes 30 seconds west, a distance of 248.97 feet; thence north 12 degrees 23 minutes 15 seconds west, a distance of 49.41 feet; thence on a curve to the right of 30 feet radius, a distance of 43.76 feet, to a point in the above-mentioned boundary line between the land of the United States and the highway established as Walnut Street; thence south 71 degrees 11 minutes 20 seconds west, by the said boundary line, a distance of 88.74 feet to the point of beginning.

Meaning to describe all that portion of Allen Street now owned by the United States, with additional land so that a highway 66 feet wide at certain points may be constructed, as shown on plan entitled "Springfield, Mass., department of streets and engineering, study of proposed widening of Allen Street between Hickory and Oakland Streets, prepared for the board of public works, January, 1925."

Second parcel. Beginning at the intersection of the northwesterly line of State Street and the westerly line of St. James Avenue; thence south 56 degrees 23 minutes 35 seconds west a distance of 55.52 feet; thence northerly by a curve of 35.63 feet radius a distance of 35.34 feet; thence north 26 minutes 40 seconds west a distance of 20 feet; thence northwesterly by a curve of 50 feet radius a distance of 28.94 feet; thence north 33 degrees 36 minutes 40 seconds west a distance of 630.61 feet; thence northwesterly by a curve of 50 feet radius a distance of 68.81 feet; thence north 60 degrees 36 minutes 40 seconds east a distance of 145.28 feet; thence southerly by a curve of 30 feet radius a distance of 51.64 feet; thence south 33 degrees 36 minutes 40 seconds east a distance of 501.28 feet; thence easterly and northerly by a curve of 30 feet radius a distance of 76.88 feet to St. James Avenue; thence south 26 minutes 40 seconds east a distance of 217.35 feet to the point of beginning, as shown on a plan entitled "Springfield, Mass., department of streets and engineering, Magazine Street, November, 1926, scale, 1 inch to 40 feet."

Third parcel. Beginning at the intersection of the southerly curb line of Lincoln Street extended and the easterly line of Federal Street; thence north 64 degrees 50 minutes 45 seconds east a distance of 867.29 feet; thence north 33 degrees 36 minutes 40 seconds west a distance of 34.38 feet; thence north 65 degrees 20 seconds east a distance of 370.67 feet to the southwesterly line of Bowdoin Street; thence south 30 degrees 18 minutes 30 seconds east a distance of 96.71 feet; thence northerly and westerly by a curve of 40 feet radius a distance of 50.12 feet; thence south 65 degrees 20 seconds west a distance of 324.24 feet; thence south 60 degrees 36 minutes 40 seconds west a distance of 145.28 feet; thence south 67 degrees 33 minutes 15 seconds west a distance of 260.29 feet; thence south 64 degrees 50

minutes 45 seconds west a distance of 482.24 feet; thence southerly by a curve of 16 feet radius a distance of 26.23 feet to Federal Street; thence north 29 degrees 5 minutes 15 seconds west a distance of 40.89 feet to the point of beginning, as shown on a plan entitled "Springfield, Mass., department of streets and engineering, Lincoln Street, scale 1 inch equals 40 feet, December, 1921. Corrected to November, 1926."

Fourth parcel. Beginning at the most northerly point of the westerly curb of Federal Street acquired from the United States of America, December 1, 1922, being also in the southerly limit of the public part of Federal Street at that time; thence south 29 degrees 5 minutes 15 seconds east, a distance of 345.76 feet; thence south 71 degrees 34 minutes 45 seconds east, a distance of 58.38 feet; thence north 64 degrees 50 minutes 45 seconds east, a distance of 15 feet; thence south 29 degrees 5 minutes 15 seconds east, a distance of 57.44 feet; thence south 60 degrees 54 minutes 45 seconds west, a distance of 75.4 feet; thence north 29 degrees 5 minutes 15 seconds west, a distance of 420.69 feet; thence westerly by a curve of 35 feet radius, a distance of 53.81 feet to Pearl Street, as established June 29, 1925; thence north 59 degrees 25 seconds east, a distance of 35 feet; thence north 29 degrees 5 minutes 15 seconds west, a distance of 7.19 feet; thence south 82 degrees 28 minutes 5 seconds east, a distance of 26.16 feet to the point of beginning, as shown on a plan entitled "Springfield, Mass., Department of Streets and Engineering, Federal Street, Pearl to Lincoln Street, scale 1 inch equals 40 feet, December, 1921. Corrected to November, 1926."

Fifth parcel. Beginning at the intersection of the northeasterly curb of Byers Street and the northwesterly line of State Street; thence north 49 degrees 30 minutes 30 seconds west, a distance of 1,395.7 feet to Pearl Street; thence northeasterly by Pearl Street, a distance of 39 feet; thence southerly by a curve of 35 feet radius, a distance of 54.55 feet; thence south 49 degrees 30 minutes 30 seconds east, a distance of 1,256.27 feet; thence easterly by a curve of 35 feet radius, a distance of 59.86 feet to State Street, thence southwesterly by State Street a distance of 39.04 feet to the point of beginning, as shown on a plan entitled "Springfield, Mass., Department of Streets and Engineering, Byers Street, scale 1 inch equals 40 feet, December, 1921. Corrected to November, 1926."

Sixth parcel. Beginning in the northerly line of State Street, distant westerly from a stone bound at Byers Street, 4.04 feet; thence north 48 degrees 29 minutes 15 seconds east, a distance of 472.34 feet; thence north 50 degrees 36 minutes 10 seconds east, a distance of 546.34 feet; thence north 55 degrees 51 minutes 55 seconds east, a distance of 550.54 feet to the westerly curb of Federal Street; thence south 29 degrees 5 minutes 30 seconds east, a distance of 24.07 feet; thence south 55 degrees 51 minutes 55 seconds west, a distance of 547.27 feet; thence south 50 degrees 36 minutes 10 seconds west, a distance of 544.8 feet; thence south 48 degrees 29 minutes 15 seconds west, a distance of 468.63 feet; thence north 49 degrees 30 minutes 30 seconds west, a distance of 24.23 feet to the point of beginning, as shown on a plan entitled "Springfield, Mass., Department of Streets and Engineering, State Street, from Byers Street to Federal Street, November, 1926."

*Provided*, That the conveyance herein authorized shall be upon condition that the city of Springfield, Mass., shall improve and maintain each and all of said parcels as public highways: *Provided further*, That the city of Springfield shall reconstruct and reset the fences bounding the property of the United States wherever the boundary lines are changed by this act, without expense to the United States and to the satisfaction of the Secretary of War: *Provided further*, That there shall be reserved in the conveyance herein authorized the right to construct and maintain over, under, and across said streets, water, gas, and sewer mains, electric light and telephone wires and cables, and any other utility which the operation and use by the Government of said armory may require: *And provided further*, That the said city of Springfield shall not sell or convey the said described premises, nor devote the same to any other purpose than highway purposes; and in the event said premises shall be used for any other purpose or shall not be cared for and maintained as are other public highways of said city, the right, title, and interest hereby authorized to be conveyed shall revert to the United States.

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.

A similar House bill was laid on the table.

#### ISSUE OF ARMS AND AMMUNITION FOR THE PROTECTION OF PUBLIC MONEY AND PROPERTY

The next business on the Consent Calendar was the bill (S. 2037) to amend that provision of the act approved March 3, 1879 (20 Stat. L. p. 412) relating to issue of arms and ammunition for the protection of public money and property.

The Clerk read the title of the bill.

Mr. LA GUARDIA. What is the purpose of this?

Mr. WURZBACH. The War Department has been issuing arms and ammunition to other departments, and they are charged to the War Department.

Mr. LA GUARDIA. They all belong to the United States Government. Mr. Speaker, I object.

#### ARAPAHO NATIONAL FOREST, COLO.

The next business on the Consent Calendar was the bill (S. 4863) authorizing the adjustment of the boundaries of the Arapaho National Forest, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That any privately owned lands within the following described sections, which are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes, may be offered and title thereto accepted in exchange for national forest land or timber in the State of Colorado, under and in accordance with the provisions of the act of March 20, 1922, Public 173, and the acts amendatory thereto:

In township 1 south, range 75 west, section 4; east half and northwest quarter of section 5; northeast quarter of section 6; east half of section 8, section 9; south half of section 10; sections 15 and 16; east half of sections 17 and 20; sections 21 and 22; sections 28, 29, 30, 31, 32, and 33; in township 1 south, range 76 west, sections 4, 5, 6, 7, 8, and 9; north half of section 10; sections 11 to 36, inclusive; in township 1 south, range 77 west, sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36; in township 1 north, range 75 west, section 31; in township 1 north, range 76 west, sections 1 and 2; southeast quarter of section 3; east half of section 10; sections 11, 12, 13, and 14; east half and southwest quarter of section 15; south half of section 16; sections 21 to 29 inclusive; east half and southwest quarter of section 30; sections 31 to 36 inclusive; in township 1 north, range 76½ west, south half of section 25; section 36; in township 1 north, range 77 west, section 36; in township 2 north, range 76 west, sections 25 and 36; all west of the sixth principal meridian.

Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Arapaho National Forest.

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

A motion to reconsider was laid on the table.

#### PLACING CERTAIN NONCOMMISSIONED OFFICERS IN THE FIRST GRADE

The next business on the Consent Calendar was the bill (S. 2081) placing certain noncommissioned officers in the first grade.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. SWING. Mr. Speaker, reserving the right to object, there were two bills introduced, one in the House and one in the Senate. I am reliably informed that the one introduced in the Senate omitted the electrician sergeants, and that includes six or eight men in the same class, according to the report of the Secretary of War now in the report before the House.

Mr. BEGG. Well, we will get them in by objecting to the bill.

The SPEAKER. Is there objection?

Mrs. KAHN. I have a bill adding the electrician sergeants which were omitted in the Senate. It only affects a small number of men.

Mr. BEGG. I will say to the lady from California that the department does not O. K. this bill and says that it is in conflict with the financial program of the President. So I am constrained to object to it at this time.

Mr. SPEAKS. I want to say that the House has approved this bill and passed it heretofore, and the Senate has passed it once. It affects only a small number of men.

Mr. BEGG. It costs \$16,000 a year.

Mr. SPEAKS. If given the opportunity, I can convince the gentleman that the bill is meritorious.

Mr. BEGG. I object.

#### APPROPRIATIONS FOR PUBLIC BUILDING PROJECTS

Mr. WOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17355) making appropriations for public building projects.

Mr. EDWARDS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia makes the point of order that no quorum is present. The Chair will count. [After counting.] Two hundred and forty-five Members present, a quorum.



The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for public building projects under the provisions of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, as amended, namely:

TREASURY DEPARTMENT

PROJECTS UNDER SECTION 3, PUBLIC BUILDINGS ACT APPROVED MAY 25, 1926, AS AMENDED

Athens, Tenn., post office, etc.: For completion, \$30,000.  
 Batavia, Ill., post office and other Government offices: For completion, \$8,000.  
 Bayonne, N. J., post office, etc.: For completion, \$100,000.  
 Branford, Conn., post office and other Government offices: For completion, \$20,000.  
 Buffalo, Wyo., post office and other Government offices: For completion, \$22,500.  
 Caribou, Me., post office and other Government offices: For completion, \$20,000.  
 Central City, Nebr., post office and other Government offices: For completion, \$10,000.  
 Chicago, Ill., marine hospital: For completion, \$132,000.  
 Cody, Wyo., post office and other Government offices: For completion, \$40,000.  
 Coeur d'Alene, Idaho, post office, courthouse, etc.: For completion, \$148,200.  
 Des Moines, Iowa, courthouse, etc.: Toward the construction of the building, \$200,000.  
 Detroit, Mich., marine hospital: Toward the construction of the building, \$120,000.  
 Donora, Pa., post office and other Government offices: For completion, \$20,000.  
 Durango, Colo., post office, courthouse, etc.: Toward the construction of the building, \$40,000.  
 East Las Vegas, N. Mex., post office, courthouse, and other Government offices: For completion, \$35,000.  
 East Orange, N. J., post office and other Government offices: Toward the construction of the building, \$50,000.  
 Fallon, Nev., post office and other Government offices: For completion, \$16,000.  
 Fort Fairfield, Me., post office, customhouse, and other Government offices: For completion, \$28,000, under an estimated total cost of \$90,000, in lieu of \$70,000 fixed in the act of July 3, 1926.  
 Fort Plain, N. Y., post office and other Government offices: For completion, \$10,000.  
 Globe, Ariz., post office, courthouse, and other Government offices: For completion, \$65,000.  
 Jamestown, N. Dak., post office, courthouse, etc.: For completion, \$125,000.  
 Juneau, Alaska, Federal and Territorial building: Toward the construction of the building, \$100,000; and the Secretary of the Treasury is authorized to enter into contracts for the entire estimated cost of such building for not to exceed \$775,000 in lieu of \$200,000 authorized in the act of June 25, 1910.  
 Lancaster, S. C., post office, etc.: For completion, \$25,000.  
 Leominster, Mass., post office and other Government offices: For completion, \$55,000.  
 Lewistown, Pa., post office and other Government offices: For completion, \$50,000.  
 Long Island City, N. Y., post office and other Government offices: Toward the construction of the building, \$150,000; and the Secretary of the Treasury is authorized to enter into contracts for the entire estimated cost of such building for not to exceed \$750,000 in lieu of \$300,000 fixed in the act of July 3, 1926.  
 McKees Rocks, Pa., post office and other Government offices: For completion, \$19,500.  
 Madison, Wis., post office, courthouse, etc.: For completion, \$482,000.  
 Marianna, Fla., post office, courthouse and other Government offices: For completion, \$50,000.  
 Metropolis, Ill., post office and other Government offices: For completion, \$40,000.  
 Millville, N. J., post office and other Government offices: For completion, \$60,000.  
 Missoula, Mont., post office, courthouse, etc.: Toward the construction of the building, \$115,000.  
 Montclair, N. J., post office, etc.: For completion, \$160,000.  
 Montevideo, Minn., post office and other Government offices: For completion, \$25,000.  
 Mount Carmel, Ill., post office, etc.: For completion, \$25,000.  
 Newark, N. J., post office, courthouse, etc.: Toward the construction of a suitable building for the accommodation of the post office, United States courts, etc., and for the acquisition of a site, \$500,000; and the Secretary of the Treasury is authorized to enter into contracts for the entire estimated cost of such building and site for not to exceed

\$4,875,000 in lieu of \$3,875,000 fixed in the act of July 3, 1926; and the Secretary of the Treasury may, in his discretion, disregard the restriction of the acts of March 4, 1913, and August 11, 1913, relating to Newark, N. J.

Newburyport, Mass., post office, etc.: For completion, \$27,000.  
 Olyphant, Pa., post office and other Government offices: For completion, \$5,000.  
 Paxton, Ill., post office and other Government offices: For completion, \$35,000.  
 Red Bluff, Calif., post office and other Government offices: For completion, \$45,000.  
 Sand Point, Idaho, post offices and other Government offices: For completion, \$10,000.  
 San Pedro, Calif., post office, customhouse etc.: For the acquisition of a site and toward the construction of building, including any tunnel that may be necessary, in addition to appropriation previously made, \$25,000; and the Secretary of the Treasury is authorized to enter into contracts for the entire estimated cost of such building, site, and tunnel for not to exceed \$600,000 in lieu of \$60,000 fixed in the act of March 4, 1913.  
 Shelbyville, Ky., post office and other Government offices: For completion, \$20,000.  
 Southbridge, Mass., post office and other Government offices: For completion, \$48,000, under an estimated total cost of \$110,000, in lieu of \$80,000 fixed in the act of July 3, 1926.  
 Syracuse, N. Y., post office, courthouse, etc.: Toward the construction of the building, \$200,000.  
 Tamaqua, Pa.: post office and other Government offices: Toward the construction of the building, \$10,000.  
 Tarentum, Pa., post office and other Government offices: For completion, \$20,000.  
 Tomah, Wis., post office and other Government offices: For completion, \$25,000.  
 Utica, N. Y., post office, customhouse, and courthouse: Toward the construction of the building, \$170,000.  
 Waynesburg, Pa., post office and other Government offices: Toward the construction of the building, \$50,000.  
 Williamson, W. Va., post office, courthouse, etc.: Toward the construction of the building, \$34,000.  
 Wilmington, Ohio, post office and other Government offices: For completion, \$55,000.  
 Wilson, N. C., post office, courthouse, etc.: Toward the construction of the building, \$52,000.  
 Winchester, Mass., post office and other government offices: For completion, \$19,500.  
 Wyandotte, Mich., post office and other Government offices: For completion, \$65,000.  
 Yonkers, N. Y., post office, etc.: Toward the construction of the building, \$208,000; and the Secretary of the Treasury is authorized to enter into contracts for the entire estimated cost of such building for not to exceed \$550,000, in lieu of \$500,000 fixed in the act of July 3, 1926.  
 Total appropriations for projects under section 3, act of May 25, 1926, as amended, \$4,219,700.

PROJECTS UNDER SECTION 5, PUBLIC BUILDINGS ACT APPROVED MAY 25, 1926, AND DEFICIENCY ACT APPROVED JULY 3, 1926

Birmingham, Ala., post office and courthouse: For completion, \$100,000.  
 Chicago, Ill., post office: For additional for acquisition of site \$500,000.  
 Chicago, Ill., marine hospital: For completion, \$84,000.  
 Memphis, Tenn., sub post office: Toward the construction of the building, \$100,000.  
 Total appropriations for projects under section 5, public buildings act of May 25, 1926, and deficiency act approved July 3, 1926, \$784,000.

PROJECTS OUTSIDE THE DISTRICT OF COLUMBIA UNDER SECTION 5, PUBLIC BUILDINGS ACT APPROVED MAY 25, 1926

The Secretary of the Treasury is authorized to enter into contracts for sites or additional land for public buildings, purchase of sites and buildings thereon, commencement, completion, extension, remodeling, and rehabilitation of public buildings in amounts not exceeding the respective limits of cost herein set forth, as follows:

Albany, N. Y., post office, courthouse, customhouse, etc.: For acquisition of site or of additional land and commencement of construction, \$580,000, under an estimated total cost of \$2,580,000.  
 Alexandria, Va., customhouse, post office, etc.: For acquisition of additional land and commencement of extension and remodeling, \$70,000, under an estimated total cost of \$300,000.  
 Amsterdam, N. Y., post office, etc.: For acquisition of additional land and commencement of extension and remodeling, \$80,000, under an estimated total cost of \$230,000.  
 Asheville, N. C., post office, courthouse, etc.: For acquisition of site and commencement of construction, \$410,000, under an estimated total cost of \$925,000.

Baltimore, Md., post office, etc.: For acquisition of site and commencement of construction, \$510,000, under an estimated total cost of \$2,100,000.

Baltimore, Md., post office, courthouse, etc.: For commencement of remodeling, \$10,000, under an estimated total cost of \$150,000.

Bartlesville, Okla., post office, etc.: For acquisition of site and commencement of construction, \$60,000, under an estimated total cost of \$200,000.

Bellows Falls, Vt., post office, etc.: For acquisition of site and commencement of construction, \$35,000, under an estimated total cost of \$100,000.

Binghamton, N. Y., post office, courthouse, etc.: For additional land and toward construction of building, \$100,000, under an estimated total cost of \$600,000.

Camden, N. J., post office, courthouse, etc.: For acquisition of site and commencement of construction, \$460,000, under an estimated total cost of \$1,200,000.

Canton, Ga., post office, etc.: For commencement of construction, \$35,000, under an estimated total cost of \$65,000.

Conway, Ark., post office, etc.: For commencement of construction, \$35,000, under an estimated total cost of \$90,000.

Corinth, Miss., post office, etc.: For acquisition of additional land and commencement of extension and rehabilitation of the building, \$35,000, under an estimated total cost of \$75,000.

Corsicana, Tex., post office, etc.: For commencement of extension and remodeling, \$35,000, under an estimated total cost of \$110,000.

Dallas, Tex., post office, courthouse, and other Government offices: For commencement of construction, \$150,000, under an estimated total cost of \$1,250,000.

Denver, Colo., customhouse, etc.: For acquisition of site and commencement of construction, \$210,000, under an estimated total cost of \$1,350,000.

Duluth, Minn., post office, courthouse, customhouse, etc.: For commencement of construction, \$150,000, under an estimated total cost of \$1,200,000.

Dunkirk, N. Y., post office, etc.: Toward construction of building, \$30,000, under an estimated total cost of \$110,000.

East Chicago, Ind., post office, etc.: For acquisition of site and commencement of construction, \$40,000, under an estimated total cost of \$210,000.

Elizabeth, N. J., post office, etc.: For commencement of extension and remodeling, \$75,000, under an estimated total cost of \$300,000.

Elmira, N. Y., post office, courthouse, etc.: For commencement of extension and remodeling, \$75,000, under an estimated total cost of \$200,000.

Erie, Pa., post office, etc.: For acquisition of site and commencement of construction, \$150,000, under an estimated total cost of \$575,000.

Erie, Pa., post office and courthouse: For commencement of remodeling, \$5,000, under an estimated total cost of \$25,000.

Fargo, N. Dak., post office, courthouse, etc.: For acquisition of additional land or a new site, and commencement of construction, \$150,000, under an estimated total cost of \$600,000: *Provided*, That not more than \$50,000 shall be expended for the acquisition of a new site or additional land.

Flint, Mich., post office, etc.: For acquisition of site and commencement of construction, \$210,000, under an estimated total cost of \$700,000.

Fort Wayne, Ind., post office, courthouse, etc.: For acquisition of site and commencement of construction, \$510,000, under an estimated total cost of \$1,125,000.

Fort Worth, Tex., post office, etc.: For acquisition of site and commencement of construction, \$410,000, under an estimated total cost of \$1,450,000.

Fort Worth, Tex., post office and courthouse: For commencement of remodeling, \$10,000, under an estimated total cost of \$50,000.

Freeport, Ill., post office, etc.: For acquisition of additional land and commencement of extension and remodeling, \$40,000, under an estimated total cost of \$130,000.

Greenville, Tex., post office, etc.: For commencement of extension and remodeling, \$60,000, under an estimated total cost of \$80,000.

Hammond, Ind., post office, courthouse, etc.: For commencement of extension and remodeling, \$55,000, under an estimated total cost of \$155,000.

Hanover, N. H., post office, etc.: For acquisition of site and commencement of construction, \$45,000, under an estimated total cost of \$105,000.

Hartsville, S. C., post office, etc.: For acquisition of site and commencement of construction, \$35,000, under an estimated total cost of \$80,000.

Kansas City, Mo., post office, etc.: For acquisition of site and commencement of construction, \$890,000, under an estimated total cost of \$3,450,000.

Kansas City, Mo., post office and courthouse: For commencement of remodeling, \$10,000, under an estimated total cost of \$50,000.

La Crosse, Wis., post office, courthouse, etc.: For commencement of extension and remodeling, \$55,000, under an estimated total cost of \$70,000.

Lancaster, Pa., post office, etc.: For commencement of construction, \$140,000, under an estimated total cost of \$515,000.

Lawrence, Kans., post office, etc.: For commencement of extension and remodeling, \$55,000, under an estimated total cost of \$120,000.

Lima, Ohio, post office, etc.: For acquisition of site and commencement of construction, \$150,000, under an estimated total cost of \$415,000.

Louisville, Ky., post office, courthouse, customhouse, etc.: For acquisition of site and commencement of construction, \$610,000, under an estimated total cost of \$2,600,000.

Lowell, Mass., post office, etc.: For acquisition of a site and commencement of construction, \$35,000, under an estimated total cost of \$515,000.

Miami, Fla., post office, courthouse, customhouse, etc.: For acquisition of site and commencement of construction, \$680,000, under an estimated total cost of \$1,850,000.

Mitchell, S. Dak., post office, etc.: For commencement of extension and remodeling, \$35,000, under an estimated total cost of \$90,000.

Newark, Del., post office, etc.: For commencement of construction, \$35,000, under an estimated total cost of \$70,000.

New Britain, Conn., post office, etc.: For acquisition of additional land and commencement of extension and remodeling, \$80,000, under an estimated total cost of \$300,000.

Newburgh, N. Y., post office, etc.: For acquisition of site and toward construction of building, \$90,000, under an estimated total cost of \$275,000.

New Orleans, La., marine hospital: For commencement of construction, \$330,000, under an estimated total cost of \$1,800,000.

Newton, Ia., post office, etc.: For commencement of construction, \$35,000, under an estimated total cost of \$125,000.

Niagara Falls, N. Y., customhouse: For rehabilitation, etc., of building, \$75,000.

Oakland, Calif., post office, customhouse, etc.: For acquisition of site and commencement of construction, \$710,000, under an estimated total cost of \$2,000,000.

Oshkosh, Wis., post office, courthouse, etc.: For acquisition of new site and commencement of construction, \$115,000, under an estimated total cost of \$475,000.

Paris, Tenn., post office, etc.: For acquisition of additional land and commencement of extension and remodeling, \$25,000, under an estimated total cost of \$65,000.

Pawtucket, R. I., post office, etc.: For acquisition of site and commencement of construction, \$210,000, under an estimated total cost of \$550,000.

Philadelphia, Pa., marine hospital: For purchase of site and building, and remodeling and repair of such building, \$75,000.

Pittsfield, Mass., post office, etc.: For acquisition of additional land and commencement of extension and remodeling, \$40,000, under an estimated total cost of \$185,000.

Plattsburg, N. Y., customhouse and post office: Toward extension and remodeling, \$30,000 under an estimated total cost of \$75,000.

Pontiac, Mich., post office, etc.: For commencement of extension and remodeling, \$75,000, under an estimated total cost of \$200,000.

Portland, Ore., courthouse, etc.: For acquisition of site and commencement of construction, \$380,000, under an estimated total cost of \$1,200,000.

Price, Utah, post office, etc.: For acquisition of site and commencement of construction, \$50,000, under an estimated total cost of \$90,000: *Provided*, That not more than \$15,000 shall be expended for the acquisition of a site.

Pullman, Wash., post office, etc.: For acquisition of site and commencement of construction, \$20,000, under an estimated total cost of \$90,000.

Roanoke, Va., post office, courthouse, etc.: For acquisition of site and commencement of construction, \$360,000, under an estimated total cost of \$825,000.

Rushville, Ind., post office, etc.: For acquisition of site and commencement of construction, \$40,000, under an estimated total cost of \$115,000.

San Francisco, Calif., marine hospital: For commencement on a site now owned by the Government of a general hospital building, together with such additional buildings, alterations in, additions to existing buildings, mechanical equipment and outside service lines, and approach work as may be necessary to provide auxiliary facilities, \$150,000, under an estimated total cost of \$1,640,000.

Santa Fe, N. Mex., courthouse, etc.: For commencement of extension and remodeling, \$35,000, under an estimated total cost of \$145,000.

Scottsbluff, Nebr., post office, etc.: For acquisition of site and commencement of construction, \$35,000, under an estimated total cost of \$105,000.

Seranton, Pa., post office, courthouse, etc.: For acquisition of site and commencement of construction, \$1,260,000, under an estimated total cost of \$2,250,000: *Provided*, That the Secretary of the Treasury, in



his discretion, may accept a title to such site which reserves or excepts all coal or other minerals on the lands with the right of mining same.

Seattle, Wash., assay office: For purchase of site and building thereon, \$20,000.

Sedalia, Mo., post office, etc.: For acquisition of site and commencement of construction, \$85,000, under an estimated total cost of \$200,000: *Provided*, That not to exceed \$50,000 shall be expended for the acquisition of a site.

Springfield, Ill., courthouse, post office, etc.: For commencement of construction, \$75,000, under an estimated total cost of \$575,000.

Watertown, N. Y., post office, etc.: For acquisition of additional land and commencement of extension and remodeling, \$35,000, under an estimated total cost of \$175,000.

Waukegan, Ill., post office, etc.: For commencement of extension and remodeling, \$75,000, under an estimated total cost of \$125,000.

White Plains, N. Y., post office, etc.: For acquisition of site and toward construction of building, \$125,000, under an estimated total cost of \$285,000.

Wichita, Kans., post office, courthouse, etc.: For acquisition of site and commencement of construction, \$115,000, under an estimated total cost of \$1,100,000.

Wilkes-Barre, Pa., post office, etc.: For acquisition of additional land and commencement of extension and remodeling, \$75,000, under an estimated total cost of \$400,000.

Wooster, Ohio, post office, etc.: For commencement of extension and remodeling, \$60,000, under an estimated total cost of \$80,000.

Worcester, Mass., post office, courthouse, etc.: For acquisition of site and commencement of construction, \$160,000, under an estimated total cost of \$1,150,000.

Zanesville, Ohio, post office, etc.: For acquisition of additional land and commencement of extension and remodeling, \$35,000, under an estimated total cost of \$115,000.

Total appropriations for projects outside the District of Columbia, under section 5, public buildings act, approved May 25, 1926, \$12,600,000.

#### PROJECTS IN THE DISTRICT OF COLUMBIA UNDER SECTION 5, PUBLIC BUILDINGS ACT APPROVED MAY 25, 1926, AS AMENDED

Agricultural Department buildings: Toward the construction of the central part of the Administration Building, \$100,000.

Toward the construction of an extensible building, \$500,000.

Department of Commerce Building: Toward the construction of the building, \$500,000; and the Secretary of the Treasury is authorized to enter into contracts for the entire estimated cost of such building for not to exceed \$13,000,000, in lieu of \$10,000,000 fixed in act of July 3, 1926.

Government Printing Office: Toward the construction of the building, \$250,000.

Internal Revenue Building: Toward the construction of the building, \$800,000; and the Secretary of the Treasury is authorized to enter into contracts for the entire estimated cost of such project for not to exceed \$10,500,000, in lieu of \$7,950,000 fixed in act of July 3, 1926.

Liberty Loan Building: For completion of the construction of two additional stories, \$125,000.

Total appropriations for projects in the District of Columbia under section 5, act of May 25, 1926, as amended, \$2,275,000.

Total appropriations contained in this act, \$19,878,700.

SEC. 2. Any appropriation herein made toward the combined purpose of acquiring land and starting construction shall not be construed to prevent the Secretary of the Treasury from contracting for the necessary land in an amount in excess of such appropriation if, in his judgment, a balance will remain in the limit of cost sufficient to cover complete construction of the building.

SEC. 3. This act hereafter may be cited as the "public buildings appropriation act, 1928."

Mr. EDWARDS. Mr. Speaker, I demand a second.

Mr. BANKHEAD. I demand a second. I am not on the committee, but I am opposed to the bill.

The SPEAKER. In view of the fact that the gentleman from Alabama spoke to the Chair some time ago, the Chair will recognize the gentleman from Alabama.

Mr. WOOD. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. EDWARDS. I object.

The SPEAKER. The Chair will appoint the gentleman from Indiana [Mr. WOOD] and the gentleman from Georgia [Mr. EDWARDS] as tellers. The question is on ordering a second.

The committee divided; and the tellers reported that there were 147 ayes and 7 noes.

Mr. EDWARDS. I make the point that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and eighty Members present, a quorum.

So a second was ordered.

The SPEAKER. The gentleman from Indiana is recognized for 20 minutes and the gentleman from Alabama [Mr. BANKHEAD] for 20 minutes.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, I voted against the two bills that passed the House authorizing appropriations of \$100,000,000 each for the construction of public buildings throughout the country, and also \$50,000,000 in the first bill for construction of buildings in the District of Columbia. I did so, not so much because I objected to the construction of the buildings as I did to the manner in which they were to be allocated or selected, but as a member of the committee I did not feel at liberty after the House and the Senate had passed the bill by a large majority to oppose an appropriation to carry out the purposes of the law. This bill carries something over \$19,000,000 of appropriations for the next fiscal year. Over \$13,000,000 of that amount is under section 3 of the law; \$4,219,700 is for 56 projects under section 3 of the act of May 25, 1926, and \$2,275,000 is carried for six projects in the District of Columbia. There are a great many gentlemen in the House, I take it, on both sides of the Chamber who are disappointed over the fact that cities in their districts were not remembered or recognized in this bill, or in the estimates submitted; but I wish to say to the gentlemen that the Committee on Appropriations has felt it necessary to follow the estimates submitted by the Secretary of the Treasury under the terms of the law. There is no project in this bill which was not so estimated, and the committee, even if it had been so disposed, could not have put in any new projects because this bill carries the full amount of authorization for appropriations for the first year.

Mr. JOHNSON of Washington. How does the gentleman consider such a case as I have in mind, in the State of Washington? For instance, I read in the document publishing the list selected by the department certain places, and then I find the department itself has stricken out one city and put in some other city. What recourse would I have in that instance?

Mr. BYRNS. The gentleman means in the original document 651?

Mr. JOHNSON of Washington. No.

Mr. BYRNS. The gentleman does not refer to the estimates submitted?

Mr. JOHNSON of Washington. No. It is the document put out where the Post Office Department and the supervising Architect of the Treasury designated the places.

Mr. BYRNS. I take it, without any particular information as to the building to which the gentleman refers, that that will come along later on in the course of the five-year building program.

Mr. MADDEN. It is Document 710 for the allocation of all of the buildings to be erected under the authority granted in the limit of \$100,000,000 referred to.

Mr. JOHNSON of Washington. The city named there in the State of Washington is not in this bill at all.

Mr. BYRNS. This bill carries the estimate sent to the Congress for the next year.

Mr. JOHNSON of Washington. So Congress itself finds it is without power to change it?

Mr. BYRNS. Congress delegated to the Secretary of the Treasury the power to designate the places where the buildings are to be constructed. That is one of the reasons why many Members opposed the passage of the bills of authorization. Having done so, it can either reject, increase, or decrease an appropriation, but it can not override the estimates of the Secretary of the Treasury by substituting other places, without first repealing the law giving that authority to the Secretary.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, the gentleman from Tennessee has certainly stated it correctly when he says there are a great many disappointments. I think the House made a great mistake in surrendering its power to say where we shall spend the money on building projects, but that is water that has gone over the wheel. I do not approve of the lump-sum plan. I call the attention of the House to a condition that I find in this bill that confronts the State which I have the honor, in part, to represent. This bill carries, according to the recommendation, and if I am mistaken, some one on the committee will please correct me, \$19,878,700. In looking over this bill, despite the fact that there was somewhat of a gentleman's agreement on the floor of the House when the bill originally passed for the authorizations, that each State should have two buildings, and despite the fact that the inference of the act

itself is to that effect, we find that there is but one building given to the State of Georgia and only \$35,000 of its total cost is carried in this bill.

Mr. LANHAM. Was it ever contended by anyone that the two buildings to any one State would be included in the first year's appropriation under the five-year program?

Mr. EDWARDS. It was my understanding that it would.

Mr. LANHAM. I think the gentleman is mistaken in his understanding.

Mr. EDWARDS. I may be mistaken; but there is no excuse that a great sovereign State like Georgia should be discriminated against, as it has been in this bill. The secret of that is that our lovable and distinguished colleague, Hon. GORDON LEE, who is a member of the Committee on Appropriations, has been ill and has been away from here, and his influence has not been felt by the Budget, and has not been felt in the Treasury Department and in the Post Office Department. That, to my mind, accounts for the reason why Georgia has not gotten two allocations in the bill and why she has not gotten a larger sum of money in the bill.

Mr. BYRNS. Will the gentleman yield?

Mr. EDWARDS. With pleasure. of the Committee on Appropriations, I had nothing to do with this estimate, and I do not think a member of the Committee on Appropriations approached the Budget to solicit any particular amendment.

Mr. EDWARDS. I do not say the gentleman did; but the fact is the gentleman is a member of the Appropriations Committee and his influence has no doubt been felt in this regard.

Mr. BYRNS. I want to say, if the gentleman will look over the list of Tennessee, he will find that Tennessee lacks a good deal of what I think it is entitled to.

Mr. EDWARDS. Then the gentleman ought to be on the floor of the House, howling with me, trying to stop this piece of scandal.

Mr. KINDRED. Will the gentleman yield?

Mr. EDWARDS. With pleasure.

Mr. KINDRED. Does the gentleman think that it is the height of logic to object because he is sore?

Mr. EDWARDS. The distinguished gentleman from New York gets absolutely everything he wants and then some, and of course he is for the bill.

Mr. KINDRED. He does not.

Mr. McKEOWN. I want to ask the gentleman if the New York Representatives were not sore until Friday before they voted on the second Reed bill?

Mr. EDWARDS. There has been juggling with this affair that is a national scandal, and the country ought to know about it.

Mr. MADDEN. I wish the gentleman would state what it is, because if there is any scandal I want to know about it.

Mr. EDWARDS. It was reported in every document down to the time the Budget came in that Savannah was to be put in this bill, in this year's bill, for the situation there has been an emergency for a great number of years; and now it is left out of this year's appropriation.

Mr. MADDEN. Wait a minute. The gentleman has made a statement that is serious. He says this is a national scandal. Now, I am a member of this committee and I am concerned about whether there is any scandal. Will the gentleman tell us what the scandal is, because I want to know.

Mr. EDWARDS. I do not know of any specific scandal; but Georgia items have been left off because we did not have the proper influence with the Budget or Treasury Department. The gentleman knows as well as I do what I am referring to. If it were not for the fact of the projects being scattered around over the country as they are, this bill would not pass.

The SPEAKER. The time of the gentleman has expired.

Mr. WOOD. I yield two minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, as a member of the Public Buildings and Grounds Committee the first session of this Congress I opposed the bill authorizing the Secretary of the Treasury and the Postmaster General to select the places for post-office buildings. I spoke against it on the floor of the House and voted against it; but it passed and was approved by the President on May 25, 1926. I am still in favor of the practice which prevailed for many years of authorizing public buildings through an omnibus public buildings bill, permitting Members of Congress to select the places where the buildings are to be constructed. However, it is the adopted policy of this Republican administration to permit the Secretary of the Treasury and the Postmaster General to designate the places.

This bill comes with the unanimous report of the Committee on Appropriations. It only appropriates certain amounts for

the first-year building program, being a part of the appropriation authorized in the public buildings act referred to above, and passed at the first session of this Congress. It is usual to appropriate amounts authorized by the Congress.

There is nothing for my district in the first-year building program, and the only item in this bill for the State of Alabama, which I, in part, represent, is \$100,000, to complete the post office and Federal court building at Birmingham.

Mr. EDWARDS. Why did the gentleman change his views on this subject?

Mr. ALMON. I have not changed my views upon the subject. I still believe that Congress should select the places for these buildings, but that can not now be done. The only way we can now secure any buildings is in the manner provided by the act of May 25, 1926, and this bill only appropriates a part of the funds authorized in that act.

Mr. BANKHEAD. Mr. Speaker, I have 15 minutes remaining out of my allotment.

The SPEAKER. The gentleman from Alabama is recognized for 15 minutes.

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, ordinarily I am willing to follow the rule which was announced by my distinguished colleague from Alabama [Mr. ALMON]. After we have threshed out a legislative problem here on the floor and that proposition has been enacted into law, in most cases it is the duty of Congress, generally speaking, to make appropriations to effectuate its will as expressed in its legislation. But this bill, in my opinion, presents an exception to that rule. I am so profoundly opposed to the principle of legislation represented by the original Elliott bill and I feel so profoundly that it was an unjustified and unwarranted surrender of the prerogatives of Congress that I shall be consistent in my opposition to that principle by opposing this appropriation. [Applause.]

I think, gentlemen of the House, that if there is one grave fundamental danger to constitutional and representative government in America with which we are threatened to-day, it is our continued and persistent practice of surrendering the constitutional authority and prerogatives of Congress and delegating that authority to some commission or bureau of the Government. [Applause.] We have proceeded from year to year to surrender that power and that authority. Originally, we had jurisdiction over the control of the railroads, the great transportation systems of the country, but we surrendered that to the Interstate Commerce Commission. We have given over to the Tariff Commission the delegation of some of our original powers in reference to fixing tariff rates. We have given to the Federal Trade Commission other delegated powers, and we have given to the Shipping Board and to innumerable other so-called independent offices of the Government power and authority which we possessed, by which we have continued to undermine and to surrender representative government as expressed on the floor of Congress by the Representatives of the people, and have turned them over without any restraint to boards and commissions.

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

Mr. BANKHEAD. I do.

Mr. MADDEN. The Shipping Board, of course, was a war measure, created when the gentleman's party was in power, and properly created. The Federal Trade Commission was also created by the gentleman's party, and most of the other establishments the gentleman has referred to have been created by the gentleman's party.

Mr. BANKHEAD. I am not saying that my party has not made mistakes. If my party has been guilty of these surrenders of power, jointly with the gentleman's party, we have mutually made a mistake, and we ought to stop it when we realize the danger. [Applause.]

What about this bill? I opposed the original Elliott bill for the reasons I have stated. I opposed the recent appropriation of \$100,000,000 on the same ground. If we can believe some of the well-authenticated rumors that are circulated around this Chamber, we know that it is a fact that Members of this body have gone to the Architect of the Treasury and to the Post Office Department and to the Treasury Department and have made trades with those bureaus by which they agreed, if they were taken care of, that they would give this bill their support.

Some gentleman may ask, "Who did that?" Possibly I ought not to have mentioned the situation, except that it is generally rumored around the cloak rooms and throughout this House. I am willing to go even further: I have heard it intimated that even representatives of the Treasury Department have admitted that in making these allocations of these public buildings they were guided in a measure by the necessity of securing enough votes to pass this bill, and I dare say if an investiga-



tion were authorized and those gentlemen were put on the witness stand under oath those facts would be developed.

I say, gentlemen, that is a situation that is humiliating to the dignity of the Congress of the United States, and it has arisen out of the very fact that we have delegated and surrendered our authority in the premises to men who occupy executive positions. That is illustrated in a proposition contained in the hearings. Some reference was made to it when this bill was up before. It illustrates the principle which guided these gentlemen, probably, in making the selections. Speaking of the city of Rushville, Ind., although the gentleman from Indiana [Mr. ELLIOTT] formerly disclaimed that it was his home city, yet this appears in the record:

This city should also have serious consideration—  
in addition to the merits—

for a Federal building, in view of the services rendered the country by Representative ELLIOTT, author of the public buildings bill.

Now, gentlemen, there is an illustration of the danger I am speaking about when we surrender the constitutional authority of Congress over any set of men to administer such authority instead of reserving it to ourselves.

This bill is unfair in its principles, as I pointed out when this matter was up before, to some of the smaller towns of this country. There are districts all over the country, like my own, where we have no large cities; where, upon principles of this bill, if the annual receipts do not exceed \$20,000 a year, it may be a quarter of a century before we can reasonably expect any appropriations for any public building in those cities in our districts.

Mr. DAVIS. Is it not a fact that the Public Buildings bill expressly provided and authorized the Secretary of the Treasury to submit an estimate, and it was argued that if Congress considered those recommendations and estimates as unfair it was within the province of Congress to reject their recommendations?

Mr. BANKHEAD. I think the gentleman from Tennessee has stated the proposition absolutely correctly.

Mr. CROWTHER. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. CROWTHER. I hold no brief for the gentleman from Indiana [Mr. ELLIOTT], and if he were on the floor he could take care of himself; but I want to say that Rushville is not where Congressman ELLIOTT lives.

Mr. BANKHEAD. The gentleman is stating nothing new. I stated a few moments ago that Mr. ELLIOTT had stated that he did not live in Rushville.

Mr. CROWTHER. He does not live there, but it is the home of one of the distinguished Senators from that State.

Mr. BANKHEAD. I have merely cited these things as evidence of a fact and I have cited them to show the channels and influences through which this legislation will run, and it is inevitable. The gentleman from Georgia a while ago said he could not lay his finger on any specific case of scandal, but I assert to you gentlemen, and I believe without fear of successful contradiction, that the opportunity for engendering such scandals lies in such legislation as this, and that is what I am protesting against.

Mr. BYRNS. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. BYRNS. The gentleman stated a while ago, in response to a question from my colleague, that it was understood the House might change these provisions for appropriations or consider them. Of course, the House can do anything it pleases when it comes to making appropriations, but I want to suggest to the gentleman the difficulty of the committee.

The law provides for a certain amount to be expended each year; estimates come here which take up the full amount, and in order to put in a new building or project it would be necessary to take out some building or project recommended by the Treasury Department, and, of course, the committee could not do that. We did not have the information to do it, and there was no reason to believe that the department had made improper allocations.

Mr. BANKHEAD. I merely have this to say further: I do not desire to be ungracious in this matter. I realize, of course, that you have the votes to pass this appropriation, and under the circumstances, probably, it ought to pass, inasmuch as it carries out existing law; but I merely took this time and opportunity to reiterate my objection to legislation of this character and call your attention to this danger in the future, because if the past is any criterion we are going to have constantly coming up here from year to year a further surrender of our constitutional prerogatives as representatives of the people. [Applause.]

Mr. WOOD. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Speaker, I expect to vote for this bill, though it is far from being satisfactory to myself or the interests I represent. I will not vote against meritorious post-office buildings because of the indefensible neglect of the enlargement of the post-office building of my home city.

The two public documents, transmitted by the Secretary of the Treasury and the Postmaster General, under date of January 17, and February 14, 1927, respectively, contain conflicting recommendations and allocations. The first report should not have stated the specific or particular post offices to be built or improved unless such recommendations were to be adhered to, thereby unduly encouraging the people to believe that the enumerated projects would be consummated. The first report recommended eight cities in Virginia for construction or enlargement of public buildings, and in this report the city of Richmond, situated in the congressional district represented by me, was named as second upon the list. I appeared several times, either alone or in conjunction with others, in urging the enlargement of the Richmond Post Office, and believed that the matter was favorably concluded until the report of February 14 withdrew Richmond and five other Virginia cities from the first list. I feel and believe that the latter elimination or retraction is most unnecessary and almost arbitrary.

On January 17, 1914, I introduced a bill in the House appropriating \$450,000 for the acquisition of additional land for the enlargement and improvement of the Richmond Post Office. This bill passed the House on August 3, 1914, and the Senate two days thereafter, and was signed by the President on August 8, 1914. So over 12 years ago the Government acquired additional land, adjacent to the post office, thereby evidencing the purpose of the Government to afford better postal facilities, with consequent benefits to the employees and patrons of the office. In addition to the \$450,000 appropriated by Congress, private citizens of Richmond gave an additional sum of \$16,000, and the city of Richmond dedicated 11 feet of an adjacent street that adequate land might be acquired. The interest and necessity of the people were thus thoroughly shown.

The inadequacy of the post-office building at that time is obvious from the statement I have just made, but the inadequacy and necessity have necessarily increased with time. This is evidenced by the subsequent removal from the post-office building of certain activities of the Government, namely, the internal revenue, the Veterans' Bureau, and other services, as a result of which the Government is expending to-day in rent for housing such activities the sum of \$36,373.75. There are also other activities of the Government in Richmond which should naturally be housed in the post-office building, if economy is worthy of recognition.

I submit that the purchase of the additional land nearly 13 years ago was an assurance to the people of the city that an enlargement and improvement of the old building would be undertaken and completed within a reasonable time. Moreover, the removal of the aforementioned activities from the present building, and the consequent rent for housing employees engaged in these activities, confirms the confidence of the people that such enlargement would be made.

But the physical condition in the Richmond post office is of serious moment. The building is not only inadequate in size, but the conditions under which the employees work are most unsatisfactory and unwholesome. Much of the work is done by artificial light in the day, and the unsanitary conditions may at any time occasion the most distressing results. Then, too, the necessities of 13 years ago are greatly enhanced by the growth of the city. Its population in 1914, the year of the acquisition of the land, was 133,422, and is approximately at this time 200,000; the postal receipts in 1914 were \$887,517.18, and in 1926, \$2,182,402.27. The customs receipts in 1914 were \$984,180, and in 1926, \$2,300,304; the internal-revenue receipts in 1914 were \$7,220,017, and in 1926, \$62,700,000. The exact figures for 1927 are not available, but they will undoubtedly show a considerable increase. Increasing rentals must be paid for the activities housed in other buildings, and the business of the post office is growing and must grow at a rapid rate. So, from every aspect of the subject—physical inadequacy of the building, artificial light, and insanitary conditions, the growth in business and receipts, and the savings to be secured by consolidated housing—all demonstrate not only the economy but the necessity of effectuating the recommendation made in the first report of the Treasury and Post Office Departments.

The first public buildings bill carried an appropriation of \$100,000,000 to meet the items set forth in the second report before alluded to, and the House has passed a second bill appropriating an additional \$100,000,000 that is now pending in the

Senate, and which, if adopted, should embrace the public buildings contained in the first report, and among them obviously the city of Richmond. Indeed, if the assurances given in the first report have any significance whatever, if they mean anything more than words to appease for the time the irritation and necessities of the people, the post-office building in Richmond should inevitably be included. So, despite the dissatisfaction at the failure to embrace Richmond in the first bill, I have confidence that the second bill, if adopted by the Senate, will give the desired relief.

I am endeavoring to accomplish all I can in behalf of this meritorious object, and I believe that if the bill passed by the House is approved by the Senate and signed by the President, the necessities of the people of Richmond, which have had my unwearied concern and labor, must result in the enlargement of the Richmond post office.

I repeat that the addition to the post office will be an immense saving to the Government, and will meet the crying needs of a city that is growing fast in population and in postal business, indeed, which is progressing at a rate almost incalculable in so brief a time. [Applause.]

Mr. WOOD. Mr. Speaker, I wish to say a few words to controvert what was said by the gentleman from Alabama with reference to the Treasury Department and the Post Office Department logrolling and permitting this bill to be logrolled through their various departments. Had I been writing a bill with a desire to get votes in its support, it would have been an entirely different bill from the one that is before the House. I wish to say to the gentlemen present that if they will read the hearings on this bill they will find there was nothing that actuated the gentlemen who formed the committee that made these allocations except to be as nearly fair as it was humanly possible for them to be.

This is a five-year program, and if by good fortune the \$100,000 we have voted in this House and now pending in the Senate receives the sanction of that body a great many who now feel that they have been slighted will be accommodated, and if not this year they will in the next and next and next. To my mind this is the most scientific proposition with reference to making public improvements throughout the United States that has ever been submitted to this Congress. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules and pass the bill.

The question was taken; and there were on a division (demanded by Mr. EDWARDS)—ayes 240, noes 21.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### PLACING CERTAIN NONCOMMISSIONED OFFICERS IN THE FIRST GRADE

Mr. BEGG. Mr. Speaker, a few moments ago when we were considering the Consent Calendar I objected to the bill (S. 2081) placing certain noncommissioned officers in the first grade. Like the average man, I have succumbed to the wiles of woman and have agreed with the gentlewoman from California [Mrs. KAHN] that I would withdraw my objection. [Applause.] I therefore ask unanimous consent to return to this bill (No. 1014) on the Consent Calendar.

Mrs. KAHN. I thank the gentleman from Ohio.

The SPEAKER. The gentleman from Ohio asks unanimous consent to return to the bill S. 2081. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

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 bill is as follows:

*Be it enacted, etc.,* That the following noncommissioned officers on the retired list of the Regular Army are placed in the first grade: Post ordnance sergeants, post commissary sergeants, and post quartermaster sergeants on the retired list; quartermaster sergeants, Quartermaster Corps, retired prior to June 3, 1916; hospital stewards retired prior to March 2, 1903; and sergeants, first class, Hospital Corps, retired prior to June 3, 1916.

Mr. SWING. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SWING: Page 1, line 6, after the word "list" insert "electrician sergeants, first class, Coast Artillery Corps, retired."

Mr. TILSON. Mr. Speaker, this may destroy the purpose of the passage of the bill, and it seems to me the amendment ought to be voted down.

Mr. SWING. Mr. Speaker, this is the amendment I spoke about a moment ago. It was in the bill which the gentlewoman from California offered and which was before the House Committee on Military Affairs. It was presumed to be in the bill which was introduced in the Senate by Senator SHORTEIDGE, but through some error or mistake it was omitted, for no reason that I know of. These electrician sergeants are in the same class as the rest of them and I ask that they be taken care of. There are only five or six of them affected.

Mr. BEGG. Mr. Speaker, I do not know anything about the statement of the gentleman from California about the amendment affecting only five or six men. This bill, however, is to correct an apparent injustice to a very few men. If you put on this amendment it will perhaps have to go to conference and the chances are two to one it will never become a law. Therefore I think the amendment ought to be voted down.

Mr. CRAMTON. If the gentleman will yield, it does not necessarily have to go to conference. If the Senator accepts it, then, of course, it would not. That would be the end of it.

Mr. BEGG. It is not a matter for a Senator, but for the Senate.

The SPEAKER. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. SWING) there were—ayes 82, noes 43.

So 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.

#### ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the House now stand in recess until 8 o'clock this evening, when we shall go on with the Consent Calendar.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the House now recess until 8 o'clock this evening for the purpose only of considering bills on the Consent Calendar. Is there objection?

Mr. WEFALD. Mr. Speaker, reserving the right to object, will the calendar be considered in the regular order?

Mr. TILSON. The Senate bills will be considered until finished under our previous order, and then we will revert to the beginning of the calendar and call the calendar in order.

Mr. CARTER of Oklahoma. There will be no suspensions to-night?

Mr. TILSON. No; there will be no suspensions to-night. Only the bills on the Consent Calendar will be considered.

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

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, how late are we to be in session to-night?

Mr. TILSON. I should prefer not to fix a time, but after a reasonable time we will adjourn.

The SPEAKER. Is there objection?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. SEARS of Florida, indefinitely, on account of illness in his family.

#### COMMITTEE ON ENROLLED BILLS

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval the following bills:

H. R. 5028. An act for the promotion of certain officers of the United States Army now on the retired list;

H. R. 15641. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1928, and for other purposes; and

H. R. 16950. An act granting the consent of Congress to the Department of Highways and Public Works of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River in Hancock County, Tenn.

#### RECESS

Accordingly (at 5 o'clock and 5 minutes p. m.) the House stood in recess until 8 o'clock p. m.

#### EVENING SESSION

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. SNELL, Speaker pro tempore.

#### TOLLS CHARGED OVER BRIDGES OVER RED RIVER

The first business on the Consent Calendar was the bill (S. 3889) to authorize the railroad commission of Texas and the



corporation commission of Oklahoma to regulate tolls charged for transit over certain bridges across the Red River.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the amendment, as follows:

Strike out all after the enacting clause and insert:

"That when tolls are charged for the transit over any highway bridge across the Red River between the States of Oklahoma and Texas of persons, animals, cars, vehicles, or other property, such tolls shall be just and reasonable, and the Secretary of War shall, upon complaint, or may upon his own initiative without complaint, and after notice and hearing, at any time and from time to time prescribe the just and reasonable rates of toll for such transit over such bridges, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit."

Mr. CARTER of Oklahoma. Mr. Speaker, I move to strike out the House amendment and insert the Senate amendment.

Mr. HASTINGS. Would not the better procedure be to vote down the House amendment?

Mr. CARTER of Oklahoma. I think that suggestion is the better way. Let us vote down the House amendment.

Mr. DENISON. Mr. Speaker, it will be necessary in the judgment of the committee to vote down the Senate amendment. The bill was introduced in the Senate by Senator MAYFIELD and passed without any serious consideration. Our committee had a hearing and Senator MAYFIELD came before the committee as well as others, and the author of the bill states that it would be perfectly satisfactory if the bill passed as amended by our committee. It is necessary to make the amendment for this reason. The original bill, you will observe, authorizes the State of Oklahoma through its corporation commission and the State of Texas through its railroad commission to do what? Jointly to regulate the tolls on bridges over the Red River between Oklahoma and Texas. That is all there is to it. Now, it is the view of our committee that the bill as it came from the Senate is not only unworkable, but unconstitutional, and I will tell you why. I am sure every Member of the House, every lawyer, will agree with me.

In the first place, there is a peculiar condition that exists there that does not exist anywhere else in the United States. The United States Supreme Court in a recent decision held that the Red River, between Oklahoma and Texas, is a nonnavigable stream; they also held that the boundary line between Texas and Oklahoma is the bank of the river. There are eight or nine toll bridges over the river, and under present conditions nobody has the right to regulate the tolls. The Secretary of War, under existing law, has the right to regulate tolls only over bridges over navigable streams. This is not a navigable stream, and he holds that he has no right to regulate the tolls on those bridges. So the owners are charging just what they wish. It is necessary to pass legislation of some kind to vest the authority to regulate the tolls in some agency of the Government.

Now, this is a question purely of the regulation of interstate commerce at these places. The charging of tolls is a burden on interstate commerce between those two States; the fixing of tolls is a burden or a tax upon interstate commerce, and there is no one that can regulate it but the Federal Government. Before the Constitution was adopted each State regulated the commerce passing out of its own borders into another State, and each State regulated the commerce that passed from another State into it. But when the Constitution was adopted the States surrendered the power to regulate interstate commerce, and under the Constitution the Federal Government was given plenary power to regulate commerce between the States.

By the bill, as it passed the Senate, Congress delegates the power back to the States. Congress can not do that by a simple law. We can create an agency of the Federal Government to regulate such commerce, but when we do so we must lay down the rules and standards that must govern the agency in the exercise of the power conferred on it. We can not transfer to the agency legislative power. We must set up the standard to regulate the commerce. The bill as it left the Senate does not pretend to do that, and therefore it is clearly unconstitutional.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DENISON. I ask for five minutes more. This is a very important matter.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DENISON. Of course, our committee would not have thought of reporting the Senate bill without this amendment.

Here is what we have done: We have simply provided that when tolls are charged for the transit over any highway bridge across the Red River between the States of Oklahoma and Texas, of persons, animals, cars, and so forth, or other property, such tolls shall be just and reasonable, and the Secretary of War shall upon complaint, or may upon his own initiative without complaint, and after notice and hearing, at any time, and from time to time prescribe just and reasonable rates of toll for such transit over such bridges, and that the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

By the act of March 23, 1906, the Congress delegated to the Secretary of War the right to regulate the tolls over all navigable waterways of the United States, and he has that power to-day. Inasmuch as we must delegate to some agency the power to regulate the tolls over this particular river, which is nonnavigable but which has several toll bridges over it, it is the view of our committee that we ought to place that duty in the same hands as we have placed the duty of regulating tolls over the navigable waterways of the United States.

Mr. LAGUARDIA. Then in order not to establish a precedent which may be dangerous the gentleman believes that we ought to sustain the committee's amendment?

Mr. DENISON. Certainly. It will simply repose the power in the same agency now provided for regulating tolls over other bridges. They have the facilities, the district engineers, who conduct hearings all over the United States, and they are doing that to-day. We placed this duty in the same hands, and that is where it ought to be.

Mr. BURTNESS. In other words, if the committee's amendment is adopted the situation is exactly the same as it would have been if the Red River had not been declared a non-navigable stream?

Mr. DENISON. Exactly.

Mr. BURTNESS. And it will put it on the same footing as any other toll bridge across a navigable stream in the United States.

Mr. DENISON. Exactly.

Mr. BURTNESS. It will put these bridges on exactly the same footing as every other bridge over a navigable stream.

Mr. DENISON. Yes. This committee amendment is acceptable to the author of the bill in the Senate. All we have to do is to agree to the committee amendment, and I am sure the Senate will at once see the wisdom of it and accept it without further delay or discussion. As the committee has amended the bill, I think it ought to pass and become a law before we adjourn. Then the tolls charged on those bridges will be properly regulated.

Mr. CARTER of Oklahoma. Mr. Speaker, the gentleman from Illinois [Mr. DENISON] said that this amendment is satisfactory to the author of this bill in the Senate. There are people interested in this matter beside the author of this bill in the Senate and the gentleman from Illinois. The State of Oklahoma is most vitally interested in it. The gentleman complains about the constitutionality of this bill. He did not state what this point was about the constitutionality, but I presume it is that of giving State authority jurisdiction over Federal property. Let me remind the gentleman that it is no more unconstitutional to give State authority jurisdiction over Federal property than it is to give the Federal Government jurisdiction over State property.

The approaches to these bridges and a portion of the bridges are on State territory. The places where the tolls are charged are on State territory. Therefore, if it is unconstitutional to give to the State authorities power to regulate those tolls at the bridges, which are on State property, it is much more unconstitutional to give the Federal authorities power to regulate the tolls over a bridge where they do not control the approaches.

Mr. HOCH. Mr. Speaker, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. HOCH. The gentleman from Illinois did not state that this was control over property.

Mr. CARTER of Oklahoma. The gentleman from Illinois did not state anything. He just simply stated that it was unconstitutional, and I am assuming that those were his grounds.

Mr. HOCH. He said it was giving to the State jurisdiction over interstate commerce. The thing that you are regulating is commerce, not property.

Mr. CARTER of Oklahoma. When all is said and done, the approaches to these bridges are on the property of the States of Texas and Oklahoma. Certainly those States ought to have something to say about the regulation of those tolls. This is not a navigable stream.

The Supreme Court of the United States has held that it is not a navigable stream. The Interstate and Foreign Commerce

Committee of the House comes in and undertakes to supersede the Supreme Court of the United States by saying that it is a navigable stream.

Mr. LAGUARDIA. Does the gentleman contend it would be proper to delegate the rate-making power respecting a railroad between Oklahoma and Texas—

Mr. CARTER of Oklahoma. Oh, a railroad is an entirely different proposition from a bridge built over the boundary line of two States. This amendment ought to be defeated, and the Senate bill ought to be adopted, in order that these tolls might be regulated, so that the people of the States of Texas and Oklahoma may not be imposed on as they are at the present time.

Mr. HOCH. Does the gentleman deny that the traffic across these bridges is interstate traffic?

Mr. CARTER of Oklahoma. The traffic is interstate traffic, just the same as the traffic across the boundary line of Oklahoma and Kansas, where there is no bridge, is interstate traffic. The wheels of a wagon or an automobile might be on Kansas soil and on Oklahoma soil at the same time, and if the gentleman wants to call that interstate traffic, that is what it is—just that and nothing more.

Mr. HOCH. But suppose somebody tried to impose a burden on it, would not that be a burden on interstate traffic?

Mr. CARTER of Oklahoma. I think the gentleman is entirely too technical.

Mr. HOCH. I am not more technical than the Constitution of the United States.

Mr. McKEOWN. Mr. Speaker, I move to strike out the last word. This matter is more far-reaching than most of us here think.

Mr. PARKS. Mr. Speaker, I made the point of order that there is no quorum present. This is an important matter which ought not to be settled here by half a dozen men, because it goes much further than the mere legal process.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman withhold that for a minute.

Mr. PARKS. Certainly.

Mr. GARRETT of Tennessee. Would it be agreeable to the gentleman from Illinois [Mr. DENISON] to withhold this bill for the time being?

Mr. HASTINGS. Mr. Speaker, we can not agree to that. Of course there ought to be some legislation on this proposition. Excessive tolls are being charged, and the States of Oklahoma and Texas would prefer to see the bill pass as recommended rather than to have no legislation. We could not afford that this bill go over.

Mr. GARRETT of Tennessee. Will the gentleman permit? The gentleman from Oklahoma has been here a long while, and he is perfectly familiar with the legislative situation that exists toward the end of a session.

Mr. HASTINGS. I am.

Mr. GARRETT of Tennessee. This bill has come up by unanimous consent. It is a bill that evidently provokes some trouble in debate.

Mr. HASTINGS. If the minority leader will yield to me, I yielded in this report from the House against my judgment, and I am going to ask my colleagues to withdraw their objections to this amendment in order that we might get this bill through. I agree with them. I do not believe this amendment should be adopted. I believe the Senate bill as passed should be passed, but in order that we might get regulation I am going to ask my two colleagues [Mr. CARTER and Mr. McKEOWN] to withdraw their objection to this House amendment.

The SPEAKER pro tempore. Does the gentleman from Arkansas withdraw his point of order?

Mr. PARKS. I do.

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

The question was taken, and the 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 was laid on the table.

#### ARE THERE TOO MANY LAWS?

Mr. GIFFORD. Mr. Speaker.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. GIFFORD. To ask permission to extend my remarks, and to give the reason for asking the extension. The gentleman from Connecticut [Mr. TILSON] in the CONGRESSIONAL RECORD for December 16 last extended his remarks by inserting an address on the "Mania for multiplying laws." In order that the other side may have a hearing, I am asking under leave to extend my remarks by inserting the following extracts

from "Congress, an explanation" by my colleague Mr. LUCE, of Massachusetts.

The SPEAKER pro tempore. Is there objection. [After a pause.] The Chair hears none.

Mr. GIFFORD. The gentleman from Connecticut [Mr. TILSON], in the CONGRESSIONAL RECORD for December 16 last, extended his remarks by inserting an address on "The mania for multiplying laws" that he had delivered before the Yale Law School. I commend it to attention as an admirable presentation of his side of the case. In order that the other side may have a hearing, I present, under leave to extend my remarks, the following extracts from "Congress: An explanation," by my colleague Mr. LUCE, of Massachusetts, being five lectures delivered at Harvard University on the Godkin Foundation and published by the Harvard University Press:

#### ARE THERE TOO MANY LAWS?

Adding together the public and private laws and resolutions, it will be found that recent Congresses have made on an average about 750 additions to the Federal statutes—375 a year. Taken on their face, the totals in Congress and the State legislatures furnish the theme for many a terrified editorial, essay, or speech. Some alarmists talk of the avalanche of laws; others of the deluge of legislation. Superlative epithets are exhausted. Yet anyone who will fairly analyze the output may find his apprehensions somewhat allayed.

First, he will throw out entirely or else credit with little weight the private and special laws, because they involve no basic principles of social relationship and therefore do not affect appreciably the structure or processes of society. Having thus got rid of half his problem (taking State and Federal legislation together), the investigator will next discard as unimportant a great mass of trivial changes in administrative details, not always trivial in themselves but, as in the case of private and special laws, embodying no principle and for the most part touching the daily lives of comparatively few citizens. There is, to be sure, ground for complaint that such changes are so many and so frequent, but, on the other hand, there is good excuse. Just observe in factory or shop how rapidly change follows change in machinery or processes simply because experience ever teaches improvement. No human being can foresee all the bearings of an administrative measure, can anticipate all contingencies, avoid all defects, escape all evils, be sure of having provided for the maximum of good.

Furthermore, continual change is made imperative by the march of knowledge. Applied science nowadays alters the conditions of life with a rapidity of which our fathers never dreamed, and which the reactionaries of our time seem unwilling either to comprehend or to condone. Every considerable invention creates new rights and new duties with which the legislator is likely sooner or later to have to deal.

The laws grow because the complexities of life grow. It is an age of specialization. The subdivision of labor has multiplied the conflict of interests. The spread of schooling has vastly increased the number of self-asserting individuals, bent on pushing themselves up by pulling others down. Free scope for the competitive system under democratic conditions has vastly expanded the opportunity for the strong to exploit or oppress the weak. The inevitable corollary has been an equal growth in the scope of that prime purpose of genuine lawmaking which men have been wont to call justice. One of its aspects is that of protection; another that of fair play. It is not socialism save that it combats the antisocial evils of individualism run wild. It is paternalism only as it corresponds to the act of a father in preventing a greedy child from despoiling his brethren. It grows only because it responds to the instincts of mankind.

Observe that the complaint of too much lawmaking is generally abstract, not concrete. It comes chiefly from men who object to the mass, not to the units. Lawyers, for instance, are inconvenienced by having to keep up with changes in the statutes. Mostly, however, the fault-finders are the ultraconservatives who by nature dislike all change. Asked to specify, they will find it embarrassing to point out in a volume of acts and resolves chapters that they can be confident were unwise. Their first impulse will be to declare this or that provision unnecessary, but when they are told the reasons, dogmatic assurance is likely to dwindle.

The probability is that our lawmaking bodies are really more in disfavor by reason of their omissions than of their commissions. At the end of every session much the larger part of newspaper fault-finding is based on things left undone. They are the greater cause of the scolding in the clubs, on the trains, wherever men talk about public affairs. What ought to be done is uppermost in our political campaigns, not what has been done. Many candidates solicit votes on the strength of promises to work for new laws; few pledge themselves to vote for repeals; and rare is the man who wins because he agrees to make a practice of voting "No." It would not be rash to predict that inquiry would disclose that far the greater part of the citizens who have any views whatever on such things are dissatisfied with representative institutions because they do not accomplish more. Even those



who most loudly condemn the total number of statutes almost invariably grieve because some one measure has failed. If even the major part of these individual wishes were met, the volume of new laws would forthwith swell to alarming proportions.

The prime reason for so much denial, so much delay, is to be found in the instincts and impulses of those who control lawmaking. The truth is, that the longer a man serves in legislature or Congress the more likely he is to take the negative attitude. He becomes familiar with the weaknesses of panaceas. He sees how often new laws bring in their train unforeseen evils more than counterbalancing their benefits. He finds that often, when no action is taken, things right themselves. In spite of himself, he becomes more and more conservative. His real need is to be on his guard against the loss of his enthusiasm.

Obstruction by the seniors is easier because to the newcomers timidity counsels inaction on proposals not of their own conception. Unfamiliarity joins in discouraging. And objectors get a more attentive hearing than proponents. Indeed, the conditions are mostly obstacles.

According to the temperament of the observer, he will find in the outcome net gain or net loss for the country as a whole. Perhaps if he be judicial bent he will conclude that the struggle between the forces of action and reaction results in a rate of legislative progress neither dangerously swift nor lamentably slow, but in remarkable degree corresponding to the real interest of the country.

By far the greater part of the work of all the legislative bodies of the land is concerned not with the making of genuine laws but with the processes of that great cooperative agency we call government. This is particularly the case with Congress, as a result of the fact that by the Constitution all the powers not specifically granted to the Nation were reserved to the States, and among the reserved powers are nearly all those affecting the relations of citizens with each other as individuals. Only as Congress is the governing body for the District of Columbia does it ever enact statutes touching most of the topics that fill the pages of the statute books of the States. Sometimes it frames for the District a code governing this or that activity which it hopes may be a model for the State legislatures, but there is not enough of this to warrant calling it more than an insignificant part of the work. The genuine laws enacted under the few general powers that Congress has would add few pages year by year to the Revised Statutes of the United States, a volume that many lawyers never have occasion to consult in the course of long practice at the bar.

The result is that probably nine-tenths of the work of Congress relates to the spending of money, the regulating of the processes and practices incident thereto, and the assessing of the cost. This involves almost no questions of ethics—right and wrong. It is almost altogether matter of expediency—the common advantage, to which the interest of the individual as such must be subordinate.

There is much criticism of the spread of cooperative activity in these and other matters. The critics assume that the increase of public expenditure of all sorts, which, it must be granted, is going on with unprecedented rapidity, is in and of itself indefensible. Is the assumption valid? Who has shown that there is anything inherently wrong, or even rash, in the desire on the part of a people to do more work cooperatively? If the citizens conclude it is for the general welfare that private activity shall be further replaced by public activity in the support and care of the sick, the crippled, the infirm, the aged, the insane, the degenerate, does their decision in and of itself show folly? Why, if they wish, should they not invest their capital jointly in conveniences such as water works, bridges, highways, canals, which they have found it unwise to leave to private enterprise? Why should they not put their funds into the great works to which private capital is unequal—harbors, breakwaters, levees, irrigation dams, reclamation projects, national forests, coast and topographical surveys, sewer systems? Surely these things are matters of common concern. They have important relation to the productive capacity of the people as a whole. If, after meeting their necessities, men are willing to spend on their personal comforts and luxuries less than they earn, may it not be advantageous to permit them to lend, or require them to give, some part of the excess, their savings, to the instrumentality they have created to advance their joint interest—the Government—for investment in their behalf?

Does our experience show that, as far as we have gone, this course has worked harm or been unprofitable? It is a remarkable fact that the critics are constantly generalizing about the waste of millions on millions of the public funds, yet when called on to specify, rarely can name classes of outlay they would abandon. Here and there they may point out instances of extravagance. There is much inefficiency in the conduct of public affairs no doubt. Yet it has not been shown that on the whole the vast spread of cooperative activity in the last generation has been unwise, dangerous, or harmful. There are those of us who believe that public schools, libraries, parks, highways, boulevards, harbors, buildings, and all other cooperations are proofs of an advancing civilization. In what does the Stone Age more contrast

with ours than in respect of the capacity of men to work together? And why should not the huge increase in the wealth of the world, brought by the inventions and developments of the last hundred years, be in ever-growing measure used jointly for the common welfare?

#### HISTORY OF THE NATIONAL CAPITAL AND WORK OF THE NATIONAL CAPITAL PARK PLANNING COMMISSION

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. ZIHLMAN. Mr. Speaker, the history of the District of Columbia, its location on the banks of the Potomac, near the Eastern Branch thereof, and its growth and development and beautification to a world capital are one of the most interesting phases of our national life.

#### PROCLAMATION OF CONTINENTAL CONGRESS

In the spring of 1783 the Continental Congress made proclamation that the war with England was over, although actual hostilities ceased after the operations in Georgia in the early part of 1782.

#### AGITATION FOR SITE FOR HOME OF FEDERAL GOVERNMENT

Shortly after this period the agitation for a home for the Federal Government began to occupy public attention. In the same year the town of Kingston, N. Y., decided, through their town authorities, to ascertain the sense of the town as to whether or not it would be agreeable to them to have the honorable Congress of the United States come and reside in their town, and it being ascertained that the sentiment was favorable, the trustees sent a memorial to the Legislature of the State of New York, that a separate district be established for the Congress of the United States. A resolution was adopted by the State legislature offering to grant to Congress a sufficient quantity of land to secure to Congress a place of residence adequate to their dignity.

Upon the suggestion of Alexander Hamilton and other delegates of the States in Congress, the grant was increased to 2 square miles.

#### MARYLAND OFFER

A short time after this the corporation of Annapolis, Md., adopted a resolution that Congress should have a fixed place of residence with jurisdiction and executive and judicial powers over the same, and it was decided that the citizens should be consulted at a meeting on May 14, 1783, to ascertain whether they would agree to make an offer to Congress of land and consent to be subject to such powers and jurisdiction. Unanimous approval was voted.

The corporation then invoked the aid of the legislature, and by resolution the Maryland House of Delegates acceded to the request and authorized the tender by the town of 300 acres, and in communicating to Congress this offer mentioned among other advantages of Annapolis, for such a purpose, that it "is more central than any other city or town in the Federal States." It was recommended that the statehouse and public circle in the city of Annapolis be tendered the honorable Congress for their use, and it was the unanimous opinion of the house of delegates that the general assembly should present to Congress the building and grounds in the said city appropriated for the residence of the governor of their State for the habitation of their President, and that it offer to Congress to erect at the expense of the State 13 dwellings for the residence of the delegates of each of the 13 confederated States, and that a sum not to exceed 30,000 pounds be applied for that purpose.

The action of the lower house was approved by the State senate and Congress was formally notified, and the offer was referred to in the proceedings of the Continental Congress of June 4, 1783, and both Annapolis and Kingston were advised that the matter would be considered by the Congress the following October.

#### NEW JERSEY INVITATION

In the same year, the New Jersey Legislature invited attention to their State as a home for the Federal Government, and offered an equivalent sum to the amount proposed by the State of Maryland, and accompanied the tender by the offer of a site in the township of Nottingham in the county of Burlington and at the head of the navigation of the Delaware River.

#### VIRGINIA SITE OFFERED

A few days later the State of Virginia sent its tender, when by action of its legislature it offered the town of Williamsburg to Congress and to—

present the palace, the capitol, and all the public buildings, and 300 acres of land adjoining the said city together with a sum of money not exceeding 100,000 pounds, this State's currency, to be expended in erecting 13 hotels for the use of the delegates in Congress.

Also it agreed that the State would cede a district contiguous to the said city not exceeding 5 miles square and would vacate jurisdiction within the said limits.

#### PHILADELPHIA THE THEN MEETING PLACE

The Congress was then meeting in Philadelphia, and the gathering of soldiers about the statehouse in Philadelphia while Congress was in session for the purpose of enforcing their claims for pay, long overdue, hastened the selection of a site for the Federal city.

#### MUTINY OF CONTINENTAL TROOPS

The Pennsylvania troops stationed at Philadelphia had expressed their discontent by presenting a petition to Congress, to which that body made no response. Then the soldiers at Lancaster, Pa., mutinied and started for Philadelphia to demand from Congress the money that was due them. These mutineers left Lancaster on June 17, 1783, in command of a sergeant, and 80 men were in the ranks when Philadelphia was reached. The news of this movement had been brought to the city and to Congress, and it was announced that the soldiers intended to demand justice of Congress, and it was also intimated that they had designs upon the bank.

#### PHILADELPHIA REFUSED PROTECTION

Thereupon Congress appointed a committee to confer with the Executive Council of the State of Pennsylvania, which was in session in the same building. The council refused to provide any protection against this threatened attack on the grounds that the militia of Philadelphia would probably not be willing to take up arms "before their resentment should be provoked by some actual outrage."

The committee was therefore much displeased and intimated that if the city would not support Congress it was high time to remove to some other place.

On June 21 of that year, between 250 and 300 men proceeded to the statehouse fully armed and surrounded the building, and another appeal was made in behalf of Congress to the city authorities, but without avail.

As it turned out, however, the soldiers attempted no violence, although some offensive words were used; and one man pointed a musket at the windows of the Halls of Congress, and, in the language of the committee, they made a "disorderly and menacing appearance." When night came the soldiers went away, and Congress decided, when it adjourned, to meet in Princeton, N. J., which it did some eight days later.

#### CONGRESS MOVES TO PRINCETON, N. J.

Three days after the occurrence Congress left the city to meet in Princeton, and then the full results of the spirit of indifference on the part of citizens of Philadelphia began to be realized. In less than a week Congress convened in Princeton and an effort was made to induce their return to Philadelphia.

CONGRESS LATER MET IN ANNAPOLIS, MD.; TRENTON, N. J.; AND NEW YORK CITY

The rest of that session was completed in Princeton and the next session was held at Annapolis. In November, 1784, Congress convened in Trenton, N. J., and two months later met in New York City, where it remained until it was succeeded by the Congress of the Constitution that held its first session there in the spring of 1789.

#### ACTUAL CONSIDERATION OF PERMANENT RESIDENCE QUESTION IN CONGRESS

When the actual discussion of the permanent residence question began in Congress in October, 1783, it was soon manifest that the southern Members favored the Potomac River location. However, the hopes of the Southern States were not realized, and on the 7th of October Congress decided to fix the permanent seat on the Delaware, near the falls above Trenton. A committee was named to visit the proposed location and make a report, and this duty was performed.

Two weeks later Congress decided that in addition to a location on the Delaware there should also be a national capital at or near the lower falls of the Potomac at Georgetown. The question was considered by Congress for some time, but no progress was made until 1789, when the House, in September of that year, sent to the Senate a bill naming a site near the falls of the Susquehanna, in the State of Pennsylvania, as the permanent place and New York City as the temporary location. The Senate struck out the Susquehanna site and substituted the town of Germantown. The vote in the Senate on the Germantown site was a tie, and the Vice President determined the question in the affirmative.

Because of the radical change in the resolution of the House the matter went over until the next meeting of Congress.

In the meantime the Delegates from Maryland came forward with a cash offer and other concessions offered by the city of Baltimore.

However, the Senate laid aside the House amendment naming Baltimore and proceeded to consider a bill naming a site on the Potomac between the mouths of the Eastern Branch and Conococheague River.

During the course of the debate the northern limit was spoken of as an Indian outpost, and several Members spoke sneeringly about building a "palace in the woods."

It is said that the adoption of the Potomac River site, which was favored by the southern delegates, came out of the opposition to the debt-funding bill and was a part of the plan of Alexander Hamilton for securing favorable action on the fiscal legislation, and that he proposed in consideration of locating the Capital on the Potomac, to get enough votes to insure the enactment of the funding measure.

#### THE PRESENT SITE

The present site was selected, and some of the reasons given were that it was about midway between North and South; that owing to the development of the South agriculturally and socially at that time, it was near the then existing center of wealth and population, at least as expected to be developed in the near future; that it was located on one of the largest rivers flowing to the Atlantic, and the river rising nearest to the valley of the Ohio and the great territory foreseen as the home of a great population.

It was placed at the head of tidewater, insuring navigation for ocean vessels, and yet far enough from the sea to provide ample protection from attack by foreign powers.

#### COMPARISON WITH SITE OF CANBERRA, CAPITAL OF AUSTRALIA

If it had been possible for the mind of man to predict the development in population, in territory, in business, in means of transportation, and in wealth which has since come to this Nation, the plan would no doubt have been varied in certain respects. Australia, having now the advantage of more than a century of history, and the most minute study of the experiences of the United States, is now developing its new capital, Canberra. It is located inland at considerable distance from the sea, with careful regard to comparatively level expanses for business and commercial development, conspicuous location for the more notable public structures, picturesque and delightful areas for park development and forest reserves, and, above all, due regard to size, government ownership, and control of the entire territory. That Nation owns outright a space of 640 square miles, selected for the capital site, and therefore is in position to provide, first, for a comprehensive plan, dealing with the entire area, providing, in accordance with the most advanced principles of city planning, for the proper layout of streets, major highways, parks—large and small—playgrounds, athletic fields, forest reserves, and the preservation of every feature of natural scenery which would, in time to come, prove of untold value. Still more important, it is thus able to absolutely control every feature of construction and development. It can control the location, the height, the design, and character of every building constructed. Whether the Government itself builds the structures or leases the ground with privilege of construction, it is in position to control in advance not only the kind of buildings permitted but the character of the tenants allowed to occupy them and the uses to which every building and all the territory can be put. It is worthy of notice that an American firm has been employed and is now engaged in the general planning for this great enterprise. It would seem that here is an opportunity for the finest possible results.

#### REMARKABLE EQUIPMENT OF PRESIDENT WASHINGTON FOR SELECTING AND DEVELOPING SITE

Looking back at the conditions existing at the time of establishment of this new-born American Nation, the most striking and surprising fact is that the one man, probably, of all the citizens of the United States who had the vision, the taste, the equipment, and the power to provide best for the Nation's Capital was in precisely the position where he could exercise the necessary control. Other men could probably be selected who would have been competent as to particular features of the problem. It is not believed, however, that any man, aside from George Washington, had the equipment necessary to accomplish what he did in the establishment of our National Capital.

#### REMARKABLE PROVISION IN UNITED STATES CONSTITUTION FOR GOVERNMENT OF FEDERAL CITY

In the Constitution itself, after providing for the selection of an area 10 miles square for the seat of government, great care is taken to provide that for all times this territory shall be governed by all the people of the Nation. In no other place in the Constitution is it considered necessary to use language in repetition of the same idea for the purpose of emphasis. In the



clause on this one subject, the provision in Article I, section 8, paragraph 17, is that—

Congress shall have power to exercise exclusive legislation over such District.

It does not stop there, but proceeds that it shall—

exercise exclusive legislation in all cases—

over such District. It does not stop there, but provides that it shall—

exercise exclusive legislation in all cases whatsoever.

Here is, therefore, triple emphasis laid on the principle that this District shall be controlled by all the people, through their duly elected representatives.

#### RECESSION OF PART OF SITE TO VIRGINIA

Unfortunately it was not seen practicable for the Government at that time to actually acquire title to the land thus designated, the financial condition then existing undoubtedly precluding that course, and it is now regarded as unfortunate that 50 years later the portion selected for the District lying on the Virginia side of the Potomac, constituting about one-third of this area, was severed from the tract established under the Constitution as the seat of government.

#### EXTRAORDINARY POWER GIVEN PRESIDENT WASHINGTON IN PLANNING THE FEDERAL CITY

Further striking proof of the confidence, both public and private, then existing in the foresight, ability, fairness, and wisdom of President Washington is the fact that under authority of Congress he obtained from all the owners of the land he had in mind for location of the Capital City, their agreement—

In consideration of the great benefits expected—

To convey to trustees appointed by him—

all lands he might think proper to include within the Federal City—

With—

the sole power of laying off said city in what manner he pleased and to retain any number of squares he might think proper for public use—

That the owners were to receive no compensation for the streets, that they were to be paid £25 per acre for the squares designated for public use, that the remaining land should be sold and the proceeds equally distributed between the owners and the United States, and that the conveyance of lots to any purchasers should be—

on such condition as thought reasonable by the President for regulating the materials and manner of buildings and improvements generally in the said city, or in particular streets or parts thereof for convenience, safety, and order.

#### THE L'ENFANT PLAN

In pursuance of the power thus granted, President Washington employed Major L'Enfant, a French engineer officer, of fine technical education, familiar with development of such cities as Paris, and of fine taste and judgment, to prepare the first plan of the Capital City, under supervision of himself and Thomas Jefferson.

While St. Petersburg had been designed in advance as the capital of a nation, it is not believed that at that time there was any other precedent for laying out a city having a promise of growth under a nation's auspices from unbroken and unoccupied territory. This plan of L'Enfant, under Washington and Jefferson, with some modifications made by the succeeding surveyors, has been classed of very high rank and as establishing admirably the most notable features of a plan which would be adaptable to further extension in the growth of later centuries.

#### NEGLECT OF DEVELOPING DISTRICT FOR 100 YEARS

For about 100 years following its adoption no provision was made for planning those portions of the District not included within the original city.

#### ESTABLISHMENT OF ROCK CREEK PARK AND ZOOLOGICAL PARK

In 1889, largely through persistent efforts of Mr. Charles C. Glover, sr., covering several years, a law was passed providing for acquisition of Rock Creek Park, which because of its size, very exceptional natural beauty, variety of forest, preservation in natural state, an absolute exclusion of everything artificial, structural or otherwise, is classed by the best judges as the finest city park in existence. About the same time the Zoological Park was also acquired and preserved as a priceless addition to the park system.

#### THE HIGHWAY PLAN, ACTS OF 1893 AND 1898, UNSATISFACTORY SUBURBAN DEVELOPMENT

In 1893 provision was made for extension of the highway plan, intended to correspond to the plan of the original city, over the entire remaining District of Columbia, aggregating

about 65 square miles. Great opposition developed to the legislation pertaining to this plan and important amendments thereto were made by an act of 1898. Under that highway plan there has been development of streets in the outlying portions of the District, but with results in many instances very disappointing and unsatisfactory, especially in the method of failure to provide park reservation, failure to follow natural contours, resulting in destruction of splendid forests and trees, loss of the rich top soil, covering of beautiful open streams by concrete sewers, deep cutting of streets through hills, leaving ugly banks, compelling heavy expenditure by builders in removing earth, filling of attractive valleys by the earth so removed. This resulted in the transformation of tracts adapted by nature to the finest residential development to sections artificially level, bare of trees or vegetation, stripped of soil, and fit only for construction of long lines of houses, often precisely alike or monotonously similar, built for sale, with a view to profit only, and without the slightest regard to variety, attractive grouping, or architectural effect.

#### THE PARK COMMISSION OF 1901, ITS REPORT AND PLAN

This highway plan obviously resulting in no proper park development, the Senate Committee of the District of Columbia, under the direction of its chairman, Senator James McMillan, ably assisted by the clerk of that committee, Mr. Charles Moore, now chairman of the National Commission of Fine Arts, provided for the selection of a commission which was to perform notable service for the National Capital. This commission, known as the Park Commission of 1901, was composed of Frederick Law Olmsted, recognized then as the leading landscape architect of the Nation; Mr. Daniel Burnham, designer of the world-famous Chicago exposition; Mr. Charles F. McKim, an architect of national standing; and Augustus Saint-Gaudens, famed as a sculptor. This commission devoted months to the study of the L'Enfant plan, made visits to the capitals of Europe and surveys of the territory of the District of Columbia. As a result of their labors they produced a report covering every feature of the needs of the National Capital in the line of park and parkway extension and recommended the acquisition of 55 additional areas within the District for proper extension and development of such plan.

#### FAILURE TO PROVIDE FOR CARRYING OUT THIS PLAN

Unfortunately it proved impossible to carry out their recommendations. It could not be done under the terms of existing law and the methods of existing legislation. Bills were introduced in Congress after Congress providing for acquisition of individual tracts for park purposes. Such bills were perhaps reported favorably by committees of one House or the other, perhaps passed by one House or the other, but before they were reported by committees of both Houses and passed by both Houses the Congress adjourned, the bills failed, and the entire process had to be commenced anew in the incoming Congress and laid before new committees. As a result, only portions of 6 out of the 55 tracts recommended were secured during the succeeding 35 years.

#### ACT OF JUNE 6, 1924, ESTABLISHING NATIONAL CAPITAL PARK COMMISSION

As a result, and in view of the resulting and rapidly increasing destruction of the forests, the hills, the valleys, and the soil essential to preservation of the natural beauty lying at our doors, an attempt was made by a radical change of method to provide for the development of the National Capital in a manner that it was felt would meet the approbation of Congress, a large number of whose Members favored a radically different treatment.

A bill was prepared by Mr. Fred G. Coldren, then chairman of the committees on parks of the Mount Pleasant Citizens Association and the Washington Board of Trade. This bill was adopted by resolution of the Mount Pleasant Citizens Association in October, 1922, and by the Washington Board of Trade in December, 1922. It was introduced in the House and referred to the Committee on Public Buildings and Grounds of the Sixty-seventh Congress, which had a hearing thereon February, 1923. Col. Clarence O. Sherrill, then officer in charge of public buildings and grounds, presented the bill at this hearing and from that time until its passage showed a keen interest and rendered efficient service toward its enactment. It was too late for any action by that Congress, which closed on the following 4th of March.

The bill was reintroduced in the Sixty-eighth Congress, both in the House and Senate, and the House bill was referred to the Committee on the District of Columbia, of which I had the honor to be chairman. The proposition commanded my very earnest attention, and I referred it to the subcommittee on parks, of which Col. ERNEST W. GIBSON, of Vermont, was chairman. The bill was given very careful study and thought by the other members of the committee as well as myself. Hearings

were held by the subcommittee, which reported the bill favorably. Thereupon hearings were held by the full committee, with full attendance and very careful study. In the meantime, in the spring of 1924 the American Civic Association established a committee of 100 at Washington, of which Mr. Frederic A. Delano was chairman; Mr. Coldren, vice chairman; and Mr. John DeLaMater, secretary. Subcommittees were appointed which made elaborate reports upon the various features involved in the bill. Mr. Delano made liberal contributions, and Miss Harlean James, secretary of the American Civic Association, made a trip to the Pacific coast, visiting a large number of cities in the several States and establishing in those cities committees on the development of the Federal City. Those committees responded actively and earnestly supported in a variety of ways the enactment of legislation correcting the situation.

The pending bill was favorably reported by my committee and also by the Senate District Committee. In the process of legislation it was reached for action first in the Senate and was passed by the Senate unanimously, without a record vote. In the House a critical situation arose to determine whether or not this bill could be placed on the call for consideration by the House on the last District day of the session. A large number of bills were being urged for that list, and after a session of about two hours it was finally determined, through the urging of myself, Colonel Gibson, and others, that this bill should be called up for action on the last District day. This was done, and after some three hours of debate, during which the bill was earnestly supported not only by the members of the District Committee but also by Congressmen LUCE, of Massachusetts; TILSON, of Connecticut; UNDERHILL, of Massachusetts; and others, it was passed by the House, with slight amendments, by a vote of 214 to 107.

The Senate concurred in the amendments of the House and the bill was approved by President Coolidge June 6, 1924.

As the session adjourned June 7, it was impossible to secure passage of an appropriation of money for the use of the commission during the fiscal year 1924-25.

#### PERSONNEL OF THE NATIONAL CAPITAL PARK COMMISSION

This act established a commission known as the National Capital Park Commission, composed of the Chief of Engineers of the Army, the Engineer Commissioner of the District of Columbia, the Director of the National Park Service, the Chief of the Forest Service, the chairman of the Senate Committee on the District of Columbia, the chairman of the House Committee on the District of Columbia, and the officer in charge of Public Buildings and Grounds.

#### EXCEPTIONAL POWER GIVEN THE NATIONAL CAPITAL PARK COMMISSION

The act authorized this commission to acquire, either by purchase or condemnation, such lands within the District of Columbia and adjoining areas in Maryland or Virginia as in its judgment were necessary for the proper and comprehensive development of the park, parkway, and playground system of the National Capital. This power was quite extraordinary, as Congress had scarcely ever authorized any officer or commission to acquire, out of a lump sum, land according to its own judgment without specific limitation by Congress as to the land to be purchased. This power, of course, necessarily imposed on the commission the duty of planning the park system to determine the lands to be acquired.

#### APPROPRIATIONS FOR PARK COMMISSION LESS THAN AUTHORIZED

The act authorized the appropriation by Congress each year, for the use of said commission, a sum equal to 1 cent for each inhabitant of continental United States, the funds to be supplied from the general funds of the Treasury and the revenues of the District of Columbia in the same proportion as other appropriations for expenses of the District of Columbia. The yearly sum thus authorized to be appropriated amounted to \$1,057,000. In forwarding to the Budget Bureau the estimates for District appropriations for the fiscal year 1925-26, instead of recommending the full sum authorized—\$1,057,000—the Commissioners of the District of Columbia recommended only \$600,000, and only this amount was appropriated for that year. For the following fiscal year, 1926-27, the commissioners again recommended only \$600,000 in the first estimates and \$500,000 in the revised estimates, and Congress appropriated \$600,000.

#### ORGANIZATION AND WORK OF THE NATIONAL CAPITAL PARK COMMISSION—GIFTS OF FOUNDRY RUN VALLEY PARK BY MR. CHARLES C. GLOVER AND MRS. ANNE ARCHBOLD

The first appropriation for this commission became available March 4, 1925. The commission at once organized and entered actively upon its duties. Careful survey of existing needs for park extension was made, members of the commission made repeated trips for personal inspection of the most urgent needs,

and the tracts most imminently threatened with destruction. Between the date of the first appropriation and the end of the fiscal year 1925-26, the commission acquired the very fine forested area known as the Klinge Ford Valley, long recognized as a necessary approach to Rock Creek Park from the west; the site of Fort Bayard, a Civil War fort, at the west border of the District; a portion of the site and well-preserved fortifications of Fort Stevens, including the spot where President Lincoln was exposed to the enemy's fire, already marked by a bronze tablet; a tract of about 82 acres east of the Anacostia River, extending from Fort Dupont westward, covered with splendid forests; an entire block—4½ acres—just south of Takoma Park, urgently needed for park, playground, and athletic field; a tract for playground for colored children in the densely populated Barry Farm subdivision in Anacostia; a square near Chevy Chase Circle, containing 3¼ acres, which had long been in use for a playground; a tract to provide a connecting parkway between the Foundry Run Valley and the Rock Creek Valley. (By most generous gifts Mr. Charles C. Glover, sr., had donated 77 acres and Mrs. Anne Archbold 28 acres in the Foundry Run Valley, notable additions to the park system.)

The connection acquired by this commission is almost entirely forest, containing splendid oak groves and affording exceptional views of the Potomac, Arlington, and the Virginia hills; an area in Piney Branch valley to provide for a low-level parkway, passing along Piney Branch, under the arch of Tiger Bridge and thence northward into Arkansas Avenue, and a triangle on the west side of Connecticut Avenue, regarded important with reference to future parkway developments.

#### AMENDMENT OF PARK COMMISSION ACT AND ESTABLISHMENT OF THE NATIONAL CAPITAL PARK AND PLANNING COMMISSION

In the winter of 1925-26, largely through a movement inspired by the American Civic Association, an important amendment to the Park Commission act was presented. This amendment was again sent to our House Committee on the District of Columbia, and referred to its subcommittee on Parks and Playgrounds. Extensive hearings were held, the movement received general support from organizations both within and without the District, the bill was favorably reported, and was passed by both Houses and became a law by signature of President Coolidge on April 30, 1926.

#### APPOINTMENT OF ADDITIONAL MEMBERS BY THE PRESIDENT

By this amendment the name of the commission was changed to the National Capital Park and Planning Commission. The same officials named in the former act were retained as members, and the President was authorized to add "four eminent citizens well qualified and experienced in city planning, one of whom shall be a bona fide resident of the District of Columbia," to be appointed, after the original appointments, for the term of six years, to serve without compensation. No change was made in sections 2, 3, and 4 of the original act, so that the new commission retained the power of selecting and acquiring land for extension of the park system in the District of Columbia and adjoining areas in Maryland and Virginia, and the original authorization for annual expenditures. The new commission was given further important advisory powers. It was—

charged with the duty of preparing, developing, and maintaining a comprehensive, consistent, and coordinated plan for the National Capital and its environs, which plan shall include recommendations to the proper executive authorities as to traffic and transportation, plats and subdivisions; highways, parks, and parkways; school and library sites; playgrounds; drainage, sewage, and water supply; housing, building, and zoning regulations; public and private buildings; bridges and water fronts; commerce and industry, and other proper elements of city and regional planning. Paragraph (c) transfers to this commission the power previously vested in the highway commission, namely, the approval or revision of the recommendations of the Commissioners of the District of Columbia for changes in the existing highway plan. Paragraph (d) vested the new commission with all the powers of the original National Capital Park Commission.

#### PERSONNEL OF NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The President appointed as the additional members, Mr. Frederick Law Olmsted, recognized as the leading landscape architect of the Nation; Mr. J. C. Nichols, famous for his work in suburban development and city planning, at Kansas City, Mo., and elsewhere; Mr. Frederic A. Delano of the District of Columbia, formerly for years an active member of the Chicago Planning Commission, and later president of the Planning Commission of the City of New York and its environs; and Mr. Milton B. Medary, jr., of Philadelphia, for some time president of the American Institute of Architects.



The National Capital Park and Planning Commission as now constituted is as follows:

Chief of Engineers of the Army, Maj. Gen. Edgar Jadwin.  
 Engineer Commissioner of the District of Columbia, Lieut. Col. J. Franklin Bell.  
 Director of the National Park Service, Mr. Stephen T. Mather.  
 Chief of the Forest Service, Col. W. B. Greeley.  
 Chairman of the Senate Committee on the District of Columbia, Senator ARTHUR CAPPER.  
 Chairman of the House Committee on the District of Columbia, Hon. FREDERICK N. ZIEHLMAN.  
 Director of Public Buildings and Public Parks of the National Capital, Lieut. Col. U. S. Grant, 3d.  
 Mr. Frederick Law Olmsted, of Brookline, Mass., for six years.  
 Mr. Frederic A. Delano, of the District of Columbia, for five years.  
 Mr. J. C. Nichols, of Kansas City, Mo., for four years.  
 Mr. Milton B. Medary, jr., of Philadelphia, Pa., for three years.  
 In organization the following have been designated:  
 Carey H. Brown, major, Engineer Corps, United States Army, engineer.  
 Charles W. Elliot, 2d, city planner.  
 Fred G. Coldren, secretary.

#### COORDINATING COMMITTEE

By authority of the commission, a coordinating committee was established with a view to the proper cooperation with the several executive officers involved and recommendations to the National Capital Park and Planning Commission. This committee is composed as follows:

Maj. Carey H. Brown, engineer, chairman.  
 Capt. H. C. Whitehurst, Mr. Melvin C. Hazen, and Mr. James B. Gordon, assistant engineer commissioner, surveyor, and sanitary engineer, respectively, of the District of Columbia.  
 Mr. Arno B. Cammerer, Assistant Director of the National Park Service.  
 Mr. George A. Ricker, Federation of Citizens' Association of the District of Columbia.  
 Mr. Charles W. Elliot, 2d, city planner, and Mr. Fred G. Coldren, secretary, of the National Capital Park and Planning Commission.

This committee has weekly meetings and makes general recommendations to the planning commission and various offices represented on the committee concerning methods of cooperating and coordination of plans for the development of highways, streets, parks, sewers, and similar projects. The committee has been chiefly concerned with changes in the highway plan and drainage of areas in connection with park projects.

#### WORK OF NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The National Capital Park and Planning Commission has monthly meetings, occupying usually two days or more, meets delegations from Maryland and Virginia and representatives of a variety of interests, makes study and specific recommendations as to all acquisitions of property, and devotes much time outside of the meetings in minute personal inspection and study of the various problems presented or involved in their jurisdiction. This work has been carried on regardless of loss of time and personal inconvenience involved. The personality of the membership assured kindly, considerate, and efficient work and the keenest interest is shown in the great subject under its study.

The commission's studies of the population growth have shown the irregular and eccentric manner in which the city of Washington has developed, and considerable regions within very accessible distances of the center of the city are found to be almost entirely undeveloped because of special natural or artificial obstacles by which their utilization has been impeded. The commission is attempting to study the problem of each such region separately and to include in its plans highway, park, and other special development which will help to make these regions more accessible or economically utilizable.

While it is recognized that the National Capital was founded especially for governmental purposes and is not intended to become a great industrial city, still the advisability of reasonable industrial development and the absolute need for commercial development must be recognized and provision must be made for such activities in the plan, if their springing up in harmful and undesired locations is to be avoided. Just as the functions of planning commissions are frequently misunderstood and thought to be confined to plans for beautification, whereas they are actually most concerned with providing for the utilitarian needs of the community in an adequate and appropriate manner, so does a general confusion of thought frequently contemplate the growth of a strictly residential and governmental city, without consideration of the essential accompanying commercial and industrial facilities, such as a suitable water front,

adequate railroad lines and terminals, and so forth. A logical and sound plan must include adequate and appropriate provision for such things, and the beauty of the city will largely result from the skill with which such provision is suited to the needs and the extent to which such needs do not have to be met by improvised arrangements in parts of the city that will be injured thereby.

The commission has, therefore, taken up among its first duties a study of the traffic needs of thoroughfares connecting the city proper with its residential and surrounding suburban areas, and studies of the railroad and waterway facilities, and their uses and needs.

Such studies naturally lead to roads and other facilities extending into the States of Maryland and Virginia. Similar considerations of the needs of the surrounding suburban areas in these two States for parks and the proper coordination of such parks with the system in the District of Columbia likewise require rigid coordination of the planning activities with the authorities of the two neighboring States. Without special legislation such coordination is not possible because of there being no local authorities charged with duties similar to those of the National Capital Park and Planning Commission. However, the commission has established contact with the State authorities and considerable progress has been made toward obtaining the necessary legislation and setting up State agencies with the requisite power and authority to deal with our commission.

At the present time this commission has funds only from the appropriations for the District of Columbia, a considerable part of which are raised by taxation of the inhabitants of the District. The commission is convinced that such funds should be spent only for land acquired within the limits of the District and that lands acquired outside these limits should be acquired with funds contributed in part by the inhabitants of the States and in part by the United States at large, just as a contribution is made to the cost of the District of Columbia from the Treasury. The proposition of such contribution and the definite terms of acquisition are necessarily a matter to be settled by future legislation.

I have this year introduced a bill with this object in view, which I hope will receive favorable consideration at the next Congress. The bill in question is based largely on the arrangements made for work to be done partly by the United States and partly by contributions from persons most directly benefited in connection with flood control of the Mississippi Valley and in California. Congress having in the past given its consent to the handling of such matters in this way, it is to be hoped that the same general procedure will be found satisfactory in putting through the projects which are as essential to the proper development of the National Capital as to the local development of the contiguous parts of Maryland and Virginia.

#### ACQUISITION OF PARK LANDS BY THIS COMMISSION

During the present fiscal year the commission has acquired the valley of Soapstone Creek extending eastward from Connecticut Avenue to Rock Creek Park. Soapstone Creek is the largest tributary of Rock Creek on the west side of the valley within the District, and the tract acquired is covered with exceptionally fine hardwood forests and romantic scenery. It has acquired a tract of over 2 acres in Foundry Run Valley, bordering on Reservoir Road; a tract on the west side of Wisconsin Avenue to carry out the connecting parkway between Foundry Run and Rock Creek Valleys; additional lots to complete the site of Fort Bayard; a forested valley extending from Conduit Road to the bluffs overlooking the Potomac, a short distance above the Georgetown Reservoir; a tract of about 22 acres as an addition to the projected park extending from Fort Dupont toward the Anacostia River; also Fort Stanton, on the heights of Anacostia, presenting a remarkable view overlooking the city and both rivers; and finally has been favored by a further donation of Charles C. Glover, sr., of a forested tract of 31¼ acres in further extension of the addition to Fort Dupont.

#### PLANS PRESENTED BY CHARLES W. ELIOT, 2D, CITY PLANNER, FORT DRIVE AND GENERAL PARK DEVELOPMENT

Mr. Elliot, the city planner, has made elaborate study of unification of the park system by development of a "fort drive" connecting the Civil War forts encircling the city to be lined for the most part by forest, following so far as possible curved lines rather than straight, the natural undulations of the land, avoiding formal curves, sidewalks, and the usual formalities of city streets, providing the exceptional views afforded from the heights occupied by the forts, and extending from the falls, rapids, and rocky cliffs of the upper Potomac to the broad, quiet expanse of the navigable river below. He has further presented the peculiarities and opportunities of the tract em-

bracing and surrounding the Capital City with reference not only to scenic attractiveness, historical associations, geological formations, woodland growth, and bird sanctuaries but also recommendations as to the broad study of park and parkway development within the District and surrounding territory in Maryland and Virginia.

#### EMPLOYMENT OF MR. HARLAND BARTHOLOMEW ON TRANSPORTATION DEVELOPMENTS

The commission has secured, for study especially of highway, transit, and transportation problems, the services of Mr. Bartholomew, of St. Louis, who was largely instrumental in framing the zoning law of the District of Columbia.

#### APPEAL FOR MORE LIBERAL FINANCIAL SUPPORT

This is the home of a Nation of more than 100,000,000 people. Its citizens are proud of this home. The Nation, the client of the National Capital Park and Planning Commission, makes a regular annual expenditure of about \$3,750,000,000, one-tenth of 1 per cent, or one-thousandth part of this annual expenditure is \$3,750,000. If this commission were employed by an individual to provide for the beautification of his home, his "mansion house and grounds" so to speak, it would make plans calling for an expenditure surely of at least one-thousandth part of his yearly expenses. It is confidently believed that the American people stand ready to indorse and support a much more liberal contribution for this beautification.

The site and surroundings of this Capital have been designated as superior to those of any European capital, in fact of almost any city in the world. The opportunity, the personnel, and the plans are at hand. Congress in its wisdom has increased the appropriation for the coming fiscal year to \$900,000, which should do much toward the development and beautification of the Nation's Capital.

In conclusion I wish to assure my colleagues in the House of Representatives that the National Capital Park and Planning Commission is energetically and zealously performing the duties with which it is charged; that it is especially concerned with producing a plan for the National Capital which is not only the best from the standpoint of providing a Capital with which the Nation may be justly proud, but is also the best from that hard-headed and very American standpoint of providing adequately and most economically for the future, including the utilitarian needs of a great city, as well as its adornment and beautification.

#### ALLOCATING THE WATERS OF THE COLUMBIA RIVER AND ITS TRIBUTARIES

The next business on the Consent Calendar was the bill (H. J. Res. 346) extending the provisions of the acts of March 4, 1925, and April 13, 1926, relating to a compact between the States of Washington, Idaho, Oregon, and Montana for allocating the waters of the Columbia River and its tributaries, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SUMMERS of Washington. Did I understand that is a Senate joint resolution? I ask unanimous consent to consider the Senate resolution which is similar to the House resolution.

Mr. EDWARDS. What is the number?

Mr. SUMMERS of Washington. Senate joint resolution 154, Calendar No. 1027.

Mr. BLANTON. It is not on the calendar.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to substitute Senate Joint Resolution 154 for House Joint Resolution 346. Is there objection?

Mr. TILSON. Is that a unanimous report?

Mr. SUMMERS of Washington. It is a unanimous report.

Mr. GARRETT of Tennessee. What is this in relation to?

Mr. SUMMERS of Washington. It is in regard to the allocation of waters of the Columbia River.

Mr. BLANTON. Let it be reported so we can know what is in it.

The Clerk read as follows:

Senate Joint Resolution (No. 154) extending the provisions of the acts of March 4, 1925, and April 13, 1926, relating to a compact between the States of Washington, Idaho, Oregon, and Montana for allocating the waters of the Columbia River and its tributaries and for other purposes.

Resolved, etc., That the provisions of the act of March 4, 1925, entitled "An act to permit a compact or agreement between the States of Washington, Idaho, Oregon, and Montana respecting the disposition and apportionment of the waters of the Columbia River and its tributaries, and for other purposes," and the act of April 13, 1926, entitled "An act authorizing the Secretary of the Interior to cooperate with the States of Idaho, Montana, Oregon, and Washington in allocation of the waters of the Columbia River and its

tributaries, and for other purposes, and authorizing an appropriation therefor," be continued and extended in all their provisions to December 31, 1930.

Mr. BLANTON. I object.

#### DEDICATION OF CERTAIN PROPERTY IN THE CITY OF NEW ORLEANS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask to take from the Speaker's table the bill (S. 5727) and substitute it for the bill (H. R. 17155), the Senate bill being identical.

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

The Clerk read as follows:

An act (S. 5727) to authorize and direct the Secretary of War to accept an act of sale and a C. S. B. dedication of certain property in the city of New Orleans, La., from the board of commissioners of the port of New Orleans, and for other purposes.

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

Mr. JOHNSON of Washington. Reserving the right to object, let us have the bill read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed, for and on behalf of the United States of America, to accept in performance of a contract by and between the United States of America and the board of commissioners of the port of New Orleans, dated May 29, 1918, and of options to purchase contained in two leases from the board of commissioners of the port of New Orleans to the United States of America, each dated July 1, 1918, which options were exercised by the United States on May 31, 1919, an act of sale as to the BB1, and B2 parcels and a dedication as authorized by the constitution and laws of the State of Louisiana as to the A, A1, and A2 parcels covered and described in said instrument from the board of commissioners of the port of New Orleans, the said parcels being lands that comprise the New Orleans Army supply base, New Orleans, La.

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

Mr. LAGUARDIA. Reserving the right to object, is this something that the city of New Orleans is conveying to the Secretary of War?

Mr. O'CONNOR of Louisiana. The War Department is authorized to accept a title from the board of commissioners of the port of New Orleans. This bill was sent in duplicate to myself and to Senator BROUSSARD for introduction.

Mr. LAGUARDIA. I understand that. What I want to know is whether this is being conveyed to the War Department for a consideration?

Mr. O'CONNOR of Louisiana. Yes. The consideration has been paid except a small balance due. The constitution of the State of Louisiana prohibits the alienation of the banks of the Mississippi River. That is part of our constitution, that the banks should be ever free to the citizens of the Republic. But the State of Louisiana conveys this to the War Department for the use of the public.

Mr. Speaker and gentlemen of the House, inasmuch as what I have stated to you has satisfied you of the merits of the bill, I have to conclude you have read the report which accompanies the House bill (H. R. 17155), for which I have substituted Senate 5727, both bills being identical in phraseology, having been prepared by the Judge Advocate of the War Department and sent to me and Senator BROUSSARD, in duplicate, for simultaneous introduction. Both bills were amended in identically the same way, the letters "C. S. B." being stricken from the title in the Senate committee, as may be seen by reference to page 4655 of the CONGRESSIONAL RECORD, and by the House Committee on Military Affairs, as may be seen by reading the report on the House bill. I am rather proud of the expeditious manner in which the Senate and House have passed this important bill to the port commissioners of New Orleans and to the War Department, as it will enable them to close up a transaction that has been dragging along slowly for a number of years and was fast acquiring a position in the legal quagmire that is often the grave of many meritorious matters. The quicksands were beginning to envelop the acquisition, without all the formalities having been vindicated and performed until the passage of this bill, which will enable the War Department to write "finis" to the many legal roads that had to be covered. I wish to thank the office force under the Judge Advocate for at once complying with my request in the formulation and framing of the bill and their expeditious manner of getting it into my hands and to the office of Senator BROUSSARD. As I am convinced the transaction has some legal aspects that may be interesting to lawyers and those who are fond of tracing and following government processes, I am going to append and



make part of this address the report which my good friend, Congressman McSWAIN, permitted me to assist in drawing up for the House Committee on Military Affairs:

The Committee on Military Affairs, to whom was referred the bill (H. R. 17155) to authorize and direct the Secretary of War to accept an act of sale and a C. S. B. dedication of certain property in the city of New Orleans, La., from the board of commissioners of the port of New Orleans, and for other purposes, having considered the same, report thereon with the recommendation that it do pass with the following amendment to the title:

Strike out the initials "C. S. B.," so the title will read:

"To authorize and direct the Secretary of War to accept an act of sale and a dedication of certain property in the city of New Orleans, La., from the board of commissioners of the port of New Orleans, and for other purposes."

The purpose of the bill is to enable the Secretary of War to accept title for certain parcels of land, situated in the city of New Orleans, in accordance with the constitution and laws of Louisiana.

The letter of the Secretary of War, made a part of this report and appended hereto, sets forth so fully the reasons for the enactment of the bill as to make any further statement an elaboration.

The letter is as follows:

Hon. FRANK JAMES,  
House of Representatives.

DEAR MR. JAMES: The acquisition of the New Orleans Army supply base, New Orleans, La., was begun in 1918 under authority of the act of Congress, July 9, 1918. (40 Stat. 845, 860.) The acquisition of this land has not yet been completed due to difficulties encountered in obtaining the fee-simple title, under the Louisiana law, to certain underwater lands which comprise a part of this base. The whole question was referred by the War Department to the Attorney General some time ago, and there have been conferences between representatives of the Attorney General's office, of this office, and of the board of commissioners of the port of New Orleans, from whom this land is being acquired, from time to time. None of the land has as yet been paid for.

It has now developed that the transaction can not be completed without special authority therefore being obtained from Congress. Accordingly, at the request of the Attorney General made to the War Department under date of February 5, 1927, I have drawn up a draft of a bill, which if enacted will make it possible for the United States to obtain the necessary rights in this property, and at the same time make proper compensation to the owner. It is understood that the draft of the bill prepared in the War Department, with possibly certain comments and changes, will be introduced in the present session of Congress. I inclose a copy of the draft as prepared in the War Department. In the interests of the War Department it is urged that a bill in this form or in substantially similar form be passed at the present session of Congress.

By way of fuller explanation of the situation with reference to this base, you are informed that part of the land comprising this base was acquired by the United States under a contract dated May 29, 1919, and that possession was taken thereof at or about that time. Additional portions of this reservation were leased under two leases each dated July 1, 1918, which leases contain options to purchase. Possession of this part of the property was taken on July 1, 1918, and options to purchase were exercised by the United States on May 31, 1919. Before the titles to these parcels could be examined or settlement for the property made in accordance with the terms of the contracts, the act of July 11, 1919 (41 Stat. 104-128), was passed, which made unavailable, with certain exceptions, appropriations for the support and maintenance of the Army and Military Establishment, for the purchase of real estate.

While the United States remained in possession of the property and erected valuable improvements thereon, it was not until the passage of the act of March 8, 1922 (42 Stat. 418), that Congress passed the bill authorizing the acquisition of land for the Army supply base at New Orleans, but funds for that purpose did not become available until the passage of the appropriation act approved July 1, 1922 (42 Stat. 767, 777), which made available \$282,000 for completing the purchase thereof. The contracts for the acquisition of this land covered certain upland parcels on which warehouses have been erected, which are designated in the said contracts as parcels "B," "B-1," and "B-2," and certain parcels which are partly under water and partly along the bank of the river, which are designated under the contracts as parcels "A," "A-1," and "A-2." No difficulty has arisen with reference to the B, B-1, and B-2 parcels. The War Department has been advised by the Attorney General that certain public rights as to these A parcels can not be extinguished under the constitution and law of the State of Louisiana, and consequently that the fee-simple title to these parcels can not be secured by the United States. The board of commissioners of the port of New Orleans, however, have been authorized by the Legislature of the State of Louisiana to change the dedication of these parcels from the State to the Federal use.

In my opinion the United States will not be restricted or hampered in its use of the Army supply base for Federal purposes in case it

owns the fee-simple title to the upland or so-called B parcels and has a dedication only as to the under-water or so-called A parcels. It is a question, however, as to whether or not such a transaction is authorized under section 355 of the Revised Statutes. It is in order to remove this difficulty that Congress is being asked to pass the present bill.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

The SPEAKER pro tempore. Is there objection to the consideration of Senate bill 5727?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate 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 laid on the table.

The SPEAKER pro tempore. Without objection, the House bill of similar purport, H. R. 17155, will be laid on the table.

There was no objection.

#### LUCY WEBB HAYES NATIONAL TRAINING SCHOOL

The next business on the Consent Calendar was the bill (S. 5213) for the relief of the Lucy Webb Hayes National Training School for Deaconesses and Missionaries.

The title of the bill was read.

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

Mr. HOOPER. Reserving the right to object, Mr. Speaker, I wish to ask the gentleman from Maryland whether I am right in my judgment that this is to validate something in relation to the Lucy Webb National Training School?

Mr. ZIHLMAN. Yes. It is to enable them to receive bequests.

Mr. HOOPER. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection?

Mr. EDWARDS. Is this institution open to people of all denominations?

Mr. ZIHLMAN. It is for people of all denominations. It is located in the District of Columbia.

Mr. McSWAIN. I recently had occasion to investigate this matter, and I am satisfied that this bill should be passed without delay, in order that the business affairs of this institution may be put upon a sound basis.

Mr. PARKS. What does this bill do?

Mr. McSWAIN. It is to make available certain funds bequeathed to this institution by friends to put up a building here.

Mr. PARKS. It is a legal proposition?

Mr. McSWAIN. It is a legal proposition.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. CHINDBLOM. Mr. Speaker, this is a pretty long bill. I ask unanimous consent that it be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The bill reads as follows:

*Be it enacted, etc.,* That neither the corporate existence nor the validity of the acts and authority of the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, nor of the persons purporting to act as its officers, shall be affected by the failure of said officers heretofore to make or to record the making of by-laws or to make a record of the election of trustees, directors, or managers of said corporation, as duly incorporated for the term of 20 years, by the name of the National Training School for Missionaries, November 9, 1894, under the laws of the District of Columbia, as will appear by reference to incorporation book 7, page 1, in the office of the recorder of deeds of said District; nor shall such existence or validity be affected by any insufficiency, irregularity, or defect in the proceedings undertaken to change its name to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, January 4, 1908, as will appear by reference to incorporation book 25, page 285, in the office of said recorder of deeds; nor by any insufficiency, irregularity, or defect in the proceedings undertaken to make its existence perpetual, on November 6, 1914, as will appear by reference to incorporation book 31, page 53, in the office of said recorder of deeds; nor by any insufficiency, irregularity, or defect in the appointment or election of the persons undertaking to act as its officers or trustees subsequent to any of the proceedings above mentioned.

SEC. 2. That Ida H. Goode, Mary Leonard Woodruff, Jane H. Freeman, May Conant Fruit, William T. Galliher, Charles S. Cole, G. Ellis Williams, Maurice Otterback, and Merrill C. Slutes are hereby declared

to be the persons now constituting the said Lucy Webb Hayes National Training School for Deaconesses and Missionaries, a body corporate, with perpetual existence, and they and their successors are hereby given authority by a majority vote to adopt by-laws to carry out the corporate objects of said corporation. Prior to the adoption of such by-laws, the persons above mentioned, or a majority of them, shall constitute the trustees of said corporation and shall have full power and authority to perform all corporate acts.

SEC. 3. That all things heretofore done or attempted to be done by the said National Training School for Missionaries or by the said Lucy Webb Hayes National Training School for Deaconesses and Missionaries or the persons acting as its officers or trustees, as mentioned or referred to in the first section of this act, be, and the same are, in all respects, hereby validated, ratified, confirmed, and approved.

SEC. 4. That nothing in this act shall be held to limit or lessen any power, right, or privilege now possessed or enjoyed by said corporation.

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.

#### MICHIGAN AVENUE GRADE CROSSING

The next business on the Consent Calendar was the bill (S. 2322) to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes.

The title of the bill was read.

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

Mr. EDWARDS. Reserving the right to object, Mr. Speaker, I would like to know something about it. How much money is it going to take from the Treasury?

Mr. BEGG. It would take \$275,000.

Mr. ZIHLMAN. It would take \$275,000, half of which is to be paid by the railroad company. This is one of the few remaining grade crossings left in the District of Columbia.

Mr. SCHAFER. Reserving the right to object, does the railroad company pay the greater part of this cost?

Mr. ZIHLMAN. The custom here is to assess the railroad company with half of the cost of eliminating these grade crossings.

Mr. SCHAFER. What railroad is it?

Mr. ZIHLMAN. The B. & O. Railroad.

Mr. BLACK of Texas. How is the other half to be paid?

Mr. ZIHLMAN. From the revenues of the District of Columbia.

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.

Mr. CHINDBLOM. Mr. Speaker, I make the same request as in the case of the preceding bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois, that the bill be considered as read?

There was no objection.

The bill reads as follows:

*Be it enacted, etc.,* That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to construct a viaduct and approaches to carry Michigan Avenue over the tracks and right of way of the Baltimore & Ohio Railroad Co. in accordance with plans and profiles of said works, to be approved by the said commissioners: *Provided*, That one-half of the total cost of constructing the said viaduct and approaches shall be borne and paid by the said railroad company, its successors and assigns, to the collector of taxes of the District of Columbia, to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company and shall constitute a legal indebtedness of said company in favor of the District of Columbia, and the said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said commissioners in the Supreme Court of the District of Columbia, or by any other lawful proceeding against the said railroad company.

SEC. 2. That no street railway company shall use the said viaduct or any approaches thereto herein authorized for its tracks until the said company shall have paid to the collector of taxes of the District of Columbia a sum equal to one-fourth of the cost of said viaduct and approaches, which sum shall be deposited to the credit of the District of Columbia.

SEC. 3. That for the purpose of carrying into effect the foregoing provisions, the sum of \$275,000 is hereby authorized to be appropriated, payable in like manner as other appropriations for the expenses of the government of the District of Columbia, and the said commis-

sioners are authorized to expend such sum as may be necessary for personal services and engineering and incidental expenses. The said commissioners are further authorized to acquire, out of the appropriation herein authorized, the necessary land or any portion of same within the limits of Michigan Avenue as shown on the recorded highway plan, by purchase at such price or prices as in their judgment they may deem reasonable and fair, or, in the discretion of the commissioners, by condemnation in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia under a proceeding or proceedings in rem instituted in the Supreme Court of the District of Columbia: *Provided, however*, That of the entire amount found to be due and awarded by the jury as damages for, and in respect of, the land to be condemned to carry the provisions of this act into effect, plus the costs and expenses of the proceeding or proceedings taken pursuant hereto, not less than one-half thereof shall be assessed by the jury as benefits, the amounts collected as benefits to be covered into the Treasury of the United States, to the credit of the District of Columbia.

SEC. 4. That from and after the completion of the said viaduct and approaches the highway grade crossing over the tracks and the right of way of the said Baltimore & Ohio Railroad Co. at Michigan Avenue in the District of Columbia shall be forever closed against further traffic of any kind.

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.

#### FIRST LIEUTENANTS IN THE MEDICAL CORPS, UNITED STATES ARMY

The next business on the Consent Calendar was the bill (S. 2597) authorizing the President to appoint and retire certain persons first lieutenants in the Medical Corps, United States Army.

The title of the bill was read.

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

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I would like to get a little information as to what the bill provides.

Mr. LINEBERGER. I can tell the gentleman in a few minutes. It simply proposes to give the rank of first lieutenant to old contract surgeons in the Army. They are now getting the pay and allowances. This is to give them the rank. There are just a few of them left, very old men.

Mr. BLANTON. How many?

Mr. LINEBERGER. I would say not over 15 or 20. I have not the exact number, but they are all old men. As the gentleman knows, we have ceased having contract surgeons for a number of years, and they are practically all dead.

Mr. LAGUARDIA. How long have they been out of the service?

Mr. LINEBERGER. They have been out quite a few years.

Mr. LAGUARDIA. They have no retired status at this time?

Mr. LINEBERGER. They have the pay and allowances, but they have not the rank. This costs no money at all. I am informed there are 17 altogether.

Mr. LAGUARDIA. They are receiving their pay and allowances but are not now in the service?

Mr. LINEBERGER. That is correct.

Mr. LAGUARDIA. This simply gives them the rank?

Mr. LINEBERGER. That is all.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President is authorized to appoint any person retired under the last proviso of section 1, Chapter XVII, of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918, a first lieutenant, Medical Corps, United States Army, and to retire such person and place him on the retired list of the Army as a first lieutenant with the retired pay and allowances of that grade.

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.

#### ELIMINATION OF GRADE CROSSINGS

The next business on the Consent Calendar was the bill (S. 3888), to provide for the elimination of grade crossings of



steam railroads in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

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

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what railroad crossing is this, and what road?

Mr. ZIHLMAN. It is one of the crossings of the Baltimore & Ohio and the other is what they call the Metropolitan branch. It is the remaining dangerous crossing in the District of Columbia.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to construct viaducts and approaches thereto, to carry Fern and Varnum Streets over the tracks and right of way of the Baltimore & Ohio Railroad Co. and to construct a viaduct and approaches thereto to carry Eastern Avenue over the tracks and rights of way of the Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co., in accordance with plans and profiles of said works to be approved by said commissioners: *Provided*, That one-half of the total cost of constructing the viaduct and approaches thereto at Varnum Street and one-half of the total cost of constructing the viaduct and approaches thereto at Fern Street shall be borne and paid by the said Baltimore & Ohio Railroad Co., its successors and assigns, and that one-half of the total cost of constructing the viaduct and approaches thereto at Eastern Avenue shall be borne and paid by the said Philadelphia, Baltimore & Washington Railroad Co. and the said Baltimore & Ohio Railroad Co., their successors and assigns, in proportion to the widths of their respective land holdings, to the collector of taxes of the District of Columbia for deposit to the credit of the District of Columbia, and the said half cost shall be valid and subsisting liens against the franchises and property of the railroad companies concerned and shall constitute a legal indebtedness against the said railroad companies in favor of the District of Columbia, and said liens may be enforced in the name of the District of Columbia by a bill in equity brought by the said commissioners in the Supreme Court of the District of Columbia, or by any other legal proceeding against the said railroad companies: *Provided*, That no street railway company shall use the said viaduct or any approaches thereto herein authorized for its tracks until said companies shall have paid to the collector of taxes of the District of Columbia, a sum equal to one-fourth of the total cost of constructing said viaducts and approaches, to be applied to the credit of the District of Columbia. No limitation shall run against claims made by the District of Columbia under the provisions of this act.

SEC. 2. That for the purpose of carrying into effect the provisions of this act, the sum of \$405,000 is hereby authorized to be appropriated, payable in like manner as other appropriations, for the expenses of the government of the District of Columbia, and the said commissioners are authorized to expend such sum or sums as may be necessary for personal services, engineering, and incidental expenses. The said commissioners are further authorized to acquire, out of the appropriation herein authorized, the necessary land, or any portion of the same, by purchase at such price or prices as in their judgment they may deem reasonable and fair, or, in their discretion, by condemnation in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia, under a proceeding or proceedings in rem instituted in the Supreme Court of the District of Columbia: *Provided*, That of the entire amount found to be due and awarded by the jury as damages for, and in respect of, the land to be condemned to carry the provisions of this act into effect, plus the costs and expenses of the proceeding or proceedings taken pursuant hereto, not less than one-half thereof shall be assessed by the jury as benefits, the amounts collected as benefits to be covered into the Treasury of the United States to the credit of the District of Columbia.

SEC. 3. Hereafter the Commissioners of the District of Columbia are authorized, whenever in their judgment it may be necessary for the public safety, and subject to appropriations to be made therefor by Congress, to construct subways or viaducts and approaches thereto, in accordance with plans and profiles of said works to be approved by them, to carry any street or highway crossing at grade any line of steam railroad track or tracks in the District of Columbia, or any street or highway within the District of Columbia now or hereafter planned or projected to cross any such line of railroad, under or over said track or tracks: *Provided*, That one-half of the total cost of constructing any viaduct or subway and approaches thereto shall in each case be paid by the railroad company, its successors or assigns, whose tracks are so crossed; and in the event the rights of way of two or more railroad companies are so crossed said half cost as herein pro-

vided shall be paid by the said railroad companies, their successors or assigns, in proportion to the widths of their respective land holdings, and all provisions in respect to the method of payment and credit of said half cost, creation of a lien in respect thereto and enforcement thereof, conditions of use thereof by street railway companies, and every other kind of condition provided in section 1 hereof, and the authorization and every condition in respect thereto for the acquisition of any necessary land provided in section 2 hereof, in relation to the viaducts and their approaches therein authorized, are hereby made applicable to the subways, viaducts, and approaches authorized in this section the same as if enacted at length herein.

SEC. 4. From and after the completion of the viaduct and approaches to carry Fern Street over the tracks and right of way of the Metropolitan branch of the Baltimore & Ohio Railroad Co., the highway grade crossing over the tracks and right of way of the said Baltimore & Ohio Railroad Co. at Chestnut Street shall be forever closed against further traffic of any kind; and from and after the completion of the viaduct and approaches to carry Varnum Street over the tracks and right of way of the Metropolitan branch of the Baltimore & Ohio Railroad Co., the highway grade crossing over the tracks and right of way of the said railroad company at Bates Road shall be forever closed against further traffic of any kind; and from and after the completion of the viaduct and approaches to carry Eastern Avenue over the tracks and rights of way of the Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co., the highway grade crossing over the tracks and rights of way of the said railroad companies at Quarles Street shall be forever closed against further traffic of any kind.

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.

#### WIDENING OF C STREET NE.

The next business on the Consent Calendar was the bill (S. 5435) to provide for the widening of C Street NE., in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

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

Mr. EDWARDS. Mr. Speaker, reserving the right to object, I would like to know something about this bill.

Mr. ZIHLMAN. I will say that this bill provides for the widening of C Street northeast, and it will provide an entrance to Anacostia Park, which is being improved as a part of the park system of the District of Columbia. This bill was sent to the District of Columbia Committee by the National Park and Planning Commission and by the District Commissioners. The only opposition is from some people who own real estate and who appeared in opposition to the bill.

Mr. SCHAFER. Who is going to pay for the widening of this street, the people who own the real estate or the District?

Mr. BEGG. The land is to be condemned.

Mr. ZIHLMAN. It is to be paid by the people of the District.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That under and in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Laws for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land necessary for the widening of C Street between North Carolina Avenue and Twenty-first Street NE., to provide for an addition to the width of said street of 40 feet on the south side of said street, the land to be condemned for the said widening being a strip of land 40 feet wide through squares 1082, 1093, 1107, 1118, and 1125, lying immediately south of the present south line of C Street: *Provided*, That if the amount found to be due and awarded by the jury in such proceedings as damages for and in respect of the land condemned for said widening of C Street, plus the costs and expenses of the proceedings, is greater than the amount of benefits assessed, then the amount of such excess shall be paid out of the revenues of the District of Columbia, but it shall be optional with the Commissioners of the District of Columbia to abide by the verdict of the jury or, at any time before the final ratification and confirmation of the verdict, to enter a voluntary dismissal of the cause.

SEC. 2. That the appropriation contained in the District of Columbia appropriation act for the fiscal year ending June 30, 1927 (Public, No. 205, 69 Cong.), for the opening, extension, widening, or straightening of streets, avenues, roads, or highways, in accordance with the plan of the permanent system of highways in that portion of the District of

Columbia outside of the cities of Washington and Georgetown, is hereby made available to pay the awards and expenses under this act, and the amounts assessed as benefits, when collected, shall be covered into the Treasury to the credit of the District of Columbia.

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.

#### UNSERVICEABLE AMMUNITION AND COMPONENTS

The next business on the Consent Calendar was the bill (S. 4692) to amend the act approved June 1, 1926 (Public, No. 318, 69th Cong.), authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes.

The Clerk read the title of the bill.

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

Mr. SCHAFFER. Mr. Speaker, I object.

#### WARRANT OFFICERS OF THE REGULAR ARMY

The next business on the Consent Calendar was the bill (S. 5112) to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War.

The Clerk read the title of the bill.

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

Mr. O'CONNELL of New York. Mr. Speaker, reserving the right to object, I would like to have somebody tell me something about this bill.

Mr. WURZBACH. This bill involves only 10 civilian quartermaster clerks. During the war they were commissioned and they lacked only a few months of having had 12 years of service, which would have entitled them to appointment as field clerks and then under the act of June 4, 1920, they were entitled to be appointed as warrant officers, but their commissioned service during the World War was not taken into consideration and could not be taken into consideration.

Mr. BLANTON. Will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. BLANTON. The gentleman is backing up the President, is he not?

Mr. WURZBACH. Well, at times; yes.

Mr. BLANTON. The War Department says that the Bureau of the Budget, which is the President's agent, is not in accord with this bill and that it is against the President's financial plans and policies.

Mr. LAGUARDIA. Mr. Speaker, I object.

#### BRIDGE BILLS

Mr. DENISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DENISON. This afternoon the agreement was, as I understood it, that we were to take up Senate bills and bridge bills. The next bill on the calendar is a bridge bill. I ask unanimous consent to consider them all at once.

The SPEAKER pro tempore. We will finish the Senate bills first and then take up the bridge bills.

Mr. DENISON. I thought you were going to take them up in order, but that is satisfactory.

#### COTTON

The next business on the Consent Calendar was the bill (S. 4746) authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton.

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.

Mr. JONES. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with. It has been so amended that it is practically the same as the House bill which was passed in December.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That the Secretary of Agriculture be, and he is hereby, authorized and directed to collect and publish annually, on dates to be announced by him, statistics or estimates concerning the grades and staple length of stocks of cotton, known as the carry over, on hand on the 1st of August of each year in warehouses and other establishments of every character in the continental United States; and following such publication each year, to publish, at intervals in his discretion, his estimate of the grades and staple length of cotton

of the then current crop: *Provided*, That not less than three such estimates shall be published with respect to each crop. In any such statistics or estimates published, the cotton which on the date for which such statistics are published may be recognized as tenderable on contracts of sale of cotton for future delivery under the United States cotton futures act of August 11, 1916, as amended, shall be stated separately from that which may be untenderable under said act as amended.

SEC. 2. That the information furnished by any individual establishment under the provisions of this act shall be considered as strictly confidential and shall be used only for the statistical purpose for which it is supplied. Any employee of the Department of Agriculture who, without the written authority of the Secretary of Agriculture, shall publish or communicate any information given into his possession by reason of his employment under the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than \$300 or more than \$1,000, or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court.

SEC. 3. That it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cotton warehouse, cotton ginnery, cotton mill, or other place or establishment where cotton is stored, whether conducted as a corporation, firm, limited partnership, or individual, and of any owner or holder of any cotton and of the agents and representatives of any such owner or holder, when requested by the Secretary of Agriculture or by any special agent or other employee of the Department of Agriculture acting under the instructions of said Secretary to furnish completely and correctly, to the best of his knowledge, all of the information concerning the grades and staple length of cotton on hand, and when requested to permit such agent or employee of the Department of Agriculture to examine and classify samples of all such cotton on hand. The request of the Secretary of Agriculture for such information may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any cotton warehouse, cotton ginnery, cotton mill, or other place or establishment where cotton is stored, or any owner or holder of any cotton or the agent or representative of any such owner or holder, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any information herein provided for or shall willfully give answers that are false or shall refuse to allow agents or employees of the Department of Agriculture to examine or classify any cotton in store in any such establishment, or in the hands of any owner or holder or of the agent or representative of any such owner or holder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$300 or more than \$1,000.

SEC. 4. That the Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for the purchase of samples of cotton, for rent outside the District of Columbia, printing telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere; and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

With the following committee amendment:

Page 4, after line 24, insert new sections, as follows:

"SEC. 5. That, of the reports issued by the Secretary of Agriculture, pursuant to the act entitled 'An act authorizing the Department of Agriculture to issue semimonthly cotton crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce,' approved May 3, 1924, only five shall be issued hereafter, one as of August 1, one as of September 1, one as of October 1, one as of November 1, and one as of December 1, each of which shall state the condition and progress of the crop and the probable number of bales which will be ginned, these reports to be issued simultaneously with the cotton-ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at 11 a. m. of the eighth day following that to which the respective reports relate. When such date of release falls on Sunday or a legal holiday the report shall be issued at 11 o'clock a. m. of the next succeeding work day.

"SEC. 6. The Secretary of Agriculture shall cause to be issued a report on or before the 10th day of July of each year showing, by States and in toto, the number of acres of cotton in cultivation on July 1, to be followed on September 1 and December 1 with an estimate of the acreage of cotton abandoned since July 1."

The committee 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 whereby the bill was passed was laid on the table.

#### SIMON BOLIVAR

The next business on the Consent Calendar was the bill (S. 2643) to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar.

The Clerk read the title of the bill.

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

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what will this cost the Treasury of the United States?

Mr. O'CONNELL of New York. Ten thousand dollars; and it is absolutely justified, because the committee held extensive hearings on the matter, and I can assure the gentleman it is absolutely o. k.

Mr. BLANTON. And the President asks that it be passed?

Mr. O'CONNELL of New York. Yes; it is recommended by the President.

Mr. SCHAFER. Since the gentleman says the bill is all right, I withdraw my reservation of objection.

Mr. COLE. And it provides for cooperation with the Spanish-American countries.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000, to enable the Secretary of State to pay such sum to the Government of Panama as the contribution of the United States toward the erection in the city of Panama of a monument to Gen. Simon Bolivar pursuant to a resolution adopted at the fifth international conference of American States, held at Santiago, Chile, in 1923.

Mr. CRAMTON. Mr. Speaker, I move to amend, in line 3, by inserting after the word "hereby" the words "authorized to be."

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 1, line 3, after the word "hereby," insert the words "authorized to be."

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.

#### PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

The next bill on the Consent Calendar was the bill (S. 3403) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913.

The Clerk read the title of the bill.

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

Mr. O'CONNELL of New York. Mr. Speaker, I object.

Mr. LAGUARDIA. Will the gentleman reserve his objection for a moment?

Mr. O'CONNELL of New York. I reserve it.

Mr. LAGUARDIA. This is only to give an opportunity to the District of Columbia to get a valuation of the physical properties of the public utilities. We have been through the same trouble in New York, and the gentleman ought to be sympathetic toward this bill. The gentleman knows what we have been through in New York with the telephone companies and the gas companies. Do not put the same thing on the people of the District of Columbia.

Mr. BLANTON. The trouble here is with the public utilities committee and its counsel. If the commission would function in behalf of the people, we would have a proper valuation.

Mr. LAGUARDIA. We know what this means and the gentleman from New York knows also.

Mr. ZIHLMAN. Two of the public utilities here have already set up increased valuations. The utilities commission has only \$150 available this year to combat the valuations set up by the telephone company and the gas company. This is to give to the public utilities commission of the District of Columbia funds with which to set up valuations in opposition to the valuations that have been set up by the gas company and the telephone company, as well as other public utilities of the District.

Mr. EDWARDS. How large a sum is required?

Mr. ZIHLMAN. There is no expense upon the Government whatever.

Mr. LAGUARDIA. And the utilities here are taking in \$30,000,000 annually.

Mr. BLACK of Texas. The bill provides that this may be charged against the public utilities, and the commissioner who recommends the bill says this is very necessary in order to protect the interests of the people of the District of Columbia.

Mr. O'CONNELL of New York. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BEGG. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913 (37 U. S. Stat. 974), be amended by adding a new paragraph, No. 42a, to read as follows:

"PAR. 42a. That the expenses of any investigation, valuation, revaluation, or proceeding of any nature made by the Public Utilities Commission of any public utility operating in the District of Columbia shall be borne by the public utility investigated, valued, revalued, or otherwise as a special franchise tax in addition to all other taxes imposed by law, and such expenses with 6 per cent interest may be charged to operating expenses and amortized over such period as the Public Utilities Commission shall deem proper and be allowed for in the rates to be charged by such utility. When any such investigation, valuation, revaluation, or other proceeding is begun the said Public Utilities Commission may call upon the utility in question for the deposit of such reasonable sum or sums as, in the opinion of said commission, it may deem necessary from time to time until the said proceeding is completed, the money so paid to be deposited in the Treasury of the United States to the credit of the appropriation account known as "Miscellaneous trust fund deposit, District of Columbia" and to be disbursed in the manner provided for by law for other expenditures of the government of the District of Columbia, for such purposes as may be approved by the Public Utilities Commission. Any unexpended balance of such sum or sums so deposited shall be returned to the utility depositing the same: *Provided*, That the amount expended by the commission in any valuation or rate case shall not exceed one-half of 1 per cent of the existing valuation of the company investigated, and that the amount expended in all other investigations shall not exceed one-tenth of 1 per cent of the existing valuation for any one company for any one year.

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.

#### AIR CORPS OF THE ARMY

Mr. McSWAIN. Mr. Speaker, is not the bill, S. 5402, Calendar No. 1093, the next bill?

The SPEAKER pro tempore. That bill has not been on the Consent Calendar long enough to be called at this time.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill may be called at this time.

The SPEAKER pro tempore. This is regular consent day.

Mr. CHINDBLOM. Mr. Speaker, this is not consent day. The Consent Calendar is being called by special order.

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'CONNOR of New York. Was it not the understanding to-day that this was a special-consent arrangement and not under the regular order?

The SPEAKER pro tempore. This is a special session this evening, and the Chair thinks the rules that applied to-day would apply this evening.

Mr. O'CONNOR of New York. This was not a regular Consent Calendar day, because the order of procedure was changed.

Mr. BEGG. It seems to me we ought not to take up these bills that have not been on the calendar long enough.

Mr. CRAMTON. Let me explain my request. There is only one Senate bill on the calendar in this condition. I am not interested at all in it.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the bill be considered at this time. Is there objection?

Mr. BEGG. What is the bill?

Mr. McSWAIN. This is merely to clarify a law passed last year. By the act of July 3, 1926, under the law as written the National Advisory Committee on Aeronautics and the Board of Patents and Design were set up to pass on any invention that might be offered as to aircraft. By the construction of the Judge Advocate of the Army the National Design Committee could merely consider, but its recommendation and opinion was in no wise binding on the Patent and Design Board.

Mr. BLANTON. And what does this bill do?

Mr. McSWAIN. It provides that when the Advisory Committee on Aeronautics has found merit in a patent or design it turns it over to the Patent and Design Board to say what it is worth. If the advisory committee say it has not merit, their recommendation is binding and it does not go up. In other words, it saves a lot of time, and I will say to the gentleman from New York that inventors themselves have come to me and said that they desired this amendment.

Mr. LAGUARDIA. In other words, if the advisory board turns it down—

Mr. McSWAIN. That ends it.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

A bill (S. 5402) to amend the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926.

*Be it enacted, etc.,* That the second sentence of subdivision (r) of section 10 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926, is amended so as to compose three sentences to read as follows:

"Any individual, firm, or corporation may submit to the board for its action any design, whether patented or unpatented, for aircraft, aircraft parts, or aeronautical accessories. The board shall refer any design so submitted to the Advisory Committee for Aeronautics for its recommendation. If and when the committee makes a favorable recommendation to the board in respect of the design, the board shall then proceed to determine whether the use of the design by the Government is desirable or necessary and evaluate the design and fix its worth to the United States in an amount not to exceed \$75,000."

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

A motion to reconsider was laid on the table.

#### BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the following bridge bills may be considered, read by title, the committee amendments agreed to, the bills ordered to be engrossed and read the third time, and passed, and a motion to reconsider laid on the table.

Mr. BLANTON. Are they all in the proper and usual form?

Mr. DENISON. They are.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The bills are as follows:

H. R. 17292. A bill granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North;

H. R. 17136. A bill granting the consent of Congress to the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at Baton Rouge, La.;

H. R. 17249. A bill granting the consent of Congress to the States of South Dakota and Nebraska, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. R. 17270. A bill granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, and Robert Walker, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. R. 17271. A bill to extend the time for constructing a bridge across the Mississippi River between the city of Anoka, in the county of Anoka, and the village of Champlin in the county of Hennepin, State of Minnesota;

H. R. 17295. A bill granting the authority of Congress to the Kanawha Falls Bridge Co. (Inc.), to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.;

H. R. 17297. Granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. R. 17320. Granting the consent of Congress to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H.

Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; and

H. R. 17333. Granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at West Avenue, Youngstown, Mahoning County, Ohio.

#### POTASH DEPOSITS IN THE UNITED STATES

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to take up at this time Calendar No. 1000 (H. R. 15827), to amend section 2 of an act entitled "An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests." This is simply a bill to correct an error in the act that was passed at the last session. If I could get this through at this time the Senate will pass on it immediately, I am informed by the Senator from Texas.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas to take up Calendar No. 1000 (H. R. 15827) out of order?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 2, Public, No. 424, Sixty-ninth Congress, be amended to read as follows:

"SEC. 2. The Secretary of the Interior and the Secretary of Commerce jointly are hereby authorized, within their discretion, to cooperate under formal agreement with individuals, associations, corporations, States, and municipalities, educational institutions, or other bodies, for the purposes of this act: *Provided*, That before undertaking drilling operations upon any tract or tracts of land the Secretary of the Interior and the Secretary of Commerce jointly shall enter into a contract or contracts with the owners or lessees, or both, of the mineral rights therein, which contract shall provide, among other things, that not more than the actual cost of the exploration shall constitute a preferred claim in favor of the United States and its cooperators against any minerals developed; and the aforesaid contract or contracts shall provide that the owners or lessees, or both, of said lands and/or mineral rights within the radius hereinafter mentioned, shall pay to the Government and its cooperators an amount equal to the actual costs of said explorations, out of any royalties secured from sale of minerals only, and this shall not be construed as any lien upon the land further than the sale of minerals therefrom by virtue of said explorations; said payments to be made at such time or times, in such manner, and in such proportions as said secretaries may, in their discretion, determine to be equitable: *Provided further*, That such contract shall not restrict the Secretary of the Interior and the Secretary of Commerce jointly in the choice of drilling locations within the property or in the conduct of the exploratory operations, so long as such selections or conduct do not interfere unreasonably with the use of the surface of the land or with the improvements thereon, and such contract shall provide that the United States and its cooperators shall not be liable for damages on account of such reasonable use of the surface as may be necessary in the proper conduct of the work: *Provided further*, That before such drilling be commenced the Secretary of the Interior and the Secretary of Commerce jointly shall require the owners of land and/or mineral rights therein lying within a radius of not less than 1 mile of any proposed well, in consideration of the probable increase in value to such lands and/or mineral rights therein incident to any discovery of potash and in order to prevent profiteering, to enter into an agreement whereby the Secretary of the Interior and the Secretary of Commerce, jointly, are empowered to act as referees in determining the maximum price at which the potash rights in such lands can be sold, which covenant shall run with the lands and/or mineral rights therein: *And provided further*, That the owners of such potash rights, in consideration of the advantage accruing from an equitable price for such potash rights as effected by said Secretary of the Interior and Secretary of Commerce, may be required to enter into an agreement whereby the potash produced from said lands shall be marketed at a price not in excess of a maximum determined by the Secretary of the Interior and the Secretary of Commerce jointly as equitable."

With the following committee amendment:

Page 2, line 2, after the word "act" strike out all of the remainder of page 2 and all of page 3, and insert in lieu thereof the following:

"*Provided*, That before undertaking drilling operations upon any tract or tracts of land, the mineral deposits of which are not the property of the United States, the Secretary of the Interior and the Secretary of Commerce jointly shall enter into a contract or contracts with the owners or lessees, or both, of the mineral rights therein, and the aforesaid contract or contracts shall provide, among other things, that, if deposits of potash minerals or oil shall be discovered in pursuance of operations under said contract or contracts and if and when said mineral deposits shall be mined and sold, the owners or lessees,



or both, of said mineral rights shall pay to the Government and its co-operators a royalty of not less than 2½ per cent of the sale value of any potash minerals and oil therefrom, said payments to continue until such time as the total amount derived from said royalty is equal to not more than the cost of the exploration, as may be determined by the Secretary of the Interior and the Secretary of Commerce jointly: *Provided further*, That all Federal claims for reimbursement under this act shall automatically expire 20 years from the date of approval of the contracts entered into, in accordance with the provisions thereof, unless sooner terminated by agreement between the owners or lessees of the potash mineral rights and oil and the Secretary of the Interior and the Secretary of Commerce jointly: *Provided further*, That said contract or contracts shall not restrict the Secretary of the Interior and the Secretary of Commerce jointly in the choice of drilling locations within the property or in the conduct of the exploratory operations, so long as such selection or conduct do not interfere unreasonably with the surface of the land or with the improvements thereof, and said contract or contracts shall provide that the United States shall not be liable for damages on account of such reasonable use of the surface as may be necessary in the proper conduct of the work."

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

There was no objection.

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

The committee amendment was agreed to.

Mr. HUDSPETH. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. HUDSPETH: On page 5 add section 2 at the end of the committee amendment, as follows:

"That funds appropriated under the act of June 25, 1926, hereinbefore described, for any fiscal year and not expended at the close of each year, be and the same are hereby reappropriated for use under the act of the succeeding fiscal year."

Mr. BEGG. Mr. Speaker, I make the point of order on that. Mr. CRAMTON. There is nothing to prevent reappropriation if it seems wise at the time.

Mr. HUDSPETH. Very well, Mr. Speaker, I withdraw the amendment.

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 SPEAKER pro tempore. The Clerk will call the first bill on the Consent Calendar.

#### GENERAL FEDERATION OF WOMEN'S CLUBS

The first business on the Consent Calendar was the bill (H. R. 16619) to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs," approved March 3, 1901.

The Clerk read the title of the bill.

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

Mr. HICKEY. Mr. Speaker, I object.

#### ASSIGNMENT OF CERTAIN OFFICERS OF UNITED STATES NAVY

The next business on the Consent Calendar was the bill (H. R. 14241) to amend the provision contained in the act approved August 29, 1918, relating to the assignment of duty to certain officers of the United States Navy as fleet and squadron engineers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. TABER. Mr. Speaker, I object.

#### DATE OF PRECEDENCE OF CERTAIN OFFICERS OF THE STAFF CORPS OF THE NAVY

The next business on the Consent Calendar was the bill (H. R. 16577) to provide for date of precedence of certain officers of the staff corps of the Navy.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, I want to find out the purpose of this bill. It seems innocuous on its face. What does it really mean?

Mr. AYRES. Mr. Speaker, this young man graduated from the Naval Academy in 1923. On account of sickness, he had to be assigned to the supply corps. He has regained his health and he now asks to be put back to his original status.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That any officer of the line of the Navy who, since July 1, 1923, has been transferred to, and commissioned in, a staff corps of the Navy in the same rank as formerly held by him in the line, shall take precedence with, but next after that officer of the line immediately above him in the Navy at the time of such transfer, which officer shall be assigned as his running mate for promotion purposes: *Provided*, That no back pay or allowances shall accrue to any officer by reason 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.

#### THE FRIGATE "CONSTITUTION"

The next business on the Consent Calendar was the bill (H. R. 16432) to authorize the Secretary of the Navy to dispose of certain parts of the frigate *Constitution*, to be used as souvenirs.

The Clerk read the title of the bill.

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

Mr. O'CONNOR of New York. Mr. Speaker, I object.

#### APPRAISAL OF CERTAIN GOVERNMENT PROPERTY

The next business on the Consent Calendar was the bill (H. R. 16771) to authorize the appraisal of certain Government property, and for other purposes.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, at the end of a certain time the Government will have put out a large sum of money, and this company will own this plant.

Mr. WOODRUFF. Oh, no indeed. The company is under contract to the Government at this time.

Mr. LAGUARDIA. To furnish power?

Mr. WOODRUFF. No. The Government owns a certain part of the equipment of the Virginia Power Co. in Nitro, W. Va. This company is under contract at this time to take this property from the Government at an appraised value agreed on by three appraisers, one to be appointed by the power company, one to be appointed by the Navy, and these two to select a third. That property was installed there in 1917, and anyone who knows anything about the rapidity with which hydroelectric equipment is developing would realize that this property is rapidly becoming obsolescent and it is high time the Government sold it if it expects to get anything out of it.

Mr. LAGUARDIA. How much is the value, approximately?

Mr. WOODRUFF. In 1921 the property was appraised for \$1,625,000.

Mr. LAGUARDIA. This is just an electrical power plant?

Mr. WOODRUFF. Yes. Part of it is.

Mr. LAGUARDIA. It would not take very long to appraise that property?

Mr. WOODRUFF. Yes, it would.

Mr. LAGUARDIA. It would not take three months, would it?

Mr. WOODRUFF. Oh, yes. The gentleman must understand that when there is something like a million and a half dollars worth of electric equipment scattered around as that is, it requires the services of expert men.

Mr. LAGUARDIA. The gentleman does not seriously mean that?

Mr. WOODRUFF. It is a tremendous undertaking to—

Mr. PARKS. Regular order!

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. O'CONNELL of New York. We have been listening, but we can not hear what is going on.

Mr. PARKS. Mr. Speaker, I demand the regular order.

Mr. BLANTON. Mr. Speaker, I object.

Mr. PARKS. We want to know something about these matters as we go along.

The SPEAKER pro tempore. Is there objection?

Mr. EDWARDS. Mr. Speaker—

Mr. PARKS. Mr. Speaker, I am only asking the privilege of hearing what the gentleman from New York and the rest are talking about.

The SPEAKER pro tempore. Objection is heard.

#### HOMESTEAD SETTLERS ON MUD LAKE BOTTOM, MINN.

The next business on the Consent Calendar was the bill (H. R. 12414) for relief of homestead settlers on the drained Mud Lake bottom in the State of Minnesota.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The committee amendment was read in lieu of the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate and ascertain the reasonable value of the improvements which prior to February 1, 1926, were placed on the lands included in the homestead entries on the area embraced in the drained Mud Lake bottom, located in township 156 north of ranges 41 and 42, in the county of Marshall and State of Minnesota, and to make a full and specific report to Congress on or before the first day of the next session in pursuance of the jurisdiction and duties imposed upon him by this act.

That a list of said homestead entries with the names of the entrymen and a description of the land embraced in each entry as listed by the Commissioner of the General Land Office is as follows:

*Township 156 north, range 41 west, fifth principal meridian*

Subdivision	Section	Entryman	Crook-ton	Cass Lake
Lot 5	7	Grant I. Flakne	013577	
Lot 6	7	do	013577	
Lot 5	8	do	013577	
Lot 6	8	do	013577	
Lot 7	7	Clarence H. Christenson	013573	
Lot 8	7	Casper J. Dale	013524	
Lot 9	7	do	013524	
Lot 10	7	do	013524	
NE 1/4 SW 1/4	7	do	013524	
SE 1/4 SW 1/4	7	do	013524	
NE 1/4 SE 1/4	7	Engelbrekt Norbeck	018214	013716
NW 1/4 SE 1/4	7	do	018214	
SE 1/4 SE 1/4	7	do	018214	
SW 1/4 SE 1/4	7	do	018214	
Lot 7	8	Knud O. Flakne	013578	
Lot 8	8	do	013578	
NE 1/4 NW 1/4	17	do	013578	
Lot 9	8	Grant I. Flakne	017146	
Lot 5	17	do	017146	
Lot 4	16	Ole Reiersen	017436	013451
Lot 5	16	do	017436	013451
NE 1/4 SE 1/4	17	do	017436	013451
SE 1/4 SE 1/4	17	do	017436	013451
SW 1/4 SE 1/4	17	do	017436	013451
Lot 3	17	Oiga C. Larson	013696	
Lot 4	17	do	013696	
NW 1/4 NE 1/4	17	do	013696	
SW 1/4 NE 1/4	17	do	013696	
Lot 7	17	Ole Maakstad	017946	
Lot 8	17	do	017946	
NE 1/4 SW 1/4	17	do	017946	
SE 1/4 SW 1/4	17	do	017946	
Lot 6	17	Andrew O. Spokely	016815	
SE 1/4 NW 1/4	17	do	013583	
NW 1/4 SE 1/4	17	do	013583	
Lot 1	18	Carl M. Ostby	013596	013424
Lot 2	18	do	013596	013424
Lot 3	18	do	013424	013424
Lot 4	18	do	013506	013424
Lot 4, 3	18	Ervin J. Dale	013595	013423
NE 1/4 SW 1/4	18	do	013595	013423
SE 1/4 SW 1/4	18	do	013595	013423
NE 1/4 NE 1/4	18	Sherman J. Talle	013597	
SE 1/4 NE 1/4	18	do	013597	
SW 1/4 NE 1/4	18	do	013597	
NE 1/4 NW 1/4	18	do	013597	
SE 1/4 NW 1/4	18	Carl M. Ostby	013596	013424
NE 1/4 SE 1/4	18	do	013596	013424
NW 1/4 SE 1/4	18	Tom Risdal	017739	013506
SE 1/4 SE 1/4	18	do	017739	013506
SW 1/4 SE 1/4	18	do	017739	013506
Lot 2	19	Andrew P. Haugen	017722	013503
Lot 3	19	do	017722	013503
NE 1/4 NW 1/4	19	do	017722	013503
SE 1/4 NW 1/4	19	do	017722	013503
Lot 4	19	Agnes Fosen	013613	013892
Lot 5	19	do	013613	013892
NE 1/4 SW 1/4	19	do	013613	013892
SE 1/4 SW 1/4	19	do	013613	013892
Lot 9	30	do	013613	013892
Lot 6	30	Vacant	013613	013892
Lot 7	19	do		
NE 1/4 NE 1/4	19	Olava Sollom	017753	013512
NW 1/4 NE 1/4	19	do	017753	013512
SE 1/4 NE 1/4	19	do	017753	013512
SW 1/4 NE 1/4	19	do	017753	013512
NE 1/4 SE 1/4	19	Vacant		
NW 1/4 SE 1/4	19	do		
N 1/2 NW 1/4	19	do		
Lot 6	20	Almond O. Snook	013615	013893
Lot 7	20	do	013615	013893
NW 1/4 NE 1/4	20	do	013615	013893
SW 1/4 NE 1/4	20	do	013615	013893
Lot 2	21	do	013615	013893
Lot 8	20	Hilmar Moberg	013614	013426
Lot 9	20	do	013614	013426
SE 1/4 NW 1/4	20	do	013614	013426
SW 1/4 NW 1/4	20	do	013614	013426
NE 1/4 NW 1/4	20	Mary Moberg	016152	
NW 1/4 NW 1/4	20	do	016152	
Lot 7	30	Vacant		
Lot 8	30	do		

*Township 156 north, range 42 west, fifth principal meridian*

Subdivision	Section	Entryman	Crook-ton	Cass Lake
Lot 5	12	Ralph O. Gresly	017856	013551
Lot 6	12	do	017856	013551
Lot 7	12	do	017856	013551
Lot 2	13	Alfred Newton	013629	013427
Lot 3	13	do	013629	013427
SE 1/4 NE 1/4	13	do	013629	013427
SW 1/4 NE 1/4	13	do	013629	013427
Lot 4	13	Arnold E. Talle	016983	
Lot 5	13	do	016983	
SE 1/4 NW 1/4	13	do	016983	
SW 1/4 NW 1/4	13	do	016983	
NE 1/4 SE 1/4	13	Elmer Erick Petterson	017786	013522
NW 1/4 SE 1/4	13	do	017786	013522
SE 1/4 SE 1/4	13	do	017786	013522
SW 1/4 SE 1/4	13	do	017786	013522
NE 1/4 SW 1/4	13	George E. Jensen	013630	
NW 1/4 SW 1/4	13	do	013630	
SE 1/4 SW 1/4	13	do	013630	
SW 1/4 SW 1/4	13	do	013630	
Lot 5	14	Fred Peterson	017821	013534
Lot 6	14	do	017821	013534
Lot 7	14	do	017821	013534
Lot 8	14	do	017821	013534
Lot 5	23	Karoline Johansen	013641	
Lot 6	23	Willard A. Silbaugh	013640	
Lot 7	23	do	013640	
Lot 8	23	do	013640	
NE 1/4 NE 1/4	24	Emil Bernet Simonson	015257	013430
NW 1/4 NE 1/4	24	do	015257	013430
SE 1/4 NE 1/4	24	do	015257	013430
SW 1/4 NE 1/4	24	do	015257	013430
NE 1/4 NW 1/4	24	Ole Wilhelm Moberg	017313	013441
NW 1/4 NW 1/4	24	do	017313	013441
SE 1/4 NW 1/4	24	do	017313	013441
SW 1/4 NW 1/4	24	do	017313	013441
NE 1/4 SE 1/4	24	Off Torger Ness	013645	013428
NW 1/4 SE 1/4	24	do	013645	013428
SE 1/4 SE 1/4	24	do	013645	013428
SW 1/4 SE 1/4	24	do	013645	013428
NE 1/4 SW 1/4	24	Hilda Edith Brekke	016248	
NW 1/4 SW 1/4	24	do	016248	
SE 1/4 SW 1/4	24	do	016248	
SW 1/4 SW 1/4	24	do	016248	
Lot 5	25	Ed Furr	013654	014145
Lot 6	25	do	013654	014145
Lot 7	25	do	013654	014145
NE 1/4 NW 1/4	25	do	013654	014145
NW 1/4 NW 1/4	25	do	013654	014145
NE 1/4 NE 1/4	25	Matilda Furr	013652	
NW 1/4 NE 1/4	25	do	013652	
SE 1/4 NE 1/4	25	do	013652	
SW 1/4 NE 1/4	25	do	013652	
Lot 3	26	Ole Olson Garthus	013655	

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 was laid on the table.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to return to Calendar No. 934.

The SPEAKER pro tempore. Is there objection to the request?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I will not object if we are given permission to ask questions about the bill when we go back to it?

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object—

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

The Clerk read as follows:

A bill (H. R. 16771) to authorize the appraisal of certain Government property, and for other purposes.

Mr. BLANTON. Reserving the right to object, this bill provides for the sale of this property, and one appraiser shall receive a fee not exceeding \$10,000. This is in line with the Navy as to what kind of excessive fees ought to be paid, and it is out of all reason; and that is my objection to the bill; the man who has the sale of this property, one appraiser, can get \$10,000, the amount the gentleman from Michigan would get in a year.

Mr. WOODRUFF. If the gentleman will yield, the gentleman does not believe the Navy Department would go arbitrarily and pay some appraiser \$10,000 because they could—

Mr. BLANTON. They paid an auctioneer \$110,000 for one day's work.

Mr. WOODRUFF. The Navy Department has done some things in the past which they will not do again.

Mr. BLANTON. Well, they are continually doing it, and there ought to be some provision inserted here to prevent this money from being paid out. If the bill is properly amended, I shall not object.

Mr. BEGG. I agree with the gentleman.

Mr. BLANTON. The gentleman from Ohio [Mr. BEGG] was the one who made the keynote speech on that subject



Mr. O'CONNELL of New York. How much is this bond?  
Mr. WOODRUFF. In 1921 this property was appraised at \$1,620,000.

Mr. O'CONNELL of New York. I think if you paid \$10,000 we will get off pretty cheap.

Mr. BLANTON. It will not take a week's work.

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

Mr. BLANTON. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

#### TABLET IN HONOR OF GEN. ANTHONY WAYNE AT DEFIANCE, OHIO

The next business on the Consent Calendar was the bill (H. R. 6235) to provide for the erection of the monument to Gen. Anthony Wayne at Defiance, Ohio.

The title of the bill was read.

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

Mr. CRAMTON. Reserving the right, to object, I would like to ask the gentleman from Massachusetts [Mr. LUCE] what is the occasion of striking out section 2 of the bill, providing that the site shall be furnished by the city of Defiance?

Mr. LUCE. I think the gentleman who introduced the bill [Mr. THOMPSON] can answer that better than I.

Mr. THOMPSON. I do not know.

Mr. CRAMTON. I wonder if it would not be satisfactory to the gentleman from Massachusetts to leave in that section too; leave it for the Senate to correct. Has the gentleman from Massachusetts any objection to that?

Mr. LUCE. I understood that the site was to be given by the city of Defiance.

Mr. CRAMTON. Let us keep section 2 in.

Mr. CHINDBLOM. The report says that the site is already in possession of the public now.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the bill be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The bill reads as follows:

*Be it enacted, etc.,* That there shall be erected in the city of Defiance, Ohio, at the junction of the Maumee and Auglaize Rivers, on the site of the fort erected during the Indian wars in the year 1793, under the direction of the Secretary of War, a suitable monument in honor of Gen. Anthony Wayne, and the soldiers who fought in his legion in his expedition against the Indians of the Northwest, and under whose command permanent peace was secured with the Indians, and the territory of our country was greatly enlarged.

Sec. 2. That such monument shall be erected on the site aforesaid, but said site shall be furnished by said city of Defiance, Ohio, and approved by the Secretary of War.

Sec. 4. That for the above purpose the sum of \$25,000 or so much of said sum as may be necessary, is hereby authorized to be appropriated, from any moneys in the Treasury not otherwise appropriated. This sum shall be expended by direction of the Secretary of War, or such officer as he may designate: *Provided*, That the money authorized to be appropriated shall be drawn from time to time only as may be required during the progress of the work and under the requisition of the Secretary of War.

Amend the title so as to read: "A bill to provide for the erection of a tablet or marker to Gen. Anthony Wayne at Defiance, Ohio."

With committee amendments, as follows:

Page 1, line 7, strike out the word "monument" and insert "tablet or marker."

On page 2, strike out section 2, covering lines 3, 4, and 5.

On page 2, line 6, strike out the figure "4" and insert the figure "2"; and on line 7, strike out "\$25,000" and insert "\$5,000."

And amend the title.

Mr. CHINDBLOM. Mr. Speaker, let us have a vote on striking out section 2.

Mr. CRAMTON. I suggest that section 2 be allowed to remain.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were 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.

#### FORD'S THEATER

The next business on the Consent Calendar was the bill (H. R. 16656) to establish a national war memorial museum and veterans' headquarters in the building known as Ford's Theater.

The title of the bill was read.

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

Mr. HOOPER. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

Mr. O'CONNELL of New York. Mr. Speaker, will the gentleman withhold his objection?

Mr. HOOPER. Yes.

Mr. O'CONNELL of New York. This bill has been before us for a long time. No man should want to object on account of its historical features.

Mr. RATHBONE. I would like to know what the grounds of objection are.

Mr. HOOPER. Nobody has had a chance to go over the matter at this late period just before the adjournment.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. EDWARDS. Mr. Speaker, I think the objection was withdrawn.

The SPEAKER pro tempore. No.

#### MONUMENT TO FEDERAL SOLDIERS KILLED AT THE BATTLE OF PERRYVILLE

The next business on the Consent Calendar was the bill (H. R. 16746) to erect a monument to the memory of the Federal soldiers who were killed at the battle of Perryville, and for other purposes.

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.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The bill reads as follows:

*Be it enacted, etc.,* That the sum of \$5,000 be, and is hereby, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a monument on the grounds of the Battle of Perryville, near Perryville, in Boyle County, Ky., in honor of the Federal soldiers who took part in that battle, and many of whom are now buried therein, said monument to be erected in a suitable location, having reference to the monument erected by the State of Kentucky to the Confederate dead that also lie buried therein. Said sum to be dispensed by the Secretary of War, after he shall have approved the plans of said monument.

Sec. 2. That the Secretary of War is hereby authorized to accept, free of cost to the Government, a tract of land containing 4 acres, with the roadway 25 feet wide running from the east side of said tract to the Perryville turnpike, and upon presentation of good and perfect title to said tract of land the Secretary of War is authorized and directed to establish thereon a national cemetery.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 5, at the end of the line, strike out the word "monument" and insert the words "tablet or marker." In line 9, after the word "said," strike out the word "monument" and insert "tablet or marker."

Page 2, amend the title.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were 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.

## TABLET TO THE MEMORY OF SACAJAWEA

The next business on the Consent Calendar was the resolution (H. J. Res. 42) authorizing the erection of a monument to Sacajawea, or Bird Woman.

The title of the resolution was read.

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

Mr. O'CONNOR of New York. Will the gentleman explain what kind of a woman the bird was? [Laughter.]

Mr. PARK. Let us know what the resolution is. I ask that it be read.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved, etc.,* That there is hereby authorized an appropriation of \$5,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the erection of a suitable monument, under the supervision of the Secretary of the Interior, on the Wind River or Shoshone Indian Reservation, to the memory and at the grave of Sacajawea, or Bird Woman, who accompanied Lewis and Clark on their expedition of exploration in the Northwest and rendered valuable service to them as interpreter and guide.

With committee amendments, as follows:

Page 1, line 3, strike out "\$5,000" and insert "\$2,500." And on line 6, strike out the word "monument" and insert "tablet or marker."

The SPEAKER pro tempore. Is there objection to the present consideration of this resolution?

There was no objection.

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

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the resolution as amended.

The House joint resolution 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 resolution was passed was ordered to be laid on the table.

The title was amended.

## MEMORIAL AT MEDICINE LODGE, KANS.

Mr. LUCE. Mr. Speaker, I desire to make a unanimous consent request under somewhat exceptional circumstances, making it out of courtesy and out of compliment to one of our most respected and beloved Members, who will be with us but four days longer. He desires to carry home a monument under his arm, and in view of the fact that it is a peace monument, I think it particularly fitting that we shall not fail to pass his measure; and so I would ask unanimous consent that at present we consider No. 1064 on the calendar (H. R. 17024), authorizing the appropriation of \$2,500 for the erection of a monument or other form of memorial at Medicine Lodge, Kans., to commemorate the holding of the Indian peace council at which treaties were made with the Plains Indians in October, 1867.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to consider No. 1064 on the calendar, H. R. 17024. Is there objection?

Mr. PARKS. Mr. Speaker, why should we jump a lot of bills and consider this bill before we reach it on the calendar?

Mr. O'CONNELL of New York. I would like to say that we did that the other night in two or three instances; so the precedent having been set, we should stick to it.

Mr. PARKS. But there ought to be a way to break a precedent sometimes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. CAREW. Mr. Speaker, reserving the right to object, I should like to have the gentleman from Massachusetts explain this bill.

Mr. LUCE. I am delighted at the opportunity, for I sought it. The SPEAKER pro tempore. Is there objection to the consideration of this bill at this time?

Mr. CAREW. There is only a reservation made at the present time, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the title of the bill.

Mr. CAREW. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Massachusetts whether the monument is to be erected to an ancestor of the gentleman who introduced it? [Laughter.]

Mr. LUCE. I think I shall be able to explain it to the gentleman's satisfaction so that he will not object.

Mr. Speaker, I shall delay the proceedings but just a moment, and yet I think we may pause for this opportunity to express our regret that the gentleman from Kansas is no longer to serve with us. If I recollect aright, we came into the House at the same time, and very soon after our arrival it turned out that the East and the West—

Mr. O'CONNELL of New York. Mr. Speaker, I do not like to interrupt my friend, but there are a lot of Members who are interested in bills. Do not oversell yourself. You have got yours.

Mr. CHINDBLOM. Mr. Speaker, Mr. TINCER is a good Indian, so we ought to pass this bill.

The SPEAKER pro tempore. Without objection, the Clerk will report the bill.

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the sum of \$2,500 is hereby authorized to be appropriated to be expended, under the direction of the Secretary of the Interior, in the erection of a monument or other form of memorial at Medicine Lodge, Kans., to commemorate the holding at Medicine Lodge, Kans., of the Indian peace council, at which treaties were made between the United States and the Kiowa, Comanche, Apache, Cheyenne, and Arapahoe Indians in October, 1867.

With the following committee amendment:

Page 1, line 5, strike out the words "monument or other form of memorial" and insert the words "tablet or marker."

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.

The title was amended.

## DETENTION OF FUGITIVES

The next business on the Consent Calendar was the bill (H. R. 15208) to provide for the detention of fugitives apprehended in the District of Columbia.

The Clerk read the title of the bill.

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

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Maryland if he does not believe that in section 2, on line 12, a time limit should be fixed in which the requisition from a State should be presented? You provide in the bill that the—

judge of the police court at a future date, allowing a reasonable time to obtain a requisition from the governor of the State.

Should not that be 30 days or 60 days, the same time as is provided in the various States?

Mr. ZIHLMAN. I should say that would be too long. I should think 10 days would be sufficient.

Mr. LA GUARDIA. I would allow 30 days to get the requisition.

Mr. ZIHLMAN. I would not object to an amendment of that sort.

Mr. PARKS. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is: Is there objection?

There was no objection.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That whenever any person shall be found within the District of Columbia charged with any offense committed in any State, Territory, or other possession of the United States, and liable by the Constitution and laws of the United States to be delivered over upon the demand of the governor of such State, Territory, or possession, any judge of the police court of the District of Columbia may, upon complaint on oath or affirmation of any credible witness, setting forth the offense, that such person is a fugitive from justice, and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so charged before the police court, to answer such complaint.

Sec. 2. If, upon the examination of the person charged, it shall appear to the judge of the police court that there is reasonable cause to believe that the complaint is true, and that such person may be lawfully demanded of the chief justice of the Supreme Court of the District of Columbia, he shall, if not charged with murder in the first degree, be required to give bond or other obligation, with sufficient sureties, in a reasonable sum, to appear before said judge of the police court at a future date, allowing a reasonable time to obtain a



requisition from the Governor of the State, Territory, or possession of the United States from which said person is a fugitive, he to abide the order of such judge of the police court in the premises.

Sec. 3. If such person shall not give bond or other obligation, as herein provided, or if he shall be charged with the crime of murder in the first degree, he shall be committed to the district jail, and there detained until a day fixed by the court, in like manner as if the offense charged had been committed within the District of Columbia; and if the person so giving bond or other obligation shall fail to appear according to the condition of his bond or obligation he shall be defaulted and the bond or other obligation entered into by him shall be forfeited to the United States.

Sec. 4. If the person so giving bond or other obligation, or committed, shall appear before a judge of the police court upon the day ordered, he shall be discharged, unless he shall be demanded by some person authorized by the warrant of the governor to receive him, or unless the judge of the police court shall see cause to commit him for a further time, or to require him to give bond or other obligation for his appearance at some other day, and, if, when ordered, he shall not give bond or other obligation he shall be committed and detained as before: *Provided*, That whether the person so charged shall give bond or obligation, be committed or discharged, his delivery to any person authorized by the warrant of the governor shall be a discharge of his bond or obligation, if any.

Sec. 5. The major and superintendent of the Metropolitan police of the District of Columbia shall give notice to the police official or sheriff of the city or county from which such person is a fugitive that the person is so held in the District of Columbia.

Sec. 6. A person committed as herein provided shall not be detained in jail longer than to allow a reasonable time to the person receiving the notice herein required to apply for and obtain a proper requisition for such person, according to the circumstances of the case and the distance of the place where the offense is alleged to have been committed.

Sec. 7. Nothing herein contained shall prevent the voluntary return, in the custody of a proper official, of a person to the jurisdiction of the State, Territory, or other possession of the United States from which he is a fugitive. And nothing herein contained shall prevent a judge of the police court of the District of Columbia, in his discretion, accepting bond or other obligation for the appearance of a person before the proper official in the State, Territory, or possession of the United States from which he is a fugitive.

Sec. 8. Nothing herein contained shall repeal, modify, or in any way affect existing law concerning the procedure for the return of any person apprehended in the District of Columbia to a Federal district to answer a Federal charge, or repeal, modify, or affect existing law or treaty concerning the return to a foreign country of a person apprehended in the District of Columbia as a fugitive from justice from a foreign country.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment. On page 2, strike out the words "a reasonable time," and insert in lieu thereof "30 days."

The SPEAKER pro tempore. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, lines 12 and 13, strike out "a reasonable time" and insert in lieu thereof "30 days."

Mr. O'CONNOR of New York. Is the bail provision in the bill?

Mr. LAGUARDIA. Yes; it is in the bill.

Mr. O'CONNOR of New York. Providing admission to bail during the 30 days?

Mr. LAGUARDIA. That is in the bill.

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.

#### MISSOULA NATIONAL FOREST, MONT.

The next business on the Private Calendar was the bill (H. R. 16173) to add certain lands to the Missoula National Forest, Mont.

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.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That, subject to any valid existing claim or entry, all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made parts of the Missoula

National Forest to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the act approved March 20, 1922 (42 Stat. p. 465), as amended, are hereby extended and made applicable to all other lands within said described areas:

East half section 19, township 11 north, range 7 west; sections 2 and 12, township 11 north, range 8 west; west half section 1, sections 2 to 11, inclusive, west half section 12, township 12 north, range 7 west; sections 1 to 17, inclusive, lots 5, 8, 9, 10, 11, 12, 13, 16, and 17, section 18, lots 3, 4, 5, 8, 9, southwest quarter northeast quarter section 20, sections 21 to 28, inclusive, lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, and 12, section 33, sections 34, 35, and 36, township 12 north, range 8 west; lots 1, 2, 3, and 7, section 1, north half section 2, section 6, township 12 north, range 9 west; west half section 4, sections 5 and 6, township 13 north, range 6 west; all unsurveyed township 13 north, range 7 west; all township 13 north, range 8 west; west half northeast quarter, northwest quarter, lots 3 and 4, section 6, east half, southwest quarter section 8, south half section 10, north half northeast quarter, southwest quarter northeast quarter, northwest quarter, north half southwest quarter, southeast quarter, southeast quarter, section 12, sections 13 to 36, inclusive, township 13 north, range 9 west; unsurveyed sections 1 to 5, inclusive, east half unsurveyed section 8, unsurveyed sections 9 to 16, inclusive, north half northeast quarter, southeast quarter southeast quarter unsurveyed section 17, east half northeast quarter, northeast quarter southeast quarter unsurveyed section 20, unsurveyed sections 21 to 28, inclusive, unsurveyed sections 33 to 36, inclusive, township 13 north, range 10 west; lots 4, 5, 6, and 7, section 6, west half section 18, township 14 north, range 5 west; sections 1 to 4, inclusive; south half northeast quarter, lots 2, 3, and 4, southeast quarter section 7, south half section 8, southeast quarter northeast quarter, southeast quarter, south half southwest quarter section 9, sections 10 to 13, inclusive, north half southwest quarter, north half southeast quarter, southeast quarter southeast quarter section 14, sections 15 to 21, inclusive, north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter section 22, east half northeast quarter, north half northwest quarter, southwest quarter northwest quarter, southeast quarter southwest quarter, southeast quarter section 23, sections 24, 25, and 26, north half and southwest quarter section 27, sections 28 to 33, inclusive, east half northeast quarter, northwest quarter, north half southwest quarter, lot 1, northeast quarter southeast quarter, lot 4, section 34, all section 35, township 14 north, range 6 west; west half northeast quarter, northwest quarter, east half southwest quarter, south half southeast quarter, northwest quarter southeast quarter section 2, south half southwest quarter section 3, south half northeast quarter, south half section 4, lots 5, 6, 7, and 8, section 7, northeast quarter, southwest quarter, north half southeast quarter, southwest quarter southeast quarter section 8, sections 9 and 10, northeast quarter northeast quarter, west half northwest quarter, southwest quarter, west half southeast quarter, southeast quarter southeast quarter section 11, north half northwest quarter, southwest quarter northwest quarter, east half southwest quarter, southeast quarter section 12, sections 13 to 36, inclusive, township 14 north, range 7 west; lots 1, 2, west half section 4, section 24, south half southwest quarter section 32, township 14 north, range 8 west; unsurveyed sections 5 to 8, inclusive, west half unsurveyed section 17, unsurveyed section 18, north half and southeast quarter section 20, northeast quarter section 29, township 14 north, range 9 west; section 2, southwest quarter northeast quarter, lot 4, south half northwest quarter, southeast quarter section 4, section 10, north half, north half south half, all section 12, east half, east half west half and southwest quarter southwest quarter section 24, south half south half section 26, southwest quarter northeast quarter and south half section 30, north half and southwest quarter section 32, east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, and south half section 34, township 14 north, range 10 west; southwest quarter northeast quarter, west half, west half southeast quarter section 18, north half, north half southwest quarter section 30, township 15 north, range 5 west; lot 2, west half, west half southeast quarter, southeast quarter southeast quarter section 2, sections 3 to 6, inclusive, northeast quarter, lots 1 and 2, east half southeast quarter section 7, sections 8 and 11, inclusive, west half northeast quarter, west half, southeast quarter section 12, sections 13 and 17, inclusive, east half east half section 18, east half, lots 2, 3, and 4, section 19, sections 20 to 28, inclusive, north half, north half south half section 29 northeast quarter, northeast quarter southeast quarter section 30, sections 33, 34, and 35, township 15 north, range 6 west; lots 1, 2, 7, and 8, section 2, lots 1 to 14, inclusive, east half southwest quarter section 6, township 15 north, range 7 west; southwest quarter, west half southeast quarter section 2, sections 3 to 10, inclusive, southwest quarter northwest quarter and southwest quarter section 12, sections 14 to 22, inclusive, sections 26 to 34, inclusive, township 15 north, range 8 west; all township 15 north, range 9 west; sections 1 to 5, inclusive, northeast quarter, north half southeast quarter, southeast quarter southeast quarter section 6, northeast quarter northeast quarter, south half northeast quarter, northeast quarter southwest quarter, lots 5, 6, and 7, northwest quarter southeast quarter,

section 7, lot 4, north half, east half southwest quarter, southeast quarter, section 8, sections 9 to 15, inclusive, east half, southwest quarter section 17, sections 20 to 28, inclusive, north half, northeast quarter southwest quarter, southeast quarter, lots 3 and 5, section 29, east half northeast quarter, southeast quarter southeast quarter section 32, sections 33 to 36, inclusive, township 15 north, range 10 west; east half, east half southwest quarter and lot 3, section 2, west half section 4, west half northeast quarter, northwest quarter, northwest quarter southwest quarter, northwest quarter southeast quarter section 12, township 15 north, range 11 west, all Montana base and meridian.

With the following committee amendments.

Line 18, page 2, insert a comma after the word "quarter."

Line 9, page 3, insert a comma after the word "half."

Line 13, page 2, strike out the word "all" and insert in lieu thereof "section 1 to 5, inclusive, and 7 to 26, inclusive."

Line 25, page 2, strike out the figure "28" and substitute the figure "27," and strike out all of the line after the word "inclusive."

Line 1, page 3, strike out the word "inclusive" and insert in lieu thereof the "east half and north half northwest quarter section 28, section 33, north half and north half south half section 34, sections 35 and 36."

Line 3, page 3, strike out the figure "4" and substitute the figure "3."

Line 3, page 3, before the word "south" insert "north half and southeast quarter section 4."

Line 10, page 4, strike out the words "north half" and insert "north half northeast quarter, southwest quarter northeast quarter northwest quarter."

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.

#### ALLOWANCES IN FOURTH-CLASS POST OFFICES

The next business on the Consent Calendar was the bill (H. R. 4040) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes.

The clerk read the title of the bill.

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

Mr. O'CONNELL of New York. Reserving the right to object, Mr. Speaker, is there a member of the Post Office Committee present?

Mr. SPROUL of Illinois. Yes.

Mr. O'CONNELL of New York. I would like to ask why it has taken so long for us to reach such a meritorious bill?

Mr. SPROUL of Illinois. I can not understand that. The committee has been pushing the bill and has had the bill on the calendar here.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

Mr. CAREW. Reserving the right to object, Mr. Speaker, I would like to call the attention of the House to the fact that the Speaker is very expeditiously passing these bills and if the gentlemen would only sit still in their seats they would all go through with great rapidity.

Mr. PARKS. That being true, I demand the regular order.

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 read the bill.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That on July 1, 1926, and on July 1 of each year thereafter, postmasters of the fourth class shall be paid as allowances for rent, fuel, light, and equipment an amount equal to 20 per cent of the compensation earned by the postmasters during the preceding calendar year, the allowances to be determined by the records in the office of the Comptroller of the Post Office Department.

With the following committee amendments:

In line 3, strike out the figures "1926" and insert in lieu thereof the figures "1927."

In line 6, strike out the figures "20" and insert in lieu thereof the figures "15."

The committee amendments were agreed to.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out the last word, and I do so for the purpose of stating for the RECORD, so that these fourth-class postmasters may know that it is not necessary to contribute or to raise funds to pass any bill through Congress. There has been a great deal of loose talk about this bill, and letters are being sent out referring to the enormous cost of legislative service. There is not a harder working committee in this House than the Post Office Committee. They

have gone into the merits of this bill or they would not have reported it out, and I am sure there was not any expense necessary in order to get this bill through.

Mr. SPROUL of Illinois. Will the gentleman yield?

Mr. GREEN of Florida. Does not the gentleman think the fourth-class postmasters should receive better pay?

Mr. SPROUL of Illinois. I want to say to the gentleman from New York that there was no lobbying done on this bill; not a bit. I have not received a dozen letters about it, and I am a member of the committee.

Mr. GREEN of Florida. Some of the allowances will not even pay for the light and wood.

Mr. LAGUARDIA. I will say to the gentleman from Illinois that the point I am making is that funds have been solicited and a statement has been made to the associations about the great expense involved. The point I am making is that no expense has been necessary in connection with this bill. It came before the committee on its merits, the committee considered it, and there was no money at all necessary to get this bill through.

Mr. SPROUL of Illinois. The gentleman is absolutely right. I do not think there was any money spent in lobbying to get this bill through the House.

Mr. LAGUARDIA. I am glad to hear the gentleman say that.

Mr. BLANTON. Mr. Speaker, I rise in opposition to the pro forma amendment.

I want the third and fourth class postmasters of the United States to understand that when this bill was brought up the last time and was kept from going to the Senate and being passed, and then sent to the White House and becoming a law, it was the distinguished gentleman from New York [Mr. LAGUARDIA] who blocked it and kept it from passing.

Mr. LAGUARDIA. The RECORD will show that.

Mr. BLANTON. The RECORD does show that. This is one of the most meritorious bills that has been before this House, and it ought to pass. [Applause.]

I have the floor, and I do not yield; and the remarks of the gentleman from New York will not go in the RECORD.

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.

#### ADDITIONAL DISTRICT JUDGE, NORTHERN DISTRICT OF CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 16206) to provide for one additional district judge for the northern district of California.

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.

Mr. CHINDBLOM. Mr. Speaker, is there not a similar Senate bill?

Mr. GRAHAM. The Senate Judiciary Committee has reported out a similar bill.

Mrs. KAHN. The Senate bill will probably be brought up in the Senate to-night when that body is considering its calendar.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, one additional district judge for the northern district of California in addition to those now authorized by law. He shall be entitled to receive the same salary, payable in the same manner as is now provided for district judges in said district. This additional district judge shall reside within said district and shall be subject to the general provisions of law relating to district judges of the United States.

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.

#### COMPENSATION FOR WARRANT OFFICERS AND ENLISTED MEN—PANAMA CANAL

The next business on the Consent Calendar was the bill (H. R. 15468) to authorize payment of compensation to retired warrant officers and enlisted men employed by the Panama Canal.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA, Mr. BEGG, and Mr. HOOPER objected.

#### REORGANIZING OFFICE OF THE RECORDER OF DEEDS OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 15347) to reorganize the office of the Recorder of Deeds of the District of Columbia, and for other purposes.

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 there shall be a recorder of deeds of the District of Columbia, to be appointed by the President, by and with the advice and consent of the Senate, who shall have general charge of the work of filing, indexing, and recording all instruments of writing now or that may hereafter be required by law to be filed, indexed, or recorded in the office of the recorder of deeds of the District of Columbia. There shall also be in said office a first and second deputy recorder and such other personnel as may be authorized by law from time to time. In the absence of the recorder the first deputy recorder shall act as and perform the duties of the recorder of deeds, and he shall also perform such other duties as may be assigned to him by the said recorder. The second deputy shall, in the absence of both the recorder and first deputy recorder, act as and perform the duties of the recorder, and he shall also perform such other duties as may be assigned to him by the said recorder.

SEC. 2. That the recorder of deeds and the second deputy recorder of deeds, before entering upon their duties, shall severally give bond to the United States, with sureties satisfactory to the Comptroller General, the former in the sum of \$10,000 and the latter in the sum of \$5,000, conditioned for the faithful discharge of their duties, and that they shall render to the General Accounting Office a true account of all moneys received by virtue of their offices.

SEC. 3. That all receipts of the office of the recorder of deeds for services performed by said office, without deduction of any kind except moneys received by him for the payment of postage, shall be deposited in the Treasury of the United States to the credit of the District of Columbia, and that the annual estimates of appropriations for the government of the District of Columbia shall include estimates of appropriations for the operation and maintenance of the office of the recorder of deeds.

SEC. 4. That the recorder of deeds is authorized and empowered to purchase and use in his office for the recording of deeds and other instruments of writing required by law to be recorded in said office typewriting machines or photostat machines, to be paid for as appropriations may be made from time to time; and all deeds and other instruments of writing entitled by law to be recorded in said office which shall be recorded by typewriting machines or by photostat machines are hereby declared to be legally recorded.

SEC. 5. That the recorder of deeds is hereby authorized to recopy such of the existing records of his office as may, in his judgment, need recopying; and the records so recopied shall have the same legal force and effect as the originals.

SEC. 6. That the recorder of deeds, subject to the approval of the President, is authorized and empowered to change from time to time the fees charged for services performed by his office: *Provided*, That the recorder of deeds is authorized to include in the fees charged for services performed by his office an item for postage to cover the cost of mailing instruments of writing to owners after recording and indexing.

SEC. 7. That it shall not be necessary for the recorder of deeds to spread upon the records of his office chattel bills of sale, conditional bills of sale, chattel mortgages, chattel deeds of trust, or releases pertaining to personal chattels, but the same shall be indexed, and said instruments shall be kept on file in the office and shall be open to inspection by the public, and shall have the same force and legal effect as if they were actually recorded in the books of said office.

SEC. 8. That every corporation organized outside of the District of Columbia and now engaged in business or operating within the District of Columbia shall, within 60 days after the approval of this act, file in the office of the recorder of deeds in said District a copy of its articles or certificate of incorporation, certified to under the hand and seal of the officer having custody thereof; and no corporation organized outside of the District of Columbia and not now engaged in business or operating in said District shall be permitted or be authorized to engage in business or operate in said District until a copy of its articles or certificate of incorporation, certified to as aforesaid, shall have been filed in the office of the recorder of deeds: *Provided*, That any corporation organized outside of the District of Columbia and operating therein, after having filed a copy of its articles or certificate of incorporation, as aforesaid, and thereafter changes its name, capital stock, or status in any manner whatsoever, shall, within 30 days after such change, file in the office of the recorder of deeds of the District of Columbia a certificate, duly certified as aforesaid, showing such changes.

SEC. 9. That any person who shall aid in carrying on, as agent, the business of any corporation, whether said corporation is domestic or foreign, before said corporation has filed in the office of the recorder of deeds of the District of Columbia its articles or certificate of incorporation, shall be guilty of a misdemeanor, and on conviction thereof in the police court of said District, shall be punished by a fine not exceeding \$100, or, in default of payment thereof, by imprisonment for not more than 60 days.

SEC. 10. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. ZIHLMAN. Mr. Speaker, I offer the following amendments.

The Clerk read as follows:

On page 3, line 4, after the word "office" insert the words "printed forms," and after the word "machines" insert a comma.

On page 3, line 8, after the word "by" insert the words "printed forms," and after the word "machines" insert a comma.

On page 5, line 2, strike out the period and insert a colon and the following: "*Provided further*, That insurance companies organized outside of the District of Columbia shall file a copy of their charters and articles or certificates of incorporation with the insurance commission of the District of Columbia as now provided by law.

Mr. BLANTON. We reported this bill and we do not know what these amendments are. They were not brought before the committee.

Mr. ZIHLMAN. It is only to insert the words "printed forms," and—

Mr. BLANTON. What about outside insurance companies? Mr. ZIHLMAN. They must file a certificate of incorporation, as now provided by law, with the recorder of deeds.

Mr. BLANTON. This relates to the recorder of deeds office. Why bring in the insurance matters at this late hour.

Mr. ZIHLMAN. Very well, I will withdraw that amendment, Mr. Speaker.

Mr. BLANTON. I have no objection to the others.

The other amendments were 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 was laid on the table.

#### AUTOMOBILES FOR THE USE OF UNITED STATES MARSHAL'S OFFICE, ALASKA

The next business on the Consent Calendar was the joint resolution (H. J. Res. 301) to authorize the judge of the first judicial division of the Territory of Alaska to purchase two automobiles for the use of the United States marshal's office in said division.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. I object.

#### ERECTION OF A HOSPITAL AT THE NATIONAL HOME FOR VOLUNTEER SOLDIERS AT DAYTON, OHIO

The next business on the Consent Calendar was the bill (H. R. 13499) authorizing the erection of a sanitary fire-proof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio.

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 Board of Managers of the National Home for Disabled Volunteer Soldiers be, and it is hereby, authorized and directed to cause to be erected at the central branch of said home at Dayton, Ohio, on land now owned by the United States, a sanitary fireproof hospital of a capacity for 500 beds. Such hospital shall include all the necessary buildings with the appropriate mechanical equipment, including roads and trackage facilities leading thereto, for the accommodation of patients, and storage, laundry, and necessary furniture equipment, and accessories, as may be approved by the Board of Managers of the National Home for Disabled Volunteer Soldiers.

SEC. 2. That the persons who shall be entitled to the privileges of treatment in this hospital when constructed, and who may be admitted thereto upon the order of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers, shall be the following: Honorably discharged officers, soldiers, sailors, and marines who served in the Regular, Volunteer, or other forces of the United States in the war with Mexico, the Civil War, the war with Spain, and the World War, or in any war in which the country has been engaged in campaigns against hostile Indians, or who served in any of the extra-territorial possessions of the United States in foreign countries, including Mexican border service, or in the Organized Militia or National Guard when called into the Federal service, and nurses (female) who have served with the armed forces of the United States in any war and who are disabled by diseases or wounds and by reason of such disability are either temporarily or permanently incapacitated from earning a living.

SEC. 3. That in carrying the foregoing authorization into effect the Board of Managers of the National Home for Disabled Volunteer Soldiers is hereby authorized to enter into contracts for the construction of the plant, or to purchase materials in the open market or otherwise, and to employ laborers and mechanics for the construction of the plant complete at a limit of cost not to exceed \$1,500,000.

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

A motion to reconsider was laid on the table.

#### LAW RESPECTING DESCENT AND DISTRIBUTION IN DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 16585) to amend the Code of Law for the District of Columbia in relation to descent and distribution.

The Clerk read the title of the bill.

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

Mr. SCHAFFER. Mr. Speaker, I object.

Mr. BLANTON. Will the gentleman reserve his objection?

Mr. SCHAFFER. I reserve my objection.

Mr. BLANTON. This is a bill carefully drawn by the distinguished gentleman from Kentucky [Mr. GILBERT], and it has the unanimous report of 21 members of the Committee on the District of Columbia. It is a much needed piece of legislation and covers a long-felt want.

Mr. SCHAFFER. What is the long-felt want that it covers?

Mr. GILBERT. It simply recognizes females to inherit equally with males.

Mr. SCHAFFER. I withdraw my objection.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, does that do away with the dower right?

Mr. GILBERT. It does not affect the dower right in any way.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Code of Law for the District of Columbia be, and the same is hereby amended as follows:

When a person having right or title to any real or personal estate shall die intestate as to such estate it shall descend to his kindred, male, and female, in the following order, viz:

1. To the surviving husband or wife so much thereof and under such conditions as now provided by law; then—

2. To his children and their descendants; if none; then—

3. To his father and his mother, if both are living, one moiety each; but if the father be dead, then the mother if living shall take the whole estate; if the mother be dead, then the whole estate shall pass to the father; if no father nor mother; then—

4. To his brothers and sisters and their descendants; if none; then—

5. One moiety of the estate shall pass to the paternal and the other to the maternal kindred, in the following order:

6. First, the grandfather and grandmother equally, if both be living; but if one be dead, then the entire moiety shall go to the survivor; if no grandfather or grandmother; then—

7. To the uncles and aunts and their descendants; if none; then—

8. To the great-grandfathers and great-grandmothers, in the same manner prescribed for grandfathers and grandmothers, in subsection 6; if none; then—

9. To the brothers and sisters of the grandfathers and grandmothers, and their descendants, and so on in other cases without end, passing to the nearest lineal ancestors, and their descendants as herein prescribed.

10. If there be no such kindred to one of the parents, the whole shall go to the kindred of the other; if there is neither paternal nor maternal kindred, the whole shall go to the husband or wife of the intestate; or, if the husband or wife be dead, to his or her kindred, as if he or she had survived the intestate and died entitled to the estate.

A. When any or all of a class first entitled to inherit are dead, leaving descendants, such descendants shall take per stirpes.

B. Collaterals of the half blood shall inherit only half as much as those of the whole blood, or as ascending kindred, when they take with either.

SEC. 2. All laws and parts of laws in conflict with the foregoing are hereby repealed.

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.

#### CONDEMNATION OF LAND FOR PARKS AND PLAYGROUNDS

The next business on the Consent Calendar was the bill (H. R. 16693) amending the act approved August 30, 1890 (26 Stat. L. 412-413), relative to condemnation of lands for parks, parkways, and playgrounds.

The Clerk read the title of the bill.

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

Mr. EDWARDS. Mr. Speaker, let us have some information about it.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That when, at request of the National Capital Park and Planning Commission, approved by the President of the United States, petition is filed in the Supreme Court of the District of Columbia, for acquisition of land for extension of the park, parkway, or playground system of the National Capital by condemnation under the act of Congress approved August 30, 1890 (U. S. Stat. L., vol. 26, pp. 412-413), in fixing the amount of damages to be awarded those interested in the land to be taken, the value of the land shall be determined as it existed at date of filing the petition for condemnation, without allowance for any construction upon or grading of the land after that date, but with deduction for any damage to the land for park purposes thereafter by a cutting of trees or grading, but the commissioners appointed by the court shall include in the award, stated as a separate item, fair and reasonable monthly compensation for the limitation to full use of the property resulting from the foregoing provision, during the period from date of filing petition to date of payment of the award, if the President decides that it is in the public interest to take the land, and the entire award shall be paid to those interested in the land or deposited in court for their benefit within 60 days from date of such decision by the President. If it is finally determined not to take the property, the amount so fixed as monthly compensation for limitation of use, if confirmed by the court, shall be paid to the owners or deposited in court for their benefit. Any appropriations available for acquisition of property by the National Capital Park and Planning Commission, by condemnation under the act of August 30, 1890, including appropriations heretofore made, shall be available for use under that act as hereby amended.

The SPEAKER pro tempore (Mr. TILSON). Is there objection to the present consideration of the bill?

There was no objection.

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.

#### EXTENSION OF PARK SYSTEM, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 11304) authorizing the extension of the park system of the District of Columbia.

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.

WHALER ISLAND, CALIF.

The next business on the Consent Calendar was the bill (H. R. 16555) authorizing the Secretary of the Interior to issue patents to the county of Del Norte, State of California, to Whaler Island, in Crescent City Bay, Del Norte County, Calif., for purposes of a public wharf.

The Clerk read the title of the bill.

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

Mr. O'CONNELL of New York. Mr. Speaker, I would like to have some one make some explanation of the bill.

Mr. LEA of California. Mr. Speaker, this is a rocky island. An individual has jumped it. It is located in the public harbor, and we ask that it be transferred to the county.

Mr. O'CONNELL of New York. Mr. Speaker, I withdraw my objection.

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 hereby authorized to issue patent to the county of Del Norte, State of California, to Whaler Island, containing about 3 acres, in Crescent City Bay, Del Norte County, Calif., for purposes of a public wharf.

SEC. 2. That the Secretary of the Interior is hereby directed to take such action as may be necessary to carry out the purposes 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.

#### CLAIMS OF CERTAIN GERMAN NATIONALS

The next business on the Consent Calendar was H. J. Res. 350 to provide for the payment of claims of certain German nationals against the United States.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.



The Clerk read the joint resolution, as follows:

House Joint Resolution 350

*Resolved, etc.,* That to enable the Secretary of State to pay to the German Government in satisfaction of the claims presented on behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter, for moneys representing wages and proceeds of effects covered into the Treasury of the United States in pursuance of law, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$461.59.

The joint resolution 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 joint resolution was passed was laid on the table.

A. MORRO AND ANTHONY CAMPBELL

The next business on the Consent Calendar was the bill (H. R. 14881) to relinquish to its equitable owners the title of the United States to the lands in the claims of A. Morro and of Anthony Campbell in Jackson County, Miss.

The Clerk read the title of the bill.

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

Mr. SCHAFER. Mr. Speaker, reserving the right to object, how much land is there in this?

Mr. ABERNETHY. Oh, it is a little tract of land. They have been in possession of it for over a hundred years.

Mr. BLANTON. This is 174 acres.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That all the right, title, and interest of the United States in and to the land known and designated as fractional section 4, township 8 south, range 6 west, of the St. Stephens meridian, in Jackson County, Miss., containing 174.46 acres, and fractional section 1, township 8 south, range 7 west, of the St. Stephens meridian, in Jackson County, Miss., containing 234.65 acres, as shown on a plat of survey made by Thomas Bilbo, deputy surveyor, July 5, 1824, and approved by William Brown, principal deputy surveyor of public lands, and segregated thereon as the claim of Anthony Campbell; and that all of the right, title, and interest of the United States in and to fractional section 10, township 8 south, range 6 west, of the St. Stephens meridian, in Jackson County, Miss., and fractional section 11, township 8 south, range 7 west, of the St. Stephens meridian, in Jackson County, Miss., containing 50.15 acres, as shown on a plat of survey made by Thomas Bilbo, deputy surveyor, July 4, 1824, approved by William Brown, principal deputy surveyor of public lands, and segregated thereon as the claim of Augustin Moro, be, and the same are hereby, released, relinquished, and confirmed by the United States to the equitable owners of the equitable titles thereto, and to their respective heirs and assigns forever, as fully and completely in every respect whatever as could be done by patents issued according to law: *Provided,* That this act shall amount only to a relinquishment of any title that the United States has, or is supposed to have, in and to any of said lands, and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever; the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the equitable owners of said lands, by reason of long continuous possession under color of title with claim of ownership, or otherwise, under the laws of Mississippi, including the laws of prescription and limitation, in the absence of the said interest, title, and estate of the United States.

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.

AMEND AND CONSOLIDATE THE ACTS RESPECTING COPYRIGHT

The next business on the Consent Calendar was the bill (H. R. 16548) to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright, approved March 4, 1909.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of New York. I object.

Mr. VESTAL. I hope the gentleman will not object to this bill. Mr. Speaker, I desire to make this statement in connection with the bill, that every single person who is interested in copyright affairs, every newspaper, publisher, magazine, and everyone else who use the copyright office are absolutely agreed that these fees ought to be doubled, because in order

to have better service in that office we must have more money there. There was no one before our committee who—

Mr. CELLER. Is it not true that this is the only country that has not raised the copyright fees in a decade?

Mr. VESTAL. Yes.

Mr. O'CONNELL of New York. And the publishers and everybody are behind it?

Mr. VESTAL. Yes.

Mr. BLACK of New York. I renew my objection.

The SPEAKER pro tempore. The gentleman from New York objects.

NIGHT WORK IN THE POSTAL SERVICE

The next business on the Consent Calendar was the bill (H. R. 3840) to amend the act of February 28, 1925, fixing the compensation of employees in post offices.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. Mr. Speaker, I object.

Mr. LA GUARDIA. This only fixes the time for night work, and I am sure the gentleman wants to be fair—

Mr. PARKS. Regular order.

Mr. HOOPER. Mr. Speaker, I object.

Mr. SPROUL of Illinois. I trust the gentleman will withdraw his objection.

The SPEAKER pro tempore. Does the gentleman withdraw his objection to this bill?

Mr. SPROUL of Illinois. In 16 years the night workers of the Postal Service have been petitioning Congress to do something in reference to the work at night. Men in Chicago have worked at night for 26 years and—

Mr. LA GUARDIA. Mr. Speaker—

Mr. JACOBSTEIN. Mr. Speaker—

Mr. HOOPER. The reason I have objected is the estimated additional cost is so much.

SEVERAL MEMBERS. Regular order!

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. And it is in conflict with the President and—

The SPEAKER pro tempore. The Chair hears no objection.

Mr. BEGG. Mr. Hooper has objected two or three times.

Mr. SPROUL of Illinois. The gentleman withheld his objection in order for me to make a statement.

Mr. HOOPER. Mr. Speaker, I object.

EMPLOYMENT OF ENGINEERS AND ECONOMISTS FOR RECLAMATION SERVICE

The next business on the Consent Calendar was the bill (H. R. 16550) authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

UPKEEP OF THE PUYALLUP INDIAN CEMETERY AT TACOMA, WASH.

The next business on the Consent Calendar was the bill (H. R. 17044) to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. EDWARDS. Reserving the right to object—

Mr. RANKIN. Let us have the bill reported.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to set aside on the books of his office under an appropriate designation the sum of \$25,000 from the tribal funds of the Puyallup Indians accruing under the act of March 3, 1893 (27 Stat. L. p. 633), as a permanent trust fund at 4 per cent interest, to be credited semiannually and used only for the upkeep of the Puyallup Indian cemetery in the city of Tacoma, Wash., under the direction of and in conformity with rules and regulations prescribed by the Secretary of the Interior, who is hereby authorized to withdraw said interest from the Treasury of the United States for this purpose.

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

There was no objection.

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

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

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.

## WITHDRAWAL OF LANDS FOR CHIPPEWA INDIANS IN MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 15664) to withdraw and reserve certain lands for the Chippewa Indians in the State of Minnesota.

The title of the bill was read.

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

Mr. EDWARDS. Reserving the right to object, I would like to have some information on this bill. What is the purpose of the withdrawal of these lands?

Mr. KNUTSON. The purpose is to create a town site whereon the Chippewa Indians of Minnesota may reside. It is recommended by the Interior Department—the Indian Bureau.

Mr. EDWARDS. Is it reported by the committee with a unanimous report?

Mr. KNUTSON. Yes.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I would like to get some information. I could not hear the gentleman from Minnesota.

Mr. KNUTSON. It is to be transferred from the Forestry Bureau to the Indian Bureau, and the Indians are to reside on it.

Mr. SCHAFER. The Indians are to live on it?

Mr. KNUTSON. Yes. They want it.

Mr. LA GUARDIA. The gentleman from Minnesota was very anxious to object to our post-office building a little while ago.

Mr. KNUTSON. No; the gentleman is mistaken.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill and amendments.

Mr. BEGG. Mr. Speaker, I ask unanimous consent that the bill be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The bill was read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to withdraw from the Minnesota National Forest Reserve, in Cass County, Minn., that part of the peninsula of land known as Pine Point on Leech Lake, which is now being used for Indian agency purposes at Onigum, Minn., containing approximately 450 acres, and the same shall be reserved as a permanent Indian reservation for the use of the Chippewa Indians of Minnesota: *Provided,* That said withdrawal and reservation shall be made subject to existing valid rights of individuals in and to the lands mentioned.

SEC. 2. That the Secretary of the Interior is hereby authorized and directed to transfer to the credit of the United States from the tribal trust funds of the Chippewa Indians in Minnesota now on deposit in the United States Treasury the amount paid by the United States to these Indians for the said lands and timber thereon in the award made by the Minnesota National Forest Commission January 16, 1923, under the act of May 23, 1908 (35 Stats., p. 268-271), which award was approved by the President of the United States April 9, 1923; and in addition there shall be likewise transferred from the said Chippewa trust funds to the credit of the United States such proportionate part relating to the Indian agency site on the Pine Point peninsula as was paid these Indians for interest and timber thereon, if any, under the provisions of the act of March 3, 1926 (44 Stat. p. 173).

SEC. 3. That the reservation hereby authorized shall be held in trust by the United States for the Chippewa Indians of Minnesota, subject to such further disposition thereof as shall be made by the Congress.

With committee amendments, as follows:

Page 1, line 5, strike out "that part of" and strike out all of lines 6, 7, 8, and the words "hundred and fifty acres" in line 9, and insert "south half of southwest quarter of northeast quarter, lots 9 to 30, inclusive, section 17, township 142 north, range 30 west, fourth principal meridian."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were 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.

## KLAMATH IRRIGATION DISTRICT, OREG.

The next business on the Consent Calendar was the bill (H. R. 9493) conferring jurisdiction upon the United States

District Court for the District of Oregon or the Court of Claims to hear and determine any suit or suits, actions, or proceedings which may be instituted or brought by the Klamath Irrigation District, a public corporation of the State of Oregon, or the State of Oregon by intervention or direct suit or suits, to set aside that certain contract between the United States and the California Oregon Power Co., dated February 24, 1917, together with all contracts or modifications thereof, and to set aside or cancel the sale made by the United States Government, through the Secretary of the Interior, of the so-called Ankeny and Keno Canals, and the lands embraced in the rights of way thereof, to the said California Oregon Power Co., said sale having been made in the year 1923.

The title of the bill was read.

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

Mr. THOMAS. I object.

Mr. SINNOTT. Is it the gentleman's intention to object in spite of any explanation that may be made in favor of the bill?

The SPEAKER pro tempore. The gentleman from Oklahoma has objected. The Clerk will report the next one.

## FORT HALL INDIAN RESERVATION

The next business on the Consent Calendar was the bill (H. R. 16288) authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation.

The title of the bill was read.

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

Mr. LA GUARDIA. I object.

Mr. FRENCH. Mr. Speaker, will the gentleman withhold his objection for a moment on that?

Mr. LA GUARDIA. Yes.

Mr. FRENCH. My colleague from Idaho [Mr. SMITH] is ill this evening, but I think I can explain the bill briefly, so that it will be perfectly clear. A law three years ago was passed under which \$700,000 was paid to the Blackfoot Indians upon condition that certain lands would be taken over for the American Falls Reservoir. There was also a provision by which certain lands could be reclaimed. There are 26,000 acres involved in this tract, but the land has not yet been surveyed, so that we can not know what should be allowed for the laterals for carrying the water to the land itself. That ought to be done before the Budget can submit a proper recommendation.

Mr. BEGG. Is this necessary?

Mr. FRENCH. Yes. We owe to the Indians two duties. One is to provide for the construction before turning over the land for settlement purposes, and again, to provide homes for the Indians when the work is completed for the American Falls Reservoir when the Indians will be forced from their lands.

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.

Mr. BEGG. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The bill reads 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 \$25,000 for surveys and investigation to determine the feasibility and cost of irrigating the Michaud division and other lands on the Fort Hall Indian Reservation, and for the protection of water rights on the Blackfoot River; and the preparation of plans and estimates for the improvement of the Blackfoot River Channel to enable conservation of the waters of said river, including determination of damage done to landowners adjacent thereto: *Provided,* That said sum, or so much thereof as may be required, shall be taken from the funds received from the sale of excess stored waters of the Blackfoot Reservoir.

With committee amendments, as follows:

Page 1, line 7, strike out the words "and for the" and strike out all of lines 8 and 9 on page 1 and all of lines 1, 2, 3, 4, 5 of page 2 and the words "Flatfoot Reservoir" on line 6 and insert in lieu thereof the following: "*Provided,* That said sum, or any part thereof that may be expended for this work, shall be reimbursable when this or any other division of the project for which surveys shall be made hereunder is adopted for construction under such rules and regulations as may be prescribed by the Secretary of the Interior, and there is hereby created a first lien against all such lands that may be brought within said division or divisions of the Fort Hall project, which lien



shall attach to all lands benefited from the date of the adoption of the particular unit of the project under which such lands lie for construction, and said lien shall include all expenditures made therefor and shall be recited in any patent issued after the adoption of any such unit of the project for construction."

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

The amendments were 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.

#### REGISTRATION OF ARCHITECTS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 15343) to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes.

The title of the bill was read.

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

Mr. EDWARDS. I reserve the right to object.

Mr. ZIHLMAN. This bill simply corrects the errors in the existing law of 1924. It makes no substantial change in the law. It carries no appropriation and no new positions.

Mr. EDWARDS. It carries no new jobs?

Mr. ZIHLMAN. No.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the bill will be considered as read.

There was no objection.

The bill reads as follows:

*Be it enacted, etc.,* That sections 14, 16, 19, 22, 24, 25, 26, 27, 28, 29, and 30 of the act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924 (43 Stat. L. pp. 714-718), be amended so that the same shall read as follows:

"SEC. 14. That, except as otherwise provided in this act, any person wishing to practice architecture in the District of Columbia under the title of architect shall, before being entitled to be or be known as an architect, secure from such board a certificate of qualifications to practice under the title of architect, as provided in this act.

"SEC. 16. That no person who was engaged in the practice of architecture in the District of Columbia on December 13, 1924, shall use or assume any title indicating that he or she is an architect, or any words, letters, or figures to indicate that the person using them is an architect, unless he or she shall have qualified and obtained a certificate of registration as an architect, or unless he or she shall, before September 1, 1927, file with said board an affidavit establishing to the satisfaction of said board the fact that he or she was in practice as an architect in said District on and prior to December 13, 1924. Nothing herein contained shall be construed to prevent any person who was engaged in the practice of architecture in said District on and prior to December 13, 1924, from applying to said board at any time for examination under this act. No firm shall be entitled to the style or designation 'architect' or 'registered architect' unless and until every member thereof shall be entitled to such designation. A corporation whose principal business, as shown by its charter, is the practice of architecture, may apply for and obtain a certificate of registration, provided all its executive officers and directors are registered architects. The same exemptions shall apply to partnerships and corporations as apply to individuals under this act."

"SEC. 19. That any properly qualified person who shall have been actually engaged in the practice of architecture in the District of Columbia on December 13, 1924, may be granted a certificate of registration without examination on condition that the applicant shall submit satisfactory evidence to the said board that he is qualified to practice architecture and by payment to the board of the fee required for certificate of registration as prescribed in section 23 of this act: *Provided*, That nothing in this act shall prevent any person who was actually engaged in the practice of architecture under the title of architect prior to December 13, 1924, from continuing the practice of said profession without a certificate of registration and without the use in any form of the title 'registered architect' upon filing the affidavit required by section 16 of this act.

"SEC. 22. That an architect who has lawfully practiced architecture for a period of more than 10 years outside of the District of Columbia shall, except as otherwise provided in subdivision (b) of section 21,

be required to take only a practical examination, the nature of which shall be prescribed by the board of examiners and registrars of architects.

"SEC. 24. That all examination papers and other evidences of qualification submitted by each applicant shall be filed with the board of examiners and registrars of architects, and said board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration.

"The record shall also contain the name, known place of business and residence, and the date and number of the certificate of registration of every registered architect entitled to practice his profession in the District of Columbia.

"SEC. 25. That every registered architect in the District of Columbia, to continue the practice of his profession, shall annually, during the month of May, renew his certificate of registration and pay the renewal fee required by section 23 of this act.

"A person who fails to renew his certificate of registration during the month of May in each year may not thereafter renew his certificate except upon payment of the fee required by section 23 of this act for the restoration of an expired certificate of registration.

"Every renewal certificate shall expire on the 30th day of April following the issuance."

"SEC. 26. EXEMPTIONS: That the following shall be exempted from the requirements of this act: (1) Any person practicing or desiring to practice architecture in the District of Columbia who shall have made application to the board for registration as an architect and who shall have paid the fee provided for in section 23 of this act, such exemption to continue only until the board shall have denied such application; (2) any officer or employee of the United States or the District of Columbia practicing architecture in that capacity 'alone.'

"SEC. 27. REVOCATION OF CERTIFICATE.—That the board of examiners and registrars of architects may revoke any certificate after 30 days' notice, with grant of hearings to the holder thereof, if proof satisfactory to the board be presented in the following cases:

"(a) In case it is shown that the certificate was obtained through fraud or misrepresentation.

"(b) In case the holder of the certificate has been found guilty by said board or by a court of justice of any fraud or deceit in his professional practice or has been convicted of a felony by a court of justice.

"(c) In case the holder of the certificate has been found guilty by said board of gross incompetency or of recklessness in the planning or construction of buildings.

"(d) In case a corporation holding a certificate of registration shall have as one of its executive officers or directors a person not a registered architect.

"SEC. 28. That the proceedings for the annulment of registration (that is, the revocation of a certificate) shall be begun by filing written charges against the accused with the Board of Examiners and Registrars of Architects by the board itself or by any complainant. A copy of the charges, together with a notice of the time and place of hearing, shall be served on the accused at least 30 calendar days in advance of such hearing, which shall be postponed, if necessary, to give the requisite notice. Where personal service can not be made within the District of Columbia service may be made by publication or personal service in accordance with such rules as the board may adopt, following generally and in principle the provisions of sections 105, as amended, 106, and 108 of the Code of Laws of the District of Columbia. At the hearing, the accused shall have the right to be represented by counsel, introduce evidence, and examine and cross-examine witnesses. The secretary of the board is hereby empowered to administer oaths. The board shall make a written report of its findings, which report, with a transcript of the entire record of the proceedings, shall be filed with the Commissioners of the District of Columbia, and, if the board's finding shall be adverse to the accused, his or her certificate of registration shall stand revoked and annulled, at the expiration of 30 days from the filing of such report, unless within said period of 30 days a writ of error shall be issued as hereinafter provided, in which event said certificate shall stand suspended until the final determination of the court of appeals upon such writ of error. If an exception is taken to any ruling of the board on matter of law, the exception shall be reduced to writing and stated in the bill of exceptions with so much of the evidence as may be material to the question or questions raised, and such bill of exceptions shall be settled by the board and signed by the secretary within such time as the rules of the board may prescribe. Any party aggrieved by the decision of the said board may seek a review thereof in the Court of Appeals of the District of Columbia by petition under oath setting forth concisely, but clearly and distinctly the nature of the proceeding before said board, the trial and determination thereof, and the particular ruling upon matter of law to which exception has been taken, said board with the commissioners, with such notice to the appeals within 30 days after the filing of the report of said board with the commissioners, with such notice to the board as may be required by the rules of the court of appeals. If the justices shall be of the opinion that the action of the

board ought to be reviewed, a writ of error shall be issued from the court of appeals, within such time as may be prescribed by that court, a transcript of the record in the case sought to be reviewed, and the court of appeals shall review said record and affirm, reverse, or modify the judgment in accordance with law."

Section 29 of the said act of December 13, 1924, is repealed. A new section, to be numbered section 29, is hereby enacted, as follows: "The said board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The chairman and the secretary of the board shall have power to issue subpoenas, and upon the failure of any person to attend as a witness when duly subpoenaed or to produce documents when duly directed by said board, the board shall have power to refer the said matter to any justice of the Supreme Court of the District of Columbia, who may order the attendance of such witness or the production of such books and papers or require the said witness to testify, as the case may be; and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpoena issued or to testify in a case pending before said court."

"SEC. 30. That any person who shall use the title 'architect' or 'registered architect' or any other words, letter, or figures, indicating or intending to imply that the person using the same is an architect or a registered architect, without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$200, or by imprisonment for not more than one year, or both, prosecution therefor to be made in the name of the District of Columbia by the corporation counsel. Any person who shall make any willfully false oath or affirmation in any matter or proceeding required or permitted by this act shall be deemed guilty of perjury and liable to the punishment therefor provided by the Code of Law for the District of Columbia."

SEC. 2. That nothing contained in this act shall be construed to affect the force and validity of any act of the board of examiners and registrars of architects performed prior to its passage. The act of December 13, 1924, and this act may be cited and known as the architects' registration act.

With committee amendments, as follows:

Strike out, on page 5, line 10, "'alone'" and insert "alone."

Strike out, on page 7, line 19, and insert "said petition to be presented to any justice of the court of."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were 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.

#### SALARIES OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 16948) to increase the salaries of the Commissioners of the District of Columbia.

The Clerk read the title of the bill.

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

Mr. VINCENT of Michigan. Mr. Speaker, I object.

#### CHALLIS NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 139) to provide for addition of certain land to the Challis National Forest.

The Clerk read the title of the bill.

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

Mr. EDWARDS. Mr. Speaker, I would like to know how much land is involved, what it is to be used for, and so forth.

Mr. FRENCH. There are approximately two and a half townships of land.

Mr. EDWARDS. How many acres?

Mr. FRENCH. Approximately 78,000 acres. It is now under the Interior Department; it is public land and it is proposed that it be included in the Challis National Forest. It has the approval of the Interior and Agriculture Departments, and also the approval of the Forest Commission that was appointed under the law passed two or three years ago. I will say that all the land has been eliminated that was included in the original draft of the bill to which either department has made objection.

Mr. O'CONNELL of New York. Was this bill unanimously reported by the committee?

Mr. FRENCH. There is no minority report.

Mr. ABERNETHY. I started to file a minority report—

Mr. EDWARDS. Then I object.

Mr. ABERNETHY. But I was going to explain that afterwards I investigated and decided it was all right.

Mr. EDWARDS. I do not object then.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection the reading of the bill will be dispensed with.

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That the following-described lands are hereby added to the Challis National Forest, Idaho, and made subject to all laws made applicable to national forests: Beginning at the confluence of Thompson Creek with Salmon River, approximately in southeast quarter of unsurveyed section 25, township 11 north, range 16 east, Boise meridian; thence in an easterly direction down Salmon River to west line of southwest corner of section 30, township 11 north, range 17 east; thence south along said township line to the southwest corner of section 30, township 11 north, range 17 east; thence east approximately 10 miles to northeast corner of section 34, township 11 north, range 18 east; thence south approximately 6 miles to the southeast corner of section 34, township 10 north, range 18 east; thence west 6 miles to the northwest corner of section 35, township 10 north, range 17 east; thence south 2 miles to the southwest corner of section 2, township 9 north, range 17 east; thence west 1 mile to the southeast corner of unsurveyed section 4, township 9 north, range 17 east; thence north 6 miles to the southwest corner of section 3, township 10 north, range 17 east; thence west 9 miles to southwest corner of section 6, unsurveyed township 10 north, range 16 east; thence north approximately 2½ miles to the intersection of the Salmon River with the west boundary line of unsurveyed section 30, township 11 north, range 16 east, Boise meridian; thence following down the course of Salmon River in a general easterly direction for approximately 6 miles to the place of beginning, containing approximately 36,200 acres.

Also the area described as follows: Beginning at the southeast corner of unsurveyed section 9, township 9 north, range 17 east, Boise meridian; thence south 2 miles to the southwest corner section 22, same township and range above described; thence east 2 miles to the southwest corner of section 24, same township and range; thence north 2 miles to the southwest corner section 12 of the surveyed portions of township 9 north, range 17 east; thence east 1 mile to the township line at southeast corner section 12, same township and range; thence north along the township and range to the southwest corner of section 6, township 9 north, range 18 east; thence east 9 miles to southeast corner of section 4, township 9 north, range 19 east; thence south 5 miles along township line to the southeast corner of unsurveyed section 33, township 9 north, range 19 east; thence west 2 miles to the southeast corner of section 31, township 9 north, range 19 east; thence south 1 mile to the southeast corner of section 6, township 8 north, range 19 east; thence west 6 miles along north boundary Sawtooth Forest to southeast corner unsurveyed section 6, township 8 north, range 18 east; thence north 1 mile along Sawtooth boundary to northeast corner section 6 in above township and range; thence west 4 miles to northwest corner of unsurveyed section 3, township 8 north, range 17 east; thence south 2 miles to southeast corner section 9, same township and range; thence west 2 miles to southwest corner section 8, same township and range; thence north 6 miles along boundary Challis Forest to southeast corner unsurveyed section 7, township 9 north, range 17 east; thence east 2 miles along boundary to southeast corner unsurveyed section 9, township 9 north, range 17 east, or the place of beginning, containing 37,760 acres.

With the following committee amendment:

Strike out all after the word "forests" in line 5, page 1, and insert the following:

"All unreserved lands lying south of Salmon River in townships 10 and 11 north, range 16 east, Boise meridian.

"Township 10 north, range 17 east, Boise meridian: Sections 1, 2, 3, 4, 5, 6, 10, 11, 12, 15, and 22; west half section 23; sections 26, 27, and 34; west half section 35.

"Township 10 north, range 18 east, Boise meridian: South half section 4; sections 5, 6, 7, 8, 9, and 10; west half section 15; sections 16, 17, 18, 20, and 21.

"Township 9 north, range 17 east, Boise meridian: Sections 3, 17, 20; south half section 23; sections 24, 25, and 26; east half section 27; sections 29, 32, 33, 34, 35, and 36.

"Township 9 north, range 18 east, Boise meridian: Sections 17 to 36, inclusive.

"Township 9 north, range 19 east, Boise meridian: Sections 21, 28 to 33, inclusive.

"Township 8 north, range 17 east, Boise meridian: Sections 4, 5, 8, and 9.



"Township 8 north, range 18 east, Boise meridian: Sections 1 to 5, inclusive.

"Township 8 north, range 19 east, Boise meridian: Section 6."

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.

#### CONSULATE GENERAL OF YOKOHAMA, JAPAN

The next business on the Consent Calendar was House Joint Resolution 353, for the relief of the consulate general at Yokohama, Japan.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

*Resolved, etc., That the consulate general at Yokohama, Japan, is hereby relieved from accounting for the balance of cash on hand June 30, 1923, and for collections, advances of funds, and disbursements for the period July 1, 1923, to September 1, 1923, by reason of the cash on hand and all vouchers covering expenditures from cash on hand, cash collected, or funds advanced during the period named having been destroyed by earthquake and fire on September 1, 1923.*

The resolution 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 resolution was passed was laid on the table.

#### PAYMENT OF INDEMNITY TO THE CHINESE GOVERNMENT

The next business on the Consent Calendar was House Joint Resolution 354, to provide for the payment of an indemnity to the Chinese Government for the death of Chang Lin and Tong Huan Yah, alleged to have been killed by members of the armed forces of the United States.

The Clerk read the title of the resolution.

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

Mr. SCHAFER. Mr. Speaker, I object.

Mr. CAREW. Mr. Speaker, reserving the right to object, I want to announce that at 12 o'clock I am going to raise a point of no quorum.

The SPEAKER pro tempore. Is there objection?

Mr. PARKS. Mr. Speaker, there has been so much confusion that I do not know what the resolution is about.

The SPEAKER pro tempore. It is House Joint Resolution 354, Consent Calendar No. 989.

Mr. SCHAFER. Mr. Speaker, I reserve my objection and will inquire how much this bill provides for and where was this Chinaman killed?

Mr. BEGG. He was killed in China by American soldiers.

Mr. LA GUARDIA. While engaged in target practice.

Mr. SCHAFER. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNELL of New York. The President of the United States has asked that this be paid, I understand.

The SPEAKER pro tempore. The Chair hears no objection. Without objection, the reading of the bill will be dispensed with.

There was no objection.

The bill is as follows:

*Resolved, etc., That there is hereby authorized to be paid to the Chinese Government, as a matter of grace and without reference to the question of liability therefor, the sum of \$1,000 as full indemnity for the death of Chang Lin, alleged to have been killed by a member of the United States Infantry at Leichuan, China, on May 4, 1923, for the benefit of the family of said Chang Lin, and the sum of \$100 as full indemnity for the death of Tong Huan Yah, alleged to have been killed by members of the crew of the U. S. S. *Elcano* while engaged in target practice at Hankow, China, on March 26, 1923, for the benefit of the father of said Tong Huan Yah, as set forth in the message of the President of February 8, 1927, printed as Senate Document No. 204, Sixty-ninth Congress, second session.*

With the following committee amendments:

Page 1, line 8, after the figures "1923," insert the words "the sum to be."

Page 2, line 5, after the figures "1923," insert the words "the sum to be."

The committee amendments were agreed to.

The resolution 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 resolution was passed was laid on the table.

#### DEPENDENTS OF EDWIN TUCKER

The next business on the Consent Calendar was House Joint Resolution 355, to provide for the payment of an indemnity to the British Government to compensate the dependents of Edwin Tucker, a British subject, who was killed by a United States Army ambulance in Colon, Panama.

The Clerk read the title of the resolution.

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

Mr. UPDIKE. Mr. Speaker, reserving the right to object, how much is involved?

Mr. LA GUARDIA. Two thousand five hundred dollars.

Mr. UPDIKE. I do not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the reading of the resolution will be dispensed with.

There was no objection.

The resolution is as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be paid to the British Government, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, the sum of \$2,500 as full indemnity for the death of Edwin Tucker, a British subject alleged to have been killed by a United States Army ambulance in Colon, Panama, on or about December 6, 1924, as set forth in the message to the President of February 5, 1927, and printed as Senate Document No. 202, Sixty-ninth Congress, second session.*

The resolution 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 resolution was passed was laid on the table.

The title was amended.

#### CLAIM OF THE GOVERNMENT OF CHINA

The next business on the Consent Calendar was House Joint Resolution 356, to provide for payment of the claim of the Government of China for compensation of Sun Juichin for injuries resulting from an assault on him by a private in the United States Marine Corps.

The Clerk read the title of the resolution.

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

Mr. RANKIN. Mr. Speaker, reserving the right to object; how much is involved?

Mr. CHINDBLOM. Five hundred dollars Mexican.

Mr. RANKIN. How much would that be in American money?

Mr. CHINDBLOM. About \$250.

Mr. RANKIN. I understand that for one of these Chinamen who was killed we paid \$1,000.

Mr. LA GUARDIA. But that Chinaman was killed.

Mr. COLE. That is all they asked for.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection the reading of the resolution will be dispensed with.

There was no objection.

The resolution is as follows:

*Resolved, etc., That there is hereby authorized to be paid to the Government of China out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, a sum equivalent to \$500 Mexican as full indemnity for injuries to Sun Juichin resulting from an assault upon him in China by a private in the United States Marine Corps on June 11, 1923, as recommended in the message of the President of February 8, 1927, printed as Senate Document No. 205, Sixty-ninth Congress, second session.*

The resolution 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 resolution was passed was laid on the table.

#### SOLDIERS WHO SERVED IN THE CONFEDERATE ARMY

The next business on the Consent Calendar was the bill (H. R. 13482) to authorize and direct the Secretary of War to receive evidence with respect to a charge of desertion affecting certain soldiers who served in the Confederate Army.

The Clerk read the title of the bill.

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

Mr. BEGG. Mr. Speaker, I object.

## UNITED STATES NATIONAL CEMETERY RESERVATION AT CHATTANOOGA, TENN.

The next business on the Consent Calendar was the joint resolution (H. J. Res. 324) authorizing the use of a portion of that part of the United States National Cemetery Reservation at Chattanooga, Tenn., lying outside the cemetery wall, for a city pound, animal shelter, and hospital.

The Clerk read the title of the bill.

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

Mr. SCHAFER. Mr. Speaker, I object.

Mr. McREYNOLDS. Will the gentleman reserve his objection?

Mr. SCHAFER. I reserve it, but I do not see why we should want to have a dog pound next to a national cemetery.

Mr. McREYNOLDS. We are not having a dog pound there, let me explain to the gentleman. This bill is recommended by the Secretary of War. It is a little piece of land outside of the cemetery, some two or three hundred yards. The city has the land and is using it and they are keeping it up in splendid condition. There is a unanimous report from the committee and the Secretary of War recommends it, and I know the land is in good condition.

Mr. SCHAFER. Does the gentleman think it is appropriate to have a dog pound in a national cemetery?

Mr. McREYNOLDS. It is not a dog pound.

Mr. O'CONNELL of New York. It is just a part of the general arrangement there.

Mr. McREYNOLDS. There is a nice building there, put up by the city. The War Department did not have the legal right to lease it and the Secretary of War under this bill is given that right.

Mr. SCHAFER. I regret that as a matter of principle and policy I have to object.

## CERTAIN LANDS IN THE STATE OF CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 16472) granting certain lands to the State of California.

The Clerk read the title of the bill.

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

Mr. EDWARDS. Reserving the right to object, what are these lands that are to be granted?

Mr. ENGLEBRIGHT. Mr. Speaker, these are certain lands being granted to connect two very fine groves of sequoia trees—two of the finest groves in the world. The public-spirited people of California are purchasing these groves at a price of \$900,000 to be presented to the people of California.

Mr. EDWARDS. Does the State agree to preserve these trees?

Mr. ENGLEBRIGHT. Most assuredly. That is the purpose of the bill.

Mr. EDWARDS. And that is written in the bill?

Mr. ENGLEBRIGHT. Yes.

Mr. EDWARDS. I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That upon conveyance to and acceptance by the State of California of either the North Calaveras Big Tree Grove, described as the west half of the southwest quarter of section 14 the east half of the southeast quarter; the southwest quarter of the southeast quarter; the southeast quarter of the southwest quarter of section 15; the north half of the northeast quarter; the southwest quarter of the northeast quarter; the east half of the northwest quarter of section 22, township 5 north, range 15 east, Mount Diablo base and meridian; or the South Calaveras Big Tree Grove, described as the south half of the northwest quarter; the north half of the southwest quarter; the southwest quarter of the southwest quarter of section 28; the southeast quarter; the south half of the southwest quarter of section 29; the north half of the northeast quarter; the southwest quarter of the northeast quarter; the northwest quarter; the north half of the southwest quarter; the southwest quarter of the southeast quarter; the southwest quarter of section 31, range 5 north, range 16 east, Mount Diablo base and meridian; or both of the aforesaid groves, and the dedication as a State park of the lands so conveyed and accepted by the State of California, within six years from the passage of this act, then the Secretary of the Interior shall, upon request of the Governor of California, issue a patent to the State of California for the following-described lands: The southeast quarter of the southeast quarter of section 22; the north half of the southeast quarter of section 24; the north half; the southwest quarter; the west half of the southeast quarter of section 25; the south half; the south half of the north half; the northeast quarter of the northwest quarter of section 26; the north

half of the northeast quarter of section 35, township 5 north, range 15 east, Mount Diablo base and meridian; the southeast quarter of the southeast quarter of section 31, township 5 north, range 16 east, Mount Diablo base and meridian.

SEC. 2. That the conveyance hereby authorized shall be subject to the right of the United States to occupy or to authorize the occupancy of so much of the conveyed lands as may be required for rights of way for roads, trails, railroads, transmission lines, conduits, or reservoirs constructed and maintained by or under the United States: *Provided*, That the said State of California shall not have the right to sell or convey the land acquired under the provisions of this act, or any part thereof, or to devote said land to other than State park purposes, and if the said land is sold or conveyed or is used for other than State park purpose, contrary to the provisions of this act, the part so conveyed or used shall revert to the United States; the conditions and reservation herein provided for to be expressed in the patent.

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.

## FORT BAKER MILITARY RESERVATION, CALIF.

The next business on the Consent Calendar was the bill (H. R. 16469) authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.

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 \$35,000 for the repair and resurfacing of the roads on the Fort Baker Military Reservation, Calif.

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.

## ALLOWING THE RANK, PAY, AND ALLOWANCE OF COLONEL, MEDICAL CORPS, TO PERSONAL PHYSICIAN TO THE PRESIDENT

The next business on the Consent Calendar was the bill (H. R. 17072) allowing the rank, pay, and allowance of a colonel, Medical Corps, to medical officer assigned to duty as personal physician to the President.

The Clerk read the title of the bill.

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

Mr. O'CONNELL of New York. Reserving the right to object, Mr. Speaker, I would like to get some information on this new office. I would like some one to tell me why we are establishing, perhaps, a new position under this bill?

Mr. McSWAIN. Mr. Speaker, I will say that this seems to be not an extreme or irrational proposition. Formerly this position was occupied by a brigadier general. For the proposed occupant to be only a colonel is reasonably modest.

Mr. O'CONNELL of New York. Why not make him a brigadier general?

Mr. McSWAIN. Because it would cost a little more.

Mr. REECE. This is not a new office.

Mr. PARKS. Why the necessity of this bill, then?

Mr. CHINDBLOM. Every President has had this.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That the officer of the Medical Corps of the Army who is assigned to duty as the personal physician for the President shall have the rank, pay, and allowance of a colonel, Medical Corps, United States Army, effective from date of such assignment.

Mr. REECE. Mr. Speaker, the word "allowance" both in the title and in the body of the bill should be "allowances."

The SPEAKER pro tempore. Without objection the correction will be made.

There was no objection.

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

## UNITED STATES NATIONAL CEMETERY RESERVATION, CHATTANOOGA, TENN.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1006, House Joint Resolution 324 as the gentleman from Wisconsin has withdrawn his objection.



Mr. SCHAFER. I felt that if the gentleman wanted a dog pound in the cemetery grounds that I would not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Joint resolution authorizing the use of a portion of that part of the West National Cemetery Reservation at Chattanooga, Tenn., lying outside the cemetery wall for a city pound, animal shelter, and hospital

*Resolved, etc.,* That the Secretary of War be, and hereby is, authorized upon request made by the mayor and board of commissioners of the city of Chattanooga, Tenn., to grant permission to the Humane Educational Society of Chattanooga, Tenn., a corporation, to occupy and use, for the purpose of establishing and operating thereon a city pound, animal shelter, and hospital, such portion of the National Cemetery Reservation at Chattanooga, Tenn., lying outside of the cemetery inclosure on the west side of Central Avenue as may be designated by the Secretary of War and upon such conditions and subject to such regulations and restrictions as he may prescribe: *Provided*, That this resolution shall not be construed to pass any title to property or rights in the said land and that the ownership and control thereof shall remain in the United States and the land shall be subject to such uses for military or other purposes of the United States as the Secretary of War may direct.

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

A motion to reconsider was laid on the table.

#### SANITARY HOSPITAL AT NATIONAL HOME FOR VOLUNTEER SOLDIERS AT DAYTON, OHIO

The next business on the Consent Calendar was the bill (H. R. 17201) authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio.

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 Board of Managers of the National Home for Disabled Volunteer Soldiers be, and it is hereby, authorized and directed to cause to be erected at the Central Branch of said home at Dayton, Ohio, on land now owned by the United States, a sanitary fireproof hospital of a capacity for 500 beds. Such hospital shall include all the necessary buildings with the appropriate mechanical equipment, including roads and trackage facilities leading thereto, for the accommodation of patients, and storage, laundry, and necessary furniture equipment, and accessories, as may be approved by the Board of Managers of the National Home for Disabled Volunteer Soldiers.

SEC. 2. That in addition to the persons now by law entitled to the privileges of treatment in this hospital when constructed there shall be admitted and treated honorably discharged nurses (female) who have served with the armed forces of the United States in any war and who are disabled by diseases or wounds and by reason of such disability are either temporarily or permanently incapacitated from earning a living.

SEC. 3. That in carrying the foregoing authorization into effect the Board of Managers of the National Home for Disabled Volunteer Soldiers is hereby authorized to enter into contracts for the construction of the plant, or to purchase materials in the open market or otherwise, and to employ laborers and mechanics for the construction of the plant complete at a limit of cost not to exceed \$1,500,000.

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

A motion to reconsider was laid on the table.

#### COMPACT BETWEEN THE STATES OF WASHINGTON, IDAHO, OREGON, AND MONTANA

The next business on the Consent Calendar was the joint resolution (H. J. Res. 346) extending the provisions of the acts of March 4, 1925, and April 13, 1926, relating to a compact between the States of Washington, Idaho, Oregon, and Montana for allocating the waters of the Columbia River and its tributaries, and for other purposes.

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent that a similar joint resolution (S. J. Res. 154) be substituted for the House joint resolution.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Senate joint resolution is as follows:

*Resolved, etc.,* That the provisions of the act of March 4, 1925, entitled "An act to permit a compact or agreement between the States of Washington, Idaho, Oregon, and Montana respecting the disposition and apportionment of the waters of the Columbia River and its tributaries, and for other purposes," and the act of April 13, 1926, entitled

"An act authorizing the Secretary of the Interior to cooperate with the States of Idaho, Montana, Oregon, and Washington in allocation of the waters of the Columbia River and its tributaries, and for other purposes, and authorizing an appropriation therefor," be continued and extended in all their provisions to December 31, 1930.

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

A motion to reconsider was laid on the table.

The House bill was laid on the table.

#### FORT DONELSON NATIONAL MILITARY PARK

The next business on the Consent Calendar was the bill (H. R. 11324) to establish a national military park at the battle field of Fort Donelson, Tenn.

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 a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Fort Donelson, Tenn., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Fort Donelson, Tenn., and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the Battle of Fort Donelson, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study. The commission shall submit a report of its findings and recommendations to the Secretary of War not later than December 1, 1926. Such report shall describe the portion or portions of land within the area of the battle field which the commission thinks should be acquired and embraced in a national park and the price at which such land can be purchased and its reasonable market value; the report of the commission shall also embrace a map or maps showing the lines of battle and the locations of all troops engaged in the Battle of Fort Donelson and the location of the land which it recommends be acquired for the national park; the report of the commission shall contain recommendations for the location of historical tablets at such points on the battle field, both within and without the land to be acquired for the park, as they may deem fitting and necessary to clearly designate positions and movements of troops and important events connected with the Battle of Fort Donelson.

SEC. 4. The Secretary of War is authorized to assign any officials of the War Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties herein imposed upon them.

SEC. 5. That, upon receipt of the report of said commission, the Secretary of War be, and he is hereby, authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national park; to establish and substantially mark the boundaries of the said park; to definitely mark all lines of battle and locations of troops within the boundaries of the park and erect substantial historical tablets at such points within the park and in the vicinity of the park and its approaches as are recommended by the commission, together with such other points as the Secretary of War may deem appropriate: *Provided*, That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battle field, and the expenses of the commission, shall not exceed the sum of \$50,000.

SEC. 6. That, upon the ceding of jurisdiction by the legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of this act, together with the area already inclosed within the national cemetery at the battle field of Fort Donelson are hereby declared to be a national park, to be known as the Fort Donelson National Park.

SEC. 7. That the said Fort Donelson National Park shall be under the control of the Secretary of War, and he is hereby authorized to make all needed regulations for the care of the park. The superintendent of the Fort Donelson National Cemetery shall likewise be

the superintendent of and have the custody and care of the Fort Donelson National Park, under the direction of the Secretary of War.

SEC. 8. That the Secretary of War is hereby authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

SEC. 9. That it shall be lawful for the authorities of any State having troops engaged in the Battle of Fort Donelson to enter upon the lands and approaches of the Fort Donelson National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of War, and shall first receive the written approval of the Secretary.

SEC. 10. That if any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such park, except by permission of the Secretary of War, or shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the park, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall for each and every such offense be fined not less than \$5 nor more than \$100.

SEC. 11. That the sum of \$50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of this act.

With the following committee amendments:

On pages 4 and 6 strike out "\$100,000" and insert "\$50,000."

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 was laid on the table.

#### EQUALIZING PAY OF OFFICERS OF THE MARINE CORPS WITH OFFICERS OF CORRESPONDING SERVICE IN THE NAVY

The next business on the Consent Calendar was the bill (H. R. 9464) to equalize the pay of certain officers of the Marine Corps with that of officers of corresponding service in the Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas and Mr. LAGUARDIA objected.

#### DAIRYING AND LIVESTOCK EXPERIMENT STATION NEAR COLUMBIA, S. C.

The next business on the Consent Calendar was the bill (H. R. 17138) authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the South Carolina agricultural experiment station.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. I object.

Mr. FULMER. Will the gentleman withhold his objection?

Mr. BEGG. I will, but I am going to object.

Mr. FULMER. I have been sitting quietly without any interference, and we have had a lot of it. This is a very important bill, and I would like to make a very short statement. I want to ask the gentleman why he objects to the bill.

Mr. BEGG. The gentleman does not want to be cross-examined.

Mr. FULMER. The Agricultural Committee of the House reported this unanimously, and the Secretary of Agriculture has given his approval of it. General Lord and the President have said that it does not interfere with his plan of economy. I say to the gentleman that down in South Carolina, because of the great depression there there is great need of this experiment station. It is a very important bill for the people of my State who are now suffering.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. FULMER. Yes.

Mr. KNUTSON. Did the Committee on Agriculture hold full hearings on this?

Mr. FULMER. Yes; and reported it unanimously. The Secretary of Agriculture has a long letter in the report about it and the Budget Commission has passed it.

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

Mr. BEGG. Mr. Speaker, I object.

By unanimous consent, at the request of Mr. FULMER, the bill was ordered to retain its place on the calendar.

#### LAYING OF PIPE FOR TRANSMISSION OF STEAM

The next business on the Consent Calendar was the bill (H. R. 16920) granting permission for the laying of pipes for the transmission of steam along the alley between lots Nos. 5 and 32 in square No. 225.

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 Commissioners of the District of Columbia be, and they are hereby, authorized to grant permission for the laying of pipes for the transmission of steam across and along the alley between lots Nos. 5 and 32, in square No. 225, subject to the condition that the work shall be performed under the direction and inspection of said commissioners and all costs incident thereto, including the cost of replacing any pavement disturbed thereby, shall be paid by the permittee in accordance with the third paragraph of the act approved May 26, 1900 (U. S. Stat. L., vol. 31, p. 217): *Provided*, That the other conditions imposed by section 1 of said act shall not apply to any permit which may be granted hereunder.

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.

#### APPOINTMENT AS WARRANT OFFICERS OF CERTAIN PERSONS

The next business on the Consent Calendar was the bill (H. R. 14834) to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status caused by military service rendered by them as commissioned officers during the World War.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, the Secretary of War reports that this bill is in conflict with the financial program and policy of the President. That being the case, as I am one who backs up the President in his financial policy, I object.

#### WIND RIVER INDIAN RESERVATION

The next business on the Consent Calendar was the bill (H. R. 15654) to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That section 2 of chapter 1452 of the Statutes of the Fifty-eighth Congress (33 Stat. L. p. 1021), being "An act to ratify and amend an agreement with the Indians on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect," as amended by Joint Resolution No. 12 of the Fifty-ninth Congress (34 Stat. L. p. 825) and chapter 197 of the Statutes of the Sixtieth Congress (35 Stat. L. p. 650), be, and the same is hereby, amended as follows:

"That the time for making entry and payment for coal and mineral lands located under the act of March 3, 1905, shall be extended for the period of 10 years from the date of approval of this act; and any right, title, or interest in any such coal or mineral lands acquired heretofore under the provisions of the said act of March 3, 1905, and the mineral land and mining laws and regulations of the United States, and not perfected by entry and payment, but subsisting in full force and effect in so far as compliance with the requirements of the said mineral land and mining laws and regulations are concerned, shall, notwithstanding the fact that five years may have elapsed since the location of any claim, continue in full force and effect, without any diminution whatsoever of the right, title, or interest on account of failure to make entry and payment within five years from the date of the location of such claim."



With the following committee amendments:

Page 2, line 8, strike out "the date of the approval of this act" and insert "July 1, 1927."

Line 21, after the word "claim" insert: *Provided*, That the extension of time hereby granted shall not apply to mineral lands of coal, oil, and gas. *And provided further*, That this act shall not be construed as reviving any placer mineral location which has lost its validity because of failure to comply with the Federal and State laws.

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.

BRIDGE ACROSS TRINITY RIVER, HOOPA VALLEY INDIAN RESERVATION, CALIF.

The next business on the Consent Calendar was the bill (H. R. 10977) authorizing an appropriation of \$70,000 for the construction of a bridge across the Trinity River and a road to connect therewith within the Hoopa Valley Indian Reservation, Calif.

The Clerk read the title of the bill.

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

Mr. CRAMTON. Mr. Speaker, I intend to object, though I shall have no objection to the bill being passed over without prejudice and retaining its place on the calendar.

Mr. LEA of California. Mr. Speaker, I ask unanimous consent that this bill retain its place on the calendar.

Mr. O'CONNELL of New York. Mr. Speaker, does the gentleman from Michigan know that the President is in favor of this bill?

Mr. CRAMTON. I am not sure just how much the President knows about it.

Mr. O'CONNELL of New York. He must know something about it, or he would not give his approval, and the Director of the Budget approves it.

Mr. CRAMTON. Mr. Speaker, I have said that I would not object to its retaining its place on the calendar.

Mr. LEA of California. Mr. Speaker, I make that request.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill retain its place on the calendar. Is there objection?

There was no objection.

TO ESTABLISH A DAIRY EXPERIMENT STATION NEAR COLUMBIA, S. C.

Mr. BEGG. Mr. Speaker, a moment ago I objected to the consideration of the bill (H. R. 17138) authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the South Carolina Agricultural Experiment Station, the bill of the gentleman from South Carolina [Mr. FULMER], knowing there was another bill three or four bills further on on the calendar to establish an experiment station. I had O. K'd the latter one and had a note to stop the first one, because I could not see any necessity for two. The gentleman now tells me that he wants the second one stopped and the first one put through. I am not averse to letting him have the one he wants particularly when the first one costs half as much money as the other. Therefore, I ask unanimous consent to return to Calendar No. 1033, H. R. 17138, and I withdraw my objection to that, with the understanding that the other bill is not to be passed.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to return to calendar No. 1033, H. R. 17138, authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the South Carolina Agricultural Experiment Station. Is there objection?

There was no objection.

The SPEAKER pro tempore (Mr. SNELL). 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 the sum of \$50,000 to enable the Secretary of Agriculture to cooperate with the South Carolina Agricultural Experiment Station and/or other agencies in making investigations and experiments in dairying and livestock industries and of the problems pertaining to the establishment and development of such industries, including cropping systems, soil improvement, and farm organization studies of such industries, and for demonstration, assistance, and service in developing the agriculture of the Sand Hill region of the Southeast.

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.

Mr. BEGG. Mr. Speaker, so that we will not get confused about it, I will now ask unanimous consent that calendar No. 1041, H. R. 7266, to provide for the establishment of a dairying and livestock experiment station at or near Columbia, S. C., be laid on the table.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

#### WISCONSIN POTTAWATTOMIE INDIANS

The next business on the Consent Calendar was the bill (H. R. 16292) to appropriate treaty funds due the Wisconsin Pottawattomie Indians.

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 appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$6,839, being the unappropriated balance of the total amount of \$447,339 due the Wisconsin Pottawattomie Indians of Wisconsin and Michigan under the treaty of September 27, 1833 (7 Stat. L. p. 442), and the act of June 25, 1864 (13 Stat. L. p. 172), as set out in House Document No. 830, Sixtieth Congress, first session: *Provided*, That the unexpended balances of \$37,044.55 in the appropriations made for said Indians by the acts of May 18, 1916 (39 Stat. L. p. 156), May 25, 1918 (40 Stat. L. p. 589), and June 30, 1919 (41 Stat. L. p. 29), and which have reverted to the Treasury, are hereby reappropriated; and that said sums, together with the unexpended balance of \$4,347.73 in the appropriation for the purchase of land for said Indians made by the act of June 30, 1913 (38 Stat. L. p. 102), shall be subject to expenditure for their benefit or payment to them, in the discretion of the Secretary of the Interior.

With the following committee amendments:

Page 1, line 3, after the word "hereby," insert the words "authorized to be."

Page 2, line 7, after the word "hereby," insert the words "authorized to be."

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.

#### APPROPRIATION OF CERTAIN FUNDS FOR WOOL STANDARDS

The next business on the Consent Calendar was the bill (H. R. 15476) to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? (After a pause) The Chair hears none.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated for expenditure by the Secretary of Agriculture, for the purposes hereinafter stated, all funds heretofore or hereafter collected by suit, or otherwise, pursuant to appropriations for the completion of the work of the domestic wool section of the War Industries Board, and for enforcing Government regulations for handling the wool clip of 1918 as established by the wool division of said board, pursuant to the Executive order dated December 31, 1918, transferring such work to the Bureau of Markets, now a part of the Bureau of Agricultural Economics of the Department of Agriculture, and for continuing as far as practicable the distribution among the growers of the wool clip of 1918 of all sums heretofore or hereafter collected or recovered with or without suit by the Government from all persons, firms, or corporations which handled any part of the wool clip of 1918, which he finds it impracticable to distribute among said growers, provided that not to exceed \$50,000 may be expended in any fiscal year.

SEC. 2. Said funds may be used for the purpose of acquiring and diffusing among the people of the United States useful information relative to the standardization, grading, preparation for market, marketing, utilization, transportation, handling, and distribution of wool, and of approved methods and practices relative thereto, including the demonstration and promotion of the use of grades for wool in accordance with standards therefor which the Secretary of Agriculture is hereby authorized to establish. Said funds may be used for the grading of wool, and for such grading or other service rendered hereunder reasonable fees may be charged, and provided further that hereafter reasonable charges may be made for practical forms of grades for wool.

SEC. 3. The Secretary of Agriculture may make such rules and regulations as he deems advisable for carrying out any of the provisions of this act. All receipts hereunder shall be deposited in the Treasury to the credit of miscellaneous receipts.

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 was laid on the table.

#### EXTENDING C. O. D. SERVICE TO FIRST-CLASS MAIL

The next business on the Consent Calendar was the bill (H. R. 14701) to extend collect-on-delivery service and limits of indemnity to third and fourth class domestic parcels on which the first-class rate of postage is paid.

The Clerk read the title of the bill.

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

Mr. LaGUARDIA. There is an amendment which I suggested. Do I understand the gentleman is going to offer an amendment?

Mr. FOSS. Yes.

The SPEAKER pro tempore. The Chair hears no objection. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the provisions of section 8 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912 (37 Stat. pp. 557, 558, 559), with respect to the insurance and collect-on-delivery services, and the provisions of the act entitled "An act to extend the insurance and collect-on-delivery service to third-class mail, and for other purposes," approved June 7, 1924 (43 Stat. pp. 652, 653), and the further provisions of section 211, paragraph (c), of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (43 Stat. p. 1069), are hereby extended so as to authorize the Postmaster General to provide collect-on-delivery service for sealed domestic mail matter of the third and fourth classes bearing postage at the first-class rate, and to fix the fees and limits of indemnity for such service.

Mr. FOSS. I offer the following amendment.

The Clerk read as follows:

Page 2, line 13, after the word "service," strike out the period and insert "as prescribed by law."

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 was laid on the table.

#### DEMURRAGE ON UNDELIVERED C. O. D. PARCELS

The next business on the Consent Calendar was the bill (H. R. 14703) to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, I also have an amendment which I suggested to the gentleman the last time.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That under such regulations as the Postmaster General may prescribe any collect-on-delivery parcel which the addressee fails to remove from the post office within such reasonable time as may be prescribed by the Postmaster General, may be returned to the sender, charged with the return postage, whether or not such parcel bears any specified time limit for delivery, and a reasonable demurrage charge may be collected when delivery has not been made to either the addressee or the sender until after the expiration of the prescribed period.

Mr. FOSS. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, after the word "within," insert "10 days or such further," so the same will read "within 10 days or such further reasonable time as may be prescribed by the Postmaster General."

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 was laid on the table.

#### APPOINTMENT OF STENOGRAPHERS IN COURTS OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 5564) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, I have an amendment which I spoke to the gentleman from Massachusetts about and he said it was satisfactory.

Mr. BLANTON. Reserving the right to object, under the provisions of this bill the court can appoint as many stenographers as it sees fit, and it ought to be eliminated from the bill. There would be no objection to the court having a stenographer, but not to give the court blanket authority to appoint as many as he sees fit. That ought not to be in this legislation.

Mr. LaGUARDIA. I have an amendment which will provide for the appointment of these stenographers in accordance with the civil service law.

Mr. BLANTON. They ought not to be given the authority to appoint any number at will, because—

Mr. SCHAFER. Regular order.

Mr. BLANTON. I object.

Mr. SPROUL of Illinois and Mr. LaGUARDIA objected.

#### REHABILITATE PICATINNY ARSENAL, N. J.

The next business on the Consent Calendar was the bill (H. R. 1711) to authorize an appropriation to rehabilitate the Picatinny Arsenal, in New Jersey.

The Clerk read the title of the bill.

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

Mr. BLANTON. I object.

Mr. ACKERMAN. Will the gentleman reserve the right to object?

Mr. BLANTON. This bill involves \$2,341,000.

Mr. ACKERMAN. The Assistant Secretary of War says it is very necessary that something be done in regard to the matter. This arsenal was injured by a terrific explosion at Lake Denmark contiguous thereto by a storm July 10, and they are just hanging on—

Mr. BLANTON. I want to say to the distinguished gentleman that I have such a high regard for him personally that I am not going to stand in the way of his bill.

Mr. ACKERMAN. I thank the gentleman.

Mr. BLANTON. I will withdraw my objection.

Mr. BLACK of Texas. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### TRANSFER OF NIOBRARA ISLAND TO THE STATE OF NEBRASKA

The next business on the Consent Calendar was the bill (H. R. 16918) to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska.

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. Mr. O'CONNELL of New York. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The bill reads as follows:

*Be it enacted, etc.,* That the consent of the United States is hereby granted to the city of Niobrara, Nebr., to transfer to the State of Nebraska all the right, title, and interest of such city in and to Niobrara Island, an island in the Niobrara River, if the State of Nebraska, before the expiration of five years from the date of the enactment of this act, formally accepts such island subject to the same conditions (except the condition as to time of acceptance) as are imposed by section 21 of the act entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, in respect of the donation to the city of Niobrara of such island.

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

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

The SPEAKER pro tempore. The Clerk will report the next bill.



## STATISTICS OF TOBACCO

The next business on the Consent Calendar was the bill (H. R. 16350) to provide for the collection and publication of statistics of tobacco by the Department of Agriculture.

The title of the bill was read.

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

Mr. O'CONNOR of New York. Mr. Speaker, is that the one requiring wholesale dealers to report?

Mr. GARRETT of Tennessee. No. It has been changed.

Mr. FORT. Mr. Speaker, that bill has been rereported, with a report from the committee.

Mr. GARRETT of Tennessee. My information is that it was reported with amendments that were satisfactory to the gentleman from New Jersey.

Mr. FORT. Is it the bill in question? The bill has not been reported.

The SPEAKER pro tempore. This is the latest bill.

Mr. O'CONNOR of New York. Mr. Speaker, I ask that the bill be read.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of Agriculture be, and he is hereby, authorized and directed to collect and publish statistics of the quantity of leaf tobacco in all forms in the United States, in the possession of dealers, manufacturers, growers' cooperative associations, warehousemen, brokers, holders, or owners, other than the original growers of tobacco. The statistics shall show the quantity of tobacco in such detail as to types and groups of grades as the Secretary of Agriculture shall deem to be practical and necessary for the purposes of this act, and said statistics shall show the stocks of tobacco of the last four crop years, including therein the production of the year of the report, which shall be known as new crops, separately from the stocks of previous years, which shall be known as old crops, and shall be summarized as of January 1, April 1, July 1, and October 1 of each year: *Provided*, That the Secretary of Agriculture shall not be required to collect statistics of leaf tobacco from any manufacturer of tobacco who in the preceding calendar year, according to the returns of the Commissioner of Internal Revenue, manufactured less than 50,000 pounds of tobacco, or from any manufacturer of cigars who during the preceding calendar year manufactured less than 250,000 cigars, or from any manufacturer of cigarettes, who, during the preceding calendar year manufactured less than 1,000,000 cigarettes, or from any dealer in leaf tobacco who, on the average, had less than 50,000 pounds in stock at the ends of the four quarters of the preceding calendar year.

SEC. 2. The Secretary of Agriculture shall establish standards for the classification of tobacco. He shall specify the types and groups of grades which shall be included in the returns required by this act. Such returns shall show the quantity of tobacco by such types and groups of grades for new and old crops separately. The Secretary of Agriculture shall prepare appropriate blanks upon which the returns shall be made and shall, upon request, furnish copies to persons who are required by this act to make returns.

SEC. 3. It shall be the duty of every dealer, manufacturer, growers' cooperative association, warehouseman, broker, holder, or owner, other than the original grower, except such persons as are excluded by the proviso to section 1 of this act, to furnish within 10 days after January 1, April 1, July 1, and October 1 of each year, completely and correctly to the best of his knowledge, a report of the quantity of leaf tobacco on hand, segregated in accordance with the blanks furnished by the Secretary of Agriculture. Any person, firm, association, or corporation required by this act to furnish a report, and any officer, agent, or employee thereof who shall refuse or willfully neglect to furnish any of the information required by this act, or shall willfully give answers that are false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$200 or more than \$1,000 or imprisoned not more than one year, or both.

SEC. 4. The word "person" as used in this act shall be held to embrace also any partnership, corporation, association, or other legal entity.

SEC. 5. The Secretary of Agriculture shall have access to the tobacco records of the Commissioner of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining lists of the persons subject to this act and for the purpose of aiding the collection of the information herein required, and the Commissioner of Internal Revenue and the several collectors of internal revenue shall cooperate with the Secretary of Agriculture in effectuating the provisions of this act.

SEC. 6. The returns herein provided for shall be made under oath before a collector or deputy collector of internal revenue, a postmaster, assistant postmaster, or any one authorized to administer oaths by State or Federal law.

SEC. 7. The act approved April 30, 1912, providing for the collection of tobacco statistics by the Bureau of the Census is hereby repealed.

SEC. 8. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

With committee amendments as follows:

Page 4, line 14, insert the following:

"SEC. 7. That the information furnished under the provisions of this act shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Secretary of Agriculture whereby the data furnished by any particular establishment can be identified, nor shall the Secretary of Agriculture permit anyone other than the sworn employees of the Department of Agriculture to examine the individual reports."

Page 4, line 22, strike out "7" and insert "8."

Page 5, line 1, strike out "8" and insert "9."

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

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were 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.

## HORTICULTURAL EXPERIMENT AND DEMONSTRATION WORK IN THE GREAT PLAINS AREA

The next business on the Consent Calendar was the bill (H. R. 17227) providing for horticultural experiment and demonstration work in the southern Great Plains area.

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.

Mr. O'CONNELL of New York. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The bill reads as follows:

*Be it enacted, etc.,* That the Secretary of Agriculture is hereby authorized and directed to cause such shade, ornamental, fruit, and shelter belt trees, shrubs and vines as are adapted to the conditions and needs of the southern Great Plains area, comprised of those parts of the States of Colorado, Nebraska, Kansas, Texas, Oklahoma, and New Mexico lying west of the ninety-eighth meridian and east of the 5,000-foot contour line, to be propagated at one of the existing field stations of the Department of Agriculture in such area, and seedlings and cuttings and seeds of such trees, shrubs, and vines to be distributed free of charge under such regulations as he may prescribe for experimental and demonstration purposes within such area.

SEC. 2. That for carrying out the purposes of this act, including purchase of land and erection of buildings, there is hereby authorized to be appropriated the sum of \$50,000 out of any money in the Treasury not otherwise appropriated, to be expended under the supervision of the Secretary of Agriculture.

With a committee amendment as follows:

Page 2, line 7, strike out "\$50,000" and insert "\$35,000."

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

The committee 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.

## ACTING DISBURSING OFFICER

The next business on the Consent Calendar was the bill (H. R. 16655) to authorize the designation of persons to act for disbursing officers and others charged with the disbursement of public moneys 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?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. O'CONNELL of New York. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill reads as follows:

*Be it enacted, etc.,* That any disbursing clerk, or officer, person, or agent who may be charged with the disbursement of public moneys of the United States, exclusive of officers and employees of the Post Office Department, may, when considered necessary and approved in writing by the head of the executive department, or the independent bureau, establishment, or office in which he is employed, authorize a deputy or deputies, a supervisory officer or officers, or a clerk or clerks in his office to act for him, and may authorize one or more of such officers or clerks to issue and sign checks for, and in the name of the disbursing clerk, or officer, person, or agent for whom they are acting. The official bond given by the regularly designated, appointed, and qualified disbursing clerk, or officer, person, or agent shall be held to cover and apply to the act or acts of the person or persons so authorized to act for him in such cases: *Provided, however,* That the written consent of the surety or sureties shall be secured where such bond has already been executed prior to the date of approval of this act. Except where officers or employees are authorized under specific legislation to act for disbursing clerks and others charged with the disbursement of public moneys and are not required thereunder to furnish bond, such acting disbursing clerks, or officers, persons, or agents shall be required to give bond in such amount as may be considered necessary by the head of the executive department, or the independent bureau, establishment, or office in which he is employed, the form of bond to be that prescribed by the Secretary of the Treasury. Such acting disbursing clerks, or officers, persons, or agents shall, for the time being, be subject to all the liabilities and penalties prescribed by law for official misconduct in like cases of the person for whom they are acting.

Mr. GRAHAM. Mr. Speaker, I have committee amendments to offer.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 10, after the word "Act," strike out the remainder of the line and strike out lines 11, 12, and 13 and the words "furnish bond" on line 14; and on line 15, after the word "bond," insert "to the principal, and where the principal's bond is not executed by personal sureties the bond shall be given by the same surety that executed the principal's bond."

On line 23, after the word "acting," insert "The provisions of this act shall not be held to modify or repeal existing specific legislation under authority of which a deputy or other person may act for and sign official checks in the name of any disbursing clerk or officer, person or agent who may be charged with the disbursement of public moneys of the United States."

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.

#### PUNISHMENT OF PERSONS ESCAPING FROM FEDERAL PENAL INSTITUTIONS

The next business on the Consent Calendar was the bill (H. R. 15975) providing for the punishment of persons escaping from Federal penal or correctional institutions, and for other purposes.

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 SPEAKER pro tempore. Without objection the reading of the bill will be dispensed with.

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That if any person convicted of an offense against Federal statutes, committed to any Federal penal or correctional institution, or any State, county, or other institution designated as a place for the incarceration of Federal prisoners or being conveyed to or from such institution, shall break such prison and escape therefrom or shall escape from the custody of any official or employee conveying such person to or from such institution or shall escape from or leave without due authority any building, camp, farm, garden, city, town, road, street, or any place whatsoever in which such person is placed or to which such person is directed or permitted to go or in which

such person is allowed to be by the warden or any other officer or employee of the prison, whether inside or outside of the prison walls or grounds, such person shall be deemed guilty of an escape and shall, upon conviction, be punished by imprisonment for a term not to exceed five years, to commence from and after the expiration of the term of previous sentence: *Provided,* That in order to constitute an escape under the provisions of this act it is not necessary that the prisoner be within any walls or inclosure nor that there shall be any actual breaking nor that such prisoner be in the presence or actual custody of any officer or other person.

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.

#### REGISTRATION OF TRADE-MARKS

The next business on the Consent Calendar was the bill (H. R. 13486) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes.

The Clerk read the title of the bill.

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

Mr. SCHAFER. Mr. Speaker, I object.

#### SALARIES OF THE ASSISTANT TO THE ATTORNEY GENERAL

The next business on the Consent Calendar was the bill (H. R. 16022) to increase the salaries of the Assistant to the Attorney General and the Assistant Attorneys General.

The Clerk read the title of the bill.

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

Mr. CRAMTON. Mr. Speaker, I object.

#### CONSTRUCTION OF BARRACKS AT FORT JAY

The next business on the Consent Calendar was the bill (H. R. 17182) authorizing construction of barracks at Fort Jay, Governors Island, N. Y.

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 War is authorized to construct barracks at Fort Jay, Governors Island, N. Y., for a regiment of Infantry, less one battalion, at a cost not exceeding \$1,086,000.

Mr. BLANTON. Mr. Speaker, I offer an amendment. At the end of line 6 strike out the period, insert a colon, and add the following proviso, to wit:

*Provided,* That such sum shall be paid from the proceeds of the sale of surplus property, known as the military post construction fund.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CHINDBLOM. Does the gentleman now propose to appropriate this money out of those funds?

Mr. BLANTON. To authorize it to be done. We have given them a great big fund.

Mr. CHINDBLOM. I know we have.

Mr. BLANTON. This is an attempt on their part to get out of using that fund and take this money out of the Treasury. This is merely a direction to the Committee on Appropriations when they go to appropriate this money to take it out of this fund.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAGUARDIA. I am in sympathy with what the gentleman wants to do, because the gentleman will recall I opposed the sale of the property.

Mr. BLANTON. This is merely to instruct the Committee on Appropriations to take it out of that fund.

Mr. LAGUARDIA. But what they have done with the fund is this: They have allocated all of that fund, and they are building now with additional appropriations.

Mr. BLANTON. I know, but we ought to stop that.

Mr. LAGUARDIA. If you do that in this instance, they will not be able to build.

Mr. BLANTON. Oh, yes, they will, because they are selling surplus property all the time. I think this is a good amendment and it ought to be adopted, because they have on hand a tremendous big lot of property and a lot of funds.

Mr. LAGUARDIA. I agree with what the gentleman is trying to do, but they have allocated all of that money.

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. BLANTON: At the end of line 6 after the figures strike out the period, insert a colon, and add the following proviso:

"Provided, That such sum shall be paid from the proceeds of the sale of surplus property known as the Military Post Construction Fund."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 13, noes 29.

So the amendment was rejected.

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.

#### REGISTRATION OF TRADE-MARKS

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to return to the consideration of H. R. 13486, to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to return to the consideration of H. R. 13486. Is there objection?

Mr. VESTAL. This is H. R. 13486, which was objected to by Mr. SCHAFER.

Mr. BLANTON. Is that the Vincent bill?

Mr. VESTAL. This is the trade-mark bill.

Mr. BLANTON. Is it the Vincent bill?

Mr. VESTAL. No.

Mr. BLANTON. This is the Vestal bill?

Mr. VESTAL. Yes.

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

There was no objection.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That the owner of a trade-mark in use in commerce within the control of Congress may register such trade-mark—

A. By filing in the Patent Office—

(a) A written application addressed to the commissioner, signed and verified by the applicant, before any officer mentioned in section 15 (b), stating the applicant's name, citizenship, domicile, residence, and business address, upon what goods the trade-mark is used, the duration of such use, how the right was acquired, and, if by succession or assignment, from whom, and upon information and belief that the applicant is entitled to the exclusive use of the trade-mark in the United States, and that the applicant is using it in commerce. A description of the trade-mark may be included if desired by the applicant or required by the commission;

(b) A drawing of the trade-mark; and

(c) Such number of specimens or facsimiles of the trade-mark as actually used as may be required by the commissioner;

B. By paying into the Patent Office the sum of \$10; and

C. By complying with such rules or regulations not inconsistent with law as may be prescribed by the commissioner.

SEC. 2. No mark by which the goods to which it is applied by the applicant may be distinguished as to source or origin shall be refused registration as a trade-mark on account of its nature unless it—

(a) Consists of or comprises immoral or scandalous matter.

(b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof.

(c) Consists of or comprises the portrait or signature of a living individual unless by his written consent, or the portrait or signature of any deceased President of the United States during the life of his widow, if any, unless by her written consent.

(d) Consists of or comprises a mark which so resembles a trade-mark previously used by another as to be likely, when applied to the goods of the applicant, to cause confusion or mistake or to deceive purchasers as to their source or origin.

When such previously used trade-mark is applied to merchandise of the same descriptive properties it shall constitute prima facie grounds for refusing registration.

(e) Consists of a mark which when applied to the goods of the applicant has merely a descriptive or geographical meaning or is merely a surname.

Rejection on any of the foregoing grounds shall be subject to rebuttal by evidence of relevant facts.

(f) Except as expressly excluded in paragraphs (a), (b), (c), and (d) of this section, nothing herein shall prevent the registration of

any mark used as a trade-mark by the applicant in commerce which, in accordance with the principles of common law, has acquired a secondary meaning distinguishing the applicant's goods. Substantially exclusive use as a trade-mark for five years preceding application shall be prima facie evidence of secondary meaning.

(g) Registrations of a mark except under paragraph (f) of this section shall be prima facie evidence of ownership as of the date the application was filed. Registration of a mark by virtue of paragraph (f) shall be prima facie evidence of the right as of the date the application was filed to prevent others from using the mark in a manner likely to cause confusion or mistake or to deceive purchasers as to the source or origin of the goods.

SEC. 3. In addition to the registration provided in sections 1 and 2 of this act, the commissioner shall keep a register of—

(a) All marks communicated to him by the international bureaus provided for by the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, in connection with which the fee of \$50 gold for the international registration established by article 2 of that convention has been paid, which communication and register shall show a facsimile of the mark; the name and residence of the registrant; the number, date, and place of the first registration of the mark in the country in which the owner has his main place of business or where he manufactures the product on which the mark is used, including the date on which application for such registration was filed and the term of such registration; a list of goods to which the mark is applied as shown by such registration; and such other data as may be required by the commissioner concerning the mark.

Owners of marks so registered, being domiciled in any country which is a party to said convention, shall enjoy, while the registration remains in force, all the rights and benefits conferred by said convention.

(b) In addition to the registrations hereinbefore provided for, the commissioner shall keep a register of marks as a continuation of the register of marks heretofore registered under paragraph (b) of section 1 of the act of March 19, 1920, entitled "An act to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes." Whenever any person engaged in manufacturing in, or exporting from, the United States shall apply for registration of any mark (including therein a trade-mark, symbol, label, package, configuration of goods, name, word, or phrase) other than those expressly excluded by paragraphs (a), (b), (c), and (d) of section 2, used upon goods manufactured by or for such applicant and exported, or about to be exported, to any foreign country, accompanied by a verified showing that no other person has any superior right to the use of such mark for like goods, and shall pay into the Patent Office the sum of \$10, the commissioner, subject to examination and search to determine whether the mark is excluded by paragraphs (a), (b), (c), and (d) of section 2, shall forthwith register said mark in said register and issue a certificate of registration for such mark, which shall be evidence of the date of filing the application therefor, and of the claim of the registrant of right in such mark. Registrations under this section, including marks heretofore registered under paragraph (b) of section 1 of said act of March 19, 1920, shall give the registrant the same protection in commerce of the marks so registered as the common law affords. Applications under this section shall not be published for opposition, as provided in section 7, and shall not be subject to opposition as provided in section 13, but the registrations shall be subject to cancellation under section 13, paragraph (b), or section 14, paragraph (g). Such registration shall not be used to stop importations under section 29.

SEC. 4. (a) Registration under sections 1 and 2 hereof or of the act of February 20, 1905, shall, from the date when this act takes effect, be constructive notice as of the date of registration to all persons of the fact of registration and of the fact that the registrant claims the right to the exclusive use in commerce of the mark so registered. It shall be the duty of the registrant to accompany a registered trade-mark with the words "Registered in U. S. Patent Office" or "Reg. U. S. Pat. Off.," or by the letter "R" in a circle, thus ®; and in any suit for infringement under this act by a registrant failing so to mark, no profits and no damages shall be recovered except on proof that the defendant had actual notice or knowledge of the trade-mark and continued to infringe the same after such notice or knowledge, and no such profits or damages shall accrue except after such notice or knowledge.

(b) It shall be unlawful for any person to accompany any unregistered trade-mark with the words "Trade-Mark Registered in U. S. Patent Office," or "Trade-Mark Reg. U. S. Pat. Off.," or with the letter "R" in a circle, or with any other letters, words, or abbreviations of like import; or to use any such words or abbreviations on any label or in any catalogue, circular, or advertising matter.

(c) It shall be unlawful for any person to accompany any mark, whether deposited under section 5 or not, with the words "Deposited in the U. S. Patent Office," or "Entered in the U. S. Patent Office," or "Recorded in the U. S. Patent Office," or with any other letters, words, or abbreviations of like import.

SEC. 5. (a) Any mark (including therein a trade-mark symbol, label, package, configuration of goods, name, word, or phrase) used in commerce and identifying any merchandise or business may be deposited in the Patent Office by the user by filing one or more copies, facsimiles, or representations thereof, as the commissioner may direct, on a form to be furnished by the commissioner, and by paying into the Patent Office a fee of \$2. Any person using, in commerce, any such mark, which shall not have been registered and for which no application for registration has been filed, who shall fail so to deposit it within one year of the first use thereof in commerce, or within one year after this act takes effect, shall, on applying to register in any form under this act, pay, as a fee for such registration, in lieu of any other fees prescribed in this act, the sum of \$30. There shall be excepted from the foregoing the trade names embraced in article 8 of the convention mentioned in section 6 hereof, but such trade names may be deposited under this section at the option of the user thereof. Any user of a mark solely within a State may, at his option, deposit the same under this section.

(b) The commissioner shall cause to be assembled for search purposes, in such form as the commissioner may determine, all marks—

- (1) Now registered and which may hereafter be registered;
- (2) For which applications for registration are pending;
- (3) Which may be deposited under this section; and
- (4) Any other marks in actual use which the commissioner may direct.

Such collection of marks shall be open to public inspection at such times as the commissioner may prescribe.

The commissioner may remove from this collection abandoned marks, infringing marks, and marks which are immoral, scandalous, or otherwise unlawful.

SEC. 6. (a) An application for registration of a trade-mark, filed in this country by any person who has previously regularly filed an application for registration of the same trade-mark in a foreign country wherein he is domiciled, and which is his first application in any country, if such country by treaty, convention, or law affords similar privileges to citizens of the United States, shall be accorded the same force and effect as would be accorded to the same application if filed in this country on the date on which the application was first filed in such foreign country, if such application is filed in this country within four months from the date on which the application was first filed in such foreign country. Applications under this section shall conform as nearly as practicable to the requirements of section 1, but need not allege use in commerce.

(b) Every owner of a trade-mark, being domiciled in any country which is a party to the international convention entered into at Paris March 20, 1883, revised at Brussels December 14, 1900, and at Washington June 2, 1911, shall enjoy with respect to the registration of said trade-mark, and while such registration remains in force, all the rights and benefits concerning trade-marks and unfair competition conferred by said convention. Rights of priority under such registrations shall be determined as provided in said convention.

(c) Foreign or alien owners of trade-marks used in this country shall, unless otherwise provided by treaty, enjoy the same right to such trade-marks at common law, and the same right to register or enforce such trade-marks under the other sections of this act as in the case of citizens or residents of the United States, and their rights of priority, unless otherwise provided by treaty, shall be determined by their actual use of such trade-marks within the United States.

SEC. 7. Upon the filing of an application for registration of a trade-mark under sections 1, 2, and 3 hereof, and payment of the fees herein provided for, the commissioner shall cause an examination thereof to be made, and if on such examination it shall appear that the applicant is entitled to have the trade-mark registered under the provisions of this act, the commissioner shall cause the mark to be published at least once in the Official Gazette of the Patent Office. If no notice of opposition, as hereinafter provided, is filed within the period specified in section 13, paragraph (a), the commissioner may issue a certificate of registration therefor. If on examination an application is refused, the commissioner shall notify the applicant, giving his reasons therefor. Applications under section 3 shall not be published for opposition, but shall be published when registered. This section shall not apply to marks deposited under section 5.

SEC. 8. Every applicant for registration of a trade-mark or for renewal of registration of a trade-mark, who is not resident within the United States, shall, before the issuance of the certificate of registration, as hereinafter provided for, designate, by a notice in writing filed in the Patent Office, some person residing within the United States on whom process or notice of proceedings affecting the registration of the trade-mark of which such applicant may claim to be the owner, brought under the provision of this act or under other laws of the United States, may be served with the same force and effect as if served upon the applicant or registrant in person. Any nonresident registrant may in like manner designate such a representative; and after this act takes effect no suit or action shall be brought under any registration owned by such nonresident registrant and no profits or damages for infringement thereof shall accrue, until such notice of designation has been filed. Such service may be made by leaving a copy of the

process or notice at the last address of which the commissioner has been notified or by mailing it to such address.

SEC. 9. (a) In an ex parte case, appeal may be taken to the commissioner in person from the decision of the examiner in charge of trade-marks and from the decision of the commissioner to the Court of Appeals of the District of Columbia, whose decision shall be final, except that it may be reviewed by the Supreme Court on certiorari as provided by section 251 of the Judicial Code.

(b) Any applicant, if he so elect, in lieu of appealing to the Court of Appeals of the District of Columbia, may within one year after the decision of the commissioner transfer the case to a court of original jurisdiction named in section 22 either in the district of his residence or in the district of the location of his principal place of business, and the commissioner, at the expense of the applicant, shall certify and file with the clerk of such court a copy of the application and all proceedings therein, and the commissioner may at his election enter his appearance and proceed as party defendant; otherwise the case shall proceed ex parte. The powers and duties of the court under this section shall be those prescribed in section 14 in so far as they may be applicable, but all expenses of the proceeding, including the disbursements of the commissioner, shall be paid by the applicant whether the final decision is in his favor or not.

SEC. 10. (a) All certificates of registration of trade-marks shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the commissioner or have his name printed thereon and attested by an assistant commissioner or by one of the law examiners duly designated by the commissioner, and shall be recorded, together with printed copies of the drawing and application, in the Patent Office in books to be kept for that purpose. The certificate shall state the date on which the application for registration was received in the Patent Office. Certificates of registration of trade-marks may be issued to the assignee of the applicant where the assignment has been recorded in the Patent Office. In case of succession or change of ownership the commissioner may, upon a proper showing at the request of the owner or successor and upon the payment of a fee of \$10, issue to such owner or successor a new certificate of registration of the said trade-mark in the name of such owner or successor.

(b) The commissioner, upon application of the registrant, may permit any registration under this or any previous act to be canceled and for good cause to be amended or disclaimed in whole or in part, at any time, provided when so amended it shall still contain registrable matter, and shall make appropriate entry upon the records of the Patent Office and upon the certificate of registration or a certified copy thereof which shall be tendered for this purpose.

(c) Copies of any records, books, papers, or drawings relating to trade-marks belonging to the Patent Office and of certificates of registration and of deposit authenticated by the seal of the Patent Office and certified by the commissioner or in his name by a chief of division duly designated by the commissioner, shall be evidence in all cases wherein the originals would be evidence; and any person making application therefor and paying the fee required by law shall have such copies.

(d) Whenever a mistake in a trade-mark registration, incurred through the fault of the Patent Office, is clearly disclosed by the records of the office, a certificate stating the fact and nature of such mistake, signed by the commissioner and sealed with the seal of the Patent Office, may be issued, without charge, and recorded in the records of trade-marks and a printed copy thereof attached to each printed copy of the trade-mark registration, and such certificate shall thereafter be considered as part of the original, and every trade-mark registration, together with such certificate, shall have the same effect and operation in law on the trial of all actions or causes thereafter arising as if the same had been originally issued in such corrected form. All such certificates heretofore issued in accordance with the rules of the Patent Office and the trade-mark registrations to which they are attached shall have the same force and effect as if such certificates had been specifically authorized by statute.

SEC. 11. Each certificate of registration shall remain in force for 20 years, and all except those under section 12 shall be effective throughout the United States. Certificates of registration may be renewed for like periods from the end of the expiring period on payment of the renewal fees required by this act upon requests by the registrant, and such request may be made at any time within six months prior to the expiration of the period for which the certificates of registration were issued or renewed. Certificates of registration in force at the date at which this act takes effect shall remain in force for the period for which they were issued and shall have the same force and effect as if the acts under which they were issued had not been repealed, but they shall be renewable only under the provisions of this act, and when so renewed shall have the same force and effect as certificates issued under this act.

SEC. 12. An applicant for registration under this act may claim the ownership of a trade-mark for only a limited portion of the territory of the United States, or in foreign commerce, in which case the commissioner may register the mark for such limited territory or commerce,



When, in case of opposition or otherwise, two or more claimants of the same trade-mark shall by a written agreement or stipulation filed or recorded in the Patent Office specify the territory or commerce in which each shall be entitled to the exclusive use of such mark, the commissioner may register the same mark to each such claimant for such limited territory or commerce, respectively. Each certificate of registration under this section shall be in terms restricted to the limited territory or commerce to which the registrant is entitled and refer to any other registration issued under this section.

SEC. 13. The following shall be the contested proceedings in the Patent Office:

(a) Opposition: Any person who would be damaged by the registration of a mark may oppose the same by filing notice of opposition in the Patent Office, in such form as the commissioner may by rule prescribe, within 30 days after the publication in the Official Gazette of the mark sought to be registered. A notice of opposition may be filed by an authorized attorney, but shall be void unless ratified by the opposer within a reasonable time after such filing. For good cause shown the time for filing notice of opposition may be extended by the commissioner not more than 30 days and for good cause shown the commissioner may receive a notice of opposition filed within 60 days from the date of publication.

(b) Cancellation: Any person who is damaged by the registration of a trade-mark, except a person against whom a suit is pending thereunder, may at any time apply to the commissioner to cancel the registration thereof by filing a petition in the Patent Office in such form as the commissioner may by rule prescribe. Abandonment or absence of right to use shall be among the grounds for cancellation. Nonuse by the registrant for more than two years shall be prima facie evidence of abandonment.

(c) Interference: Whenever application is made for the registration of a trade-mark which so resembles a trade-mark previously registered or applied for by another as to be likely, in the opinion of the commissioner, when applied to the goods of the applicant, to cause confusion or mistake or to deceive purchasers as to their source or origin he may declare that an interference exists.

(d) In every case of opposition to registration, petition for the cancellation of a registered trade-mark, or interference, the commissioner shall direct the examiner in charge of interferences to determine the issues according to the common law or treaty rights of the parties, and under rules prescribed by the commissioner.

(e) Appeal may be taken to the commissioner in person from the decision of the examiner of interferences.

(f) The commissioner may refuse to register the mark against the registration of which opposition is filed, may cancel the registration of a registered trade-mark, or may refuse to register both of two interfering marks, or may register the trade-mark for the person entitled thereto. Action shall be stayed for 60 days after final decision by the commissioner to give time for transferring the proceeding as provided in section 14.

(g) Whenever there shall be pending in the Patent Office an interference and an opposition or cancellation concerning the same trade-mark and involving the same or like issues, so that the proceedings may conveniently be determined upon the same evidence, such proceedings may be consolidated upon motion of any party thereto or by direction of the commissioner.

(h) In any suit pending in a Federal court between the parties to a contested proceeding in the Patent Office involving the same trade-mark, the commissioner shall, on the request and at the expense of any party to such suit, certify and transmit to the clerk of the court a transcript of the record in such contested proceeding, including the testimony and exhibits, or such portion thereof as the parties may stipulate. The record so certified shall be treated as evidence in the suit.

SEC. 14. (a) Upon the decision of the commissioner, any party to any of the proceedings mentioned in section 13 hereof may, within 60 days after the decision of the commissioner, transfer the cause to any court of original jurisdiction named in section 22 hereof in the district of the residence or principal place of business of the adverse party, or if there are two or more such parties, then in the district of the residence or principal place of business of any of them, or if such party is not domiciled in the United States, then to the court of the district of the residence of the representative designated in section 8 hereof, or if no representative is so designated then in the District of Columbia.

(b) The commissioner, at the expense, in the first instance, of the party so transferring the cause, shall certify and file with the clerk of such court a transcript of the record in the proceeding, including the testimony and exhibits or such portions thereof as the parties may stipulate. The court shall then issue its process (which may be served anywhere in the United States) to all parties to such proceeding and shall thereupon have general jurisdiction of the controversy and of the parties.

(c) The court shall thereupon proceed de novo, direct the issues to be formulated by appropriate pleadings and consider the transcript of record, testimony, and exhibits so certified and filed by the commissioner, evidence in the cause, but may, in its discretion, take or hear additional evidence.

(d) The court may determine the right to registration, order the cancellation of registrations, restore canceled registrations, and otherwise rectify the register, and shall make and enter such orders and decrees as the case may require, including relief by way of injunction, damages, profits, costs, and otherwise, as provided in section 18, and such judgment or decree may be enforced as provided in section 23 hereof.

(e) The provisions of section 4915 of the Revised Statutes shall not apply in trade-mark cases.

(f) Any order of the court with respect to the right of registration, the cancellation of registrations, the restoration of canceled registrations, or otherwise rectifying the register shall be served upon the commissioner, who shall make appropriate entry upon the records of the Patent Office and be controlled thereby.

(g) In lieu of the method provided in paragraph (b) of section 13 any person damaged by any registration of a trade-mark may have relief by suit in equity against the registrant for cancellation of such registration, or of any deposit, and the court on due proceedings had may, according to the circumstances of the case, cancel such registration or deposit in whole or in part and make any other or additional orders or decrees as provided in this section. Such decree shall be served upon the commissioner, who shall make appropriate entry upon the records of the Patent Office and be controlled thereby.

SEC. 15. (a) Every registered trade-mark and every mark for the registration of which application has been made, together with the application for registration of the same, shall be assignable in connection with the business and good will, in which the mark is used, by an instrument in writing, duly acknowledged or otherwise proved, according to the laws of the country or State in which it is executed or made; any such assignment shall be void as against any subsequent purchaser for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase. The commissioner shall keep a record of such assignments.

(b) If any such assignment be acknowledged before any notary public of a State or any clerk or commissioner of any United States district court, or before any secretary of legation or consular officer authorized by the laws of the United States to administer oaths or perform notarial acts, or before any notary public, judge, or magistrate of any foreign country authorized to administer oaths or perform notarial acts in such country and whose authority shall be proved by certificate of a diplomatic or consular officer of the United States, the certificate of such acknowledgment shall be prima facie evidence of the execution of such assignment and when recorded in the Patent Office such record shall be prima facie evidence of the execution of such assignment.

SEC. 16. Trade-mark fees payable to the Patent Office shall be as follows: On filing each original application for registration of a trade-mark (applications may be transferred from one class to another without additional fee), \$10; on issuing a new certificate under section 10, \$10; on filing each such application after one year, as provided in section 5, additional, \$20; on filing each application for renewal of the registration of a trade-mark, \$10; on each deposit under section 5, \$2; on filing notice of opposition to the registration of a trade-mark or a petition for cancellation (except under section 10 (b)), \$10; on filing a disclaimer or an amendment to a registration, \$10; on appeal from the examiner in charge of trade-marks to the commissioner, \$15; on appeal from the decision of the examiner in charge of interferences to the commissioner, \$15; for manuscript copies, for every 100 words or fraction thereof, 10 cents; for each printed copy of registration and drawing, 10 cents; for comparing other copies, 5 cents for every 100 words or fraction thereof; for certifying in any case, additional, 75 cents; for each additional trade-mark or application which may be included under a single certificate, 25 cents additional; for recording every assignment or other paper of 300 words or under, \$1; of over 300 and under 1,000 words, \$2; and for each additional thousand words or fraction thereof, \$1; for each additional trade-mark or application included, or involved in one writing where more than one is so included or involved, additional, 25 cents.

SEC. 17. The commissioner is authorized to refund trade-mark fees paid by mistake or in excess.

SEC. 18. Any person who shall infringe in commerce any trade-mark registered under sections 1 and 2 hereof shall be liable—

(a) To an injunction restraining infringement of such registered trade-mark.

(b) To pay to the owner such damages as he may have suffered from the infringement.

(c) To pay to the owner all profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only, and the defendant shall be required to prove every element of cost or deduction claimed; but there shall be no recovery of profits from any defendant whose adoption and use of an infringing trade-mark was in good faith and without knowledge of the plaintiff's right thereto, except such profits as accrued therefrom after such defendant had actual notice or knowledge thereof.

(d) If the court shall find that the damages or profits or both are either inadequate or excessive, the court may in its discretion decree the

payment of such sum as the court shall find to be just according to the circumstances of the case, such sum to constitute compensation and not a penalty.

(e) To deliver up, on oath, upon such terms and conditions as the court may prescribe, all copies, counterfeits, or colorable imitations of the registered trade-mark, to be impounded during the pendency of the proceeding.

(f) To deliver up, on oath, for destruction, all copies, counterfeits, or colorable imitations of the registered trade-mark, and all plates, molds, matrices, or other means of making the same.

(g) To deliver up, on oath, for destruction, all printed matter containing any copies, counterfeits, or colorable imitations of the registered trade-mark, and all plates, molds, matrices, or other means of making the same; but when such printed matter is a catalogue, or otherwise consists mainly of noninfringing matter, the objectionable contents thereof may be obliterated or otherwise removed as the court may direct.

(h) The remedy of injunction against infringement of a registered trade-mark may extend throughout the United States or any lesser territory, as may be determined by the court according to the circumstances of the case, and need not be limited to be merely coextensive with the territory within which the owner has used such registered trade-mark; and the court may give the plaintiff the benefit of all other remedies named in this section.

(i) This section shall be applicable only to infringements committed after this act shall take effect; for infringements previously committed the remedies shall be those provided by the statutes heretofore in force.

(j) This section shall not apply to marks deposited under section 5.

(k) Rules and regulations for practice and procedure under this section and under sections 9 (b), 14, and 29 (c) may be prescribed by the Supreme Court of the United States.

SEC. 19. Any court given jurisdiction under this act may, in any action, suit, or proceeding, enter a judgment or decree enforcing the remedies herein provided. It shall be the duty of the clerks of said courts upon the filing of any pleading in any action, suit, or proceeding under this act, to give notice to the commissioner, giving the title of the case and the numbers of the trade-mark registrations or any deposit which may be involved therein, and upon the entry of each judgment or decree to give notice thereof to the commissioner; and for each such notice the clerk shall tax a fee of 50 cents as costs of suit. It shall be the duty of the commissioner on receipt of each such notice to enter the same in the file wrapper of each trade-mark so named.

SEC. 20. The proceedings for an injunction, damages, and profits, and those for the seizure of infringing trade-marks, plates, molds, matrices, or other means for making such infringing marks may be united in one action.

SEC. 21. In all actions, suits, and proceedings under this act, in any court, full costs shall be allowed to the prevailing party, and the court may include a reasonable attorney's fees as part of the costs. Such allowances may also include costs and fees incurred in the Patent Office, to be certified by the commissioner, in cases originating there and transferred under section 14. This section shall not apply to appeals in or transfer of ex-parte cases under section 9.

SEC. 22. The District and Territorial courts of the United States and the Supreme Court of the District of Columbia shall have original jurisdiction, and the circuit courts of appeal of the United States and the Court of Appeals of the District of Columbia shall have appellate jurisdiction of all actions, suits, and proceedings concerning registrations and registered trade-marks under this act, without regard to the citizenship of the parties or the amount in controversy, and the judgments of such appellate courts shall be final, except that they may be reviewed by the Supreme Court on certiorari as provided by sections 240 and 251, respectively, of the Judicial Code.

SEC. 23. Any injunction which may be granted according to section 18 may be served anywhere in the United States, and shall be operative, and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other Federal court having jurisdiction of the party enjoined. The clerk of the court or the judge granting the injunction shall, when requested to do so by the court before which application to enforce said injunction is made, transfer without delay to said court a certified copy of any necessary papers on which the said injunction was granted that are on file in his office.

SEC. 24. Subject to the provisions of section 2 hereof, any person, firm, corporation, union, agricultural or other association, club, fraternal society, institution, or organization may register any trade name or device, including union labels and the marks of associations, used in commerce, in the same manner and with the same effect, and when registered they shall be entitled to the same protection and remedies against infringement as provided herein in the case of trade-marks used upon goods. Applications under this section shall comply as nearly as practicable with the requirements of section 1.

SEC. 25. Nothing in this act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade-mark might have had at common law; nor shall anything in this act deprive a defendant in a suit upon any registered trade-mark or in any proceeding under this act of any defenses against the validity of the trade-mark which he would have had if the trade-mark had not been registered.

SEC. 26. All applications for registration and all contested proceedings pending in the Patent Office at the time of the passage of this act shall be proceeded with under the provisions of this act.

SEC. 27. Any person who shall file application for or procure registration or deposit of a trade-mark in the Patent Office by a false or fraudulent declaration or representation, oral, written, or by any false means, shall be liable to pay any damages sustained in consequence thereof to the injured party, and such false declaration or representation shall constitute perjury.

SEC. 28. The commissioner may make rules and regulations, not inconsistent with law, concerning the registration and deposit of trade-marks and practice in proceedings in the Patent Office. He may require nonregistrable matter to be disclaimed, but no such disclaimer shall affect any common law rights. He may establish a classification of merchandise, for convenience of Patent Office administration, but not to limit or extend the applicant's rights. The applicant may register his trade-mark in one application for any or all goods included in one class upon which the mark has actually been used in commerce. The commissioner may establish a classification under section 24 hereof.

SEC. 29. (a) Any merchandise, whatever may be its source of origin, which shall bear any registered trade-mark or any infringement thereof, shall not be imported into the United States or admitted to entry at any customhouse of the United States unless the written consent of the registrant to such importation or entry be first had and obtained, or unless such offending mark be removed or obliterated; and if brought into the United States in violation of the provisions of this section, any person selling, offering for sale, or dealing in such merchandise shall be amenable, at the suit of the registrant, to the liabilities prescribed in section 18 hereof, and in addition be required to reexport or destroy such merchandise or to remove or obliterate such infringing trade-mark therefrom, and such merchandise shall be subject to seizure and forfeiture for violation of the customs laws. In order to aid the officers of the customs in enforcing this section the registrant may require a copy of the certificate of registration of his trade-mark to be recorded in books which shall be kept for this purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury shall prescribe, and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs.

(b) Any merchandise, whatever may be its source or origin, which shall bear the name or a simulation thereof of any domestic manufacturer or manufacturer or trader, or of any manufacturer or trader located in any foreign country which by treaty, convention, or law affords similar privileges to citizens of the United States, shall not be imported into the United States or admitted to entry at any customhouse of the United States unless the written consent of such manufacturer or trader to such importation or entry be first had and obtained, or unless such offending name be removed or obliterated; and if brought into the United States in violation of the provisions of this section, any person selling, offering for sale, or dealing in such merchandise may be enjoined from dealing therein and in addition be required to export or destroy such merchandise or to remove or obliterate such name therefrom, and the merchandise shall be subject to seizure and forfeiture for violation of the customs laws. In order to aid the officers of the customs in enforcing this section, any such domestic or foreign manufacturer or trader may require a statement of his business or commercial name and the locality where his business is located and where his goods are manufactured to be recorded in books which shall be kept for this purpose in the Department of the Treasury under such regulations as the Secretary of the Treasury shall prescribe, and thereupon the Secretary of the Treasury shall cause one or more copies of such record to be transmitted to each collector or other proper officer of customs.

(c) The owner, importer, or consignee of merchandise refused entry or seized under paragraphs (a) and (b) of this section may have relief against the registrant, manufacturer, or trader by a bill in equity or by a summary proceeding on petition in any court of original jurisdiction named in section 22, in the district where such merchandise is held, or where such registrant, manufacturer, or trader or a designated representative under section 8 is an inhabitant or may be found, and after such notice and upon such proceedings as the court may direct, the court may determine whether the plaintiff or petitioner for any reason has the right to import such merchandise under the names or marks which it bears.

(d) A decree or order of such court for the plaintiff or petitioner, upon being certified to the collector of the port where the merchandise



is held, shall be warrant to such collector to release the merchandise from arrest or seizure or forfeiture under this section.

(e) Such order of decree, whether interlocutory or final, shall be appealable, and the court making such order or decree may, in its discretion, suspend the operation thereof pending appeal.

SEC. 30. Any person who shall affix, apply, or annex, or use in connection with any article or articles of merchandise, or any container or containers of the same, a false designation of origin, or any false description or representation, including words or other symbols, tending falsely to identify the origin of the merchandise, or falsely to describe or represent the same, and shall cause such merchandise to enter into commerce, and any person who shall knowingly cause or procure the same to be transported in commerce, or shall knowingly deliver the same to any carrier to be so transported, shall be liable to an action at law for damages and to a suit in equity for an injunction, at the suit of any person doing business in the locality falsely indicated as that of origin, or in the region in which said locality is situated, or of any person who is or is likely to be damaged by the use of any false description or representation, or at the suit of any association of such persons, and any article marked or labeled in contravention of the provisions of this section shall not be imported into the United States or admitted to entry at any customhouse of the United States. The owner, importer, or consignee of merchandise refused entry in any customhouse under this section may have any recourse by protest or appeal that is given under the customs revenue laws, or may have the remedy given by paragraphs (c), (d), and (e) of section 29.

SEC. 31. In the construction of this act, unless otherwise plainly apparent from the context, the United States includes and embraces all territory which is under the jurisdiction and control of the United States. The word "States" includes and embraces the District of Columbia, the Territories of the United States, and such other territory as shall be under the jurisdiction and control of the United States. The word "commerce" means all commerce within the control of Congress. The terms "person" and "owner" and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this act, include a firm, corporation, or association, or any legal representative or entity capable of possessing and transferring title, as well as a natural person. The terms "applicant" and "registrant" embrace the legal representatives, successors, and assigns of such applicant or registrant. The term "commissioner" means the Commissioner of Patents. The term "trade-mark" includes any mark so used as to distinguish the source or origin of the users' goods, and a trade-mark shall be deemed to be applied to an article when it is placed in any manner in or upon either the article itself or the receptacle or package or upon the envelope or other thing in, by, or with which the goods are packed or inclosed or otherwise prepared for sale or distribution. The term "registered" means registered under this act or under any of the prior acts named in the following section so long as such registration shall remain in force, but has no application to marks deposited under section 5. Words used in the singular include the plural, and vice versa. Except as otherwise expressly provided, this act is declaratory of the common law of trade-marks, trade names, and devices and applies such law, so far as concerns registered trade-marks, to commerce within the control of Congress, and in case of doubt its provisions are to be construed accordingly.

SEC. 32. This act shall be in force and take effect 60 days after its passage. All acts and parts of acts inconsistent herewith are hereby repealed, including the following, viz: The act of Congress, approved March 3, 1881, entitled "An act to authorize the registration of trade-marks and protect the same," the act approved August 5, 1882, entitled "An act relating to the registration of trade-marks," the act of February 20, 1905, as amended, entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations, or among the several States, with Indian tribes, and to protect the same," the act of March 19, 1920, entitled "An act to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes," and section 526 of the "tariff act of 1922," except that this repeal shall not affect the validity of registrations under said acts, respectively, or rights or remedies thereunder for infringements committed before this act shall take effect. Registrations under the act of March 19, 1920, shall expire in 20 years from the date of registration, and such registrations shall not be used to stop importations under section 29 of this act. Sections 13 and 14 of this act (except paragraph (a) of section 13) shall apply to registrations under the act of March 19, 1920.

SEC. 33. Section 4 of the act of January 5, 1905, as amended, entitled "An act to incorporate the National Red Cross," and section 7 of the act of June 15, 1916, entitled "An act to incorporate the Boy Scouts of America, and for other purposes," are not repealed or affected by this act.

SEC. 34. There is hereby authorized to be appropriated, out of the money in the Treasury not otherwise appropriated, for clerical service,

office equipment, stationery, and supplies, for carrying into effect this act for the fiscal year ending June 30, 1926, \$50,000, and thereafter such sums as Congress may deem necessary, to be expended by the Commissioner of Patents.

SEC. 35. This act may be cited as the "trade-marks act, 1926."

With the following committee amendments:

Page 4, strike out all of lines 12 to 25, inclusive.

On page 5, strike out all of lines 1 to 7, inclusive, and insert the following:

"(a) All marks communicated to him by an international bureau organized under the provisions of a treaty or convention to which the United States is a party and in connection with which the fee required by such convention for international registration and the fee for registration provided by the laws of the United States have been paid where the mark so communicated is deemed by the Commissioner of Patents to be such that protection can be granted thereto in accordance with existing law. The communication from the international bureau shall show the name and address of the owner of the mark; the date of application for registration in the State of first registration or deposit, which State must be one of the signatory countries; the number of the registration and the date of expiration in the State of first registration or deposit; a facsimile of the mark; a statement of the goods on which the mark is used in the State of first registration or deposit; the date of the application of recognition of the rights claimed under the convention; and such other data as may be useful concerning the mark. If objection is made to the registration of such mark, notice thereof shall be communicated by the commissioner to the said international bureau.

"Registrations effected under the foregoing paragraph shall be subject to renewal and to cancellation in accordance with the provisions of this act.

"When protection is refused to any mark communicated by an international bureau as above specified, by reason of a prior registration or pending application for registration, the proprietor of the mark claiming recognition of rights under the treaty or convention shall have the right to seek and obtain the cancellation of the previously registered mark, upon proving, according to the procedure fixed by existing law, such refusal and—

"(1) That he had legal protection for his mark in any of the contracting States before the date of use of the mark the registration of which he seeks to cancel; or

"(2) That the registrant had no right to the ownership, use, or employment of the registered mark at the date of its deposit; or

"(3) That the mark covered by the registration which he seeks to cancel has been abandoned.

"That time within which such application for the cancellation of a registration may be made shall be two years from September 30, 1926, if the refusal to register was made prior to that date, and in all other cases it shall be one year from the date of the receipt by the international bureau of the refusal to register.

"The term 'legal protection' for the mark as used herein shall be interpreted to include ownership of the mark in the United States acquired by adoption and use and with or without subsequent registration.

"The foregoing section shall be construed in accordance with the reservations adopted by the Senate of the United States on February 24, 1925, in ratifying the convention for the protection of commercial, industrial, and agricultural trade-marks and commercial names, signed at Santiago, Chile, on April 28, 1923."

Said reservations being as follows:

First, that in section one (1) of Article VIII the words "and to which they give course for the purposes," the equivalents of which appear in the Spanish, Portuguese, and French texts of the convention, shall be inserted in the English text after the word "registration," so that the English text of the section shall read as follows:

Section one (1). To keep a detailed record of the applications for the recognition of marks received through the national offices of registration and to which they give course for the purposes of this convention, as well as of all assignments or transfers thereof and of all notices pertaining thereto.

Second, that in article 11 of the appendix, subheading C, line 2, the words "for registration," the equivalents of which appear in the Spanish, Portuguese, and French texts, shall be inserted in the English text after the word "application," so that the English text of the line shall read as follows:

"2. The date of the application for registration in the State of first registration or deposit."

Third, that the expressions in article 1, "without prejudice to the rights of third parties," and in article 11, "in the absence of other proof of ownership of a mark," are, and shall be, interpreted to protect every user of a trade-mark in the United States having ownership thereof by reason of adoption and use, and with or without subsequent registration, from any claim of priority under this convention based

upon an application or a deposit in a signatory State subsequent to the actual date of such adoption and use in the United States.

Fourth, that the expression "legal protection for his mark" in section 2 (a) of Article V shall be interpreted to include ownership of the mark in the United States acquired by adoption and use and with or without subsequent registration.

Fifth, that nothing contained in this convention shall take away or lessen any trade-mark right or any right to use a trade-mark of any person residing or doing business in the United States heretofore or hereafter lawfully acquired under the common law or by virtue of the statutes of the several States or of the United States.

The commissioner may record transfers or assignments of trade-marks upon regular notification of such transfers or assignments received from the proper international bureau upon the payment of the statutory recording fee.

Owners of marks so registered, being domiciled in any country which is a party to said convention, shall enjoy, while the registration remains in force, all the rights and benefits conferred by said convention.

Page 8, line 4, strike out the word "therein."

Page 9, line 5, strike out the word "of" and insert the word "under."

Page 9, line 23, insert the words "thus <sup>(B)</sup>."

Page 9, line 25, after the word "use," insert the words "in connection with any unregistered mark."

Page 10, line 8, after the word "import," insert the words "or use any such words or abbreviations on any label, or in any catalogue, circular, or advertisement."

(D) Any person who violates the provisions of section 4 (c) of this act, or who, having merely deposited his mark in accordance with the provisions of section 5 of this act, accompanies that mark with any of the indications mentioned in section 4 (b) of this act, or places any of them on any label or in any catalogue, circular, or advertising matter, shall be guilty of a misdemeanor punishable by a fine of not less than \$100 or more than \$250.

Page 10, line 11, strike out the word "therein."

Page 11, line 20, after the word "marks," insert the words "deposits of abandoned marks, deposits which have been antedated."

Page 11, after line 22, insert the following:

"(c) The commissioner shall not accept for deposit any mark already registered for the same goods.

"Deposit of a mark shall not of itself be ground for rejection of an application for registration; but if a deposited mark conflicts with an application for registration, the commissioner shall notify both the applicant and the depositor and shall determine the rights of the parties."

Page 13, line 14, strike out "and" and the figure "3" and insert the word "and" between the figures "1" and "2."

Page 39, line 2, strike out the figures "1926" and insert the figures "1927."

Page 39, line 5, strike out the words "trade marks" and insert the words "trade-mark."

Page 39, line 6, strike out "1926" and insert "1927."

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 whereby the bill was passed was laid on the table.

#### AMENDMENT OF SECTION 215 OF THE PENAL CODE

The next business on the Consent Calendar was the bill (H. R. 16256) to amend section 215 of the Criminal Code.

The Clerk read the title of the bill.

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

Mr. ABERNETHY, Mr. CELLER, and Mr. SCHAFER rose.

Mr. SCHAFER. What is the purpose of the bill?

Mr. HASTINGS. The only purpose of the bill is to fix the place of venue for the trial, so the venue will be at the place where the crime was committed rather than to take the defendant almost across the continent.

Mr. ABERNETHY. Mr. Speaker, I think I shall have to object.

Mr. HASTINGS. I hope the gentleman will not object.

Mr. ABERNETHY. I do not think we ought to change the criminal law in this way.

Mr. HASTINGS. We are not changing the criminal law.

Mr. ABERNETHY. We certainly are if we are changing the venue.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. O'CONNELL of New York. Is this a unanimous report?

Mr. HASTINGS. It is a unanimous report.

Mr. ABERNETHY. I do not care whether it is a unanimous report or not, I object.

#### TIME OF HOLDING COURT IN THE EL DORADO DIVISION OF ARKANSAS

The next business on the Consent Calendar was the bill (H. R. 17038) to amend section 71 of the Judicial Code, as amended.

The Clerk read the title of the bill.

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

Mr. CELLER. Mr. Speaker, may we know the purpose of the bill?

Mr. PARKS. Mr. Speaker, I will say to the gentleman the only purpose is to change the time of holding court at the request of the district judge.

Mr. ABERNETHY. Mr. Speaker, I object.

Mr. PARKS. The gentleman from North Carolina certainly does not object to this bill.

Mr. ABERNETHY. Mr. Speaker, there are certain fundamental things in the law of the land that ought not to be changed this late in the session.

Mr. PARKS. This is to change the time of holding court.

Mr. ABERNETHY. Oh, I do not object to that.

Mr. CHINDBLOM. Reserving the right to object, is this agreeable to all the Members from Arkansas?

Mr. PARKS. There are only two Members in our delegation affected, Judge TILLMAN and I. I have consulted with the gentleman from Arkansas [Mr. TILLMAN] and he is in favor of the bill.

Mr. CHINDBLOM. I recall one rather bitter contest about a somewhat similar bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. TINCHER. Mr. Speaker, I ask unanimous consent that the bill be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That section 71 of the Judicial Code, as amended, be amended to read as follows:

"SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

"(b) The western district shall include four divisions constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; and the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

"(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the third Mondays in April and October; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; and for the Harrison division, at Harrison on the first Mondays in April and October.

"(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open at all times for the transaction of the business of the court.

"(e) This act does not repeal or amend the remainder of section 71 of the Judicial Code as it applies to the eastern district of Arkansas."

With the following committee amendment:

Page 2, line 3, after the word "Union," insert the words "Ashley, Bradley."

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 by which the bill was passed was laid on the table.

#### OKFUSKEE COUNTY, OKLA.

The next business on the Consent Calendar was the bill (H. R. 15538) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State.

The Clerk read the title of the bill.

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

Mr. MONTGOMERY. Mr. Speaker, I object.



## AMENDMENT OF COPYRIGHT ACT OF 1909

The next business on the Consent Calendar was the bill (H. R. 16808) to amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

The Clerk read the title of the bill.

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

Mr. NEWTON of Minnesota. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana a question in reference to this copyright bill. What changes in the copyright law are embodied in this bill?

Mr. VESTAL. Mr. Speaker, I agreed with two members of the committee that this bill should not be considered to-night and I ask, therefore, that it be passed over. The bill should be passed, but in view of my agreement, I must ask that it be passed over.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the bill be passed over. Is there objection?

There was no objection.

## WILLACY COUNTY, TEX.

The next business on the Consent Calendar was the bill (H. R. 17091) to transfer Willacy County, in the State of Texas, from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district.

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.

Mr. O'CONNELL of New York. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That Willacy County, in the State of Texas, is hereby detached from the Corpus Christi division of the southern judicial district of the State of Texas, and attached to and made a part of the Brownsville division of the southern judicial district of such State; but no civil or criminal cause commenced prior to the enactment of this act shall be in any way affected by it.

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.

## ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE MEETING OF THE CONTINENTAL CONGRESS AT YORK, PA.

The next business on the Consent Calendar was House Concurrent Resolution 56.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the concurrent resolution as follows:

*Resolved by the House of Representatives (the Senate concurring),* That a committee of Congress, consisting of 14 members and the presiding officers of the two Houses as members ex officio, selected one from each of the representations of the thirteen original States and from the State of Vermont in the Sixty-ninth Congress, 7 of whom shall be appointed by the Presiding Officer of the Senate and 7 by the Speaker of the House of Representatives, to join and participate in the celebration as representing the Congress of the United States in the observance of the one hundred and fiftieth anniversary of the meeting of the Continental Congress at York, Pa., September 30, 1777, to be held in the city of York, Pa., September 30, 1927: *Provided,* That members of said committee shall be paid their actual expenses, one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

With the following committee amendments:

In line 3, strike out the word "fourteen" and insert in lieu thereof the word "eight."

In lines 4, 5, 6, and 7, strike out the words "selected one from each of the representatives of the thirteen original States and from the State of Vermont in the Sixty-ninth Congress, seven of whom shall" and insert in lieu thereof the words "four Senators to."

In line 8, strike out the word "seven" and insert "four Members of the House of Representatives"; also strike out the words "of the House of Representatives" and insert the words "be appointed."

The committee amendments were agreed to.

The House concurrent resolution was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

## PICATINNY ARSENAL, N. J.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1046, H. R. 17111, to authorize an appropriation to rehabilitate the Picatinny Arsenal in New Jersey. The gentleman who objected has withdrawn his objection.

The SPEAKER pro tempore. Is there objection to request of the gentleman from New Jersey?

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 money in the Treasury of the United States not otherwise appropriated, the sum of \$2,341,348 for repairing and rebuilding the Picatinny Arsenal in New Jersey, including the necessary construction, the purchase and installation of machinery and equipment, and the purchase of approximately 350 acres of land in the vicinity of the arsenal.

Mr. O'CONNELL of New York. Will the gentleman state how much is involved here?

Mr. ACKERMAN. It involves the rehabilitation of the Picatinny Arsenal, and I suppose about \$2,500,000.

Mr. WAINWRIGHT. The gentleman will recollect that Picatinny Arsenal was destroyed at the time of the Denmark explosion. It is one of the principal activities of the Army.

Mr. O'CONNELL of New York. If we are going to appropriate \$2,500,000 we ought not to do it in a minute and a half.

Mr. CHINDBLOM. The Committee on Appropriations will determine very accurately just how much ought to be appropriated.

Mr. ACKERMAN. This is not an appropriation but an authorization.

Mr. O'CONNELL of New York. That is a good place to leave it, with the Committee on Appropriations.

Mr. CHINDBLOM. This will leave it to the Committee on Appropriations.

Mr. LAGUARDIA. But the gentleman from New Jersey Saturday was seeking to have this moved.

Mr. ACKERMAN. This has nothing to do with that. This is for small arms.

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

A motion to reconsider was laid on the table.

## AMENDING SECTION 224 OF THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 16998) to amend section 224 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CELLER. Reserving the right to object, may I ask the gentleman what this bill does to the code?

Mr. GRAHAM. Nothing but to permit the Supreme Court to make adjustments of salaries between their employees. It does not increase the appropriation in any way.

Mr. VINCENT of Michigan. Has this anything to do with changing the law in fraud cases?

Mr. GRAHAM. No; it is simply a matter as I have stated. The Attorney General fixes the fees of the marshals and district attorneys throughout the United States. The Supreme Court wants to adjust some of the compensation among the employees. This is requested by the Supreme Court.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read as follows:

*Be it enacted, etc.,* That section 224 of the Judicial Code be, and it is hereby, amended to read as follows:

"SEC. 224. The pay of the marshal and that of the assistants and other employees appointed by him with the approval of the chief justice, shall be fixed by the court. He shall attend the court at its sessions; shall serve and execute all process and orders issuing from it, or made by the chief justice or an associate justice in pursuance of law; and shall take charge of all property of the United States used by the court or its members."

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

A motion to reconsider was laid on the table.

## BOARD OF MANAGERS, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The next business on the Consent Calendar was H. J. Res. 370, increasing the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and appointing certain members of the board.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BARBOUR. Mr. Speaker, reserving the right to object, is there anyone here who can give us some information about this?

Mr. CRAMTON. Mr. Speaker, I object.

## MEDALS COMMEMORATING ONE HUNDRED AND FIFTIETH ANNIVERSARY OF MEETING OF CONTINENTAL CONGRESS AT YORK, PA.

The next business on the Consent Calendar was the bill (H. R. 17268) to authorize the coinage of 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the meeting of the Continental Congress at York, Pa., September 30, 1777, and for other purposes.

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 committee amendment as follows:

Strike out all after the enacting clause and insert:

"That a medal, not to exceed in number 50,000, with appropriate devices, emblems, and inscriptions commemorative of the one hundred and fiftieth anniversary of the meeting of the Continental Congress at York, Pa., September 30, 1777, shall be prepared under the direction of the Secretary of the Treasury at the United States Mint at Philadelphia. The medals herein authorized shall be manufactured, subject to the provisions of section 52 of the coinage act of 1873, from suitable models to be supplied by the York County Historical Society (Inc.). The medals so prepared shall be delivered at the Philadelphia Mint to a designated agent of said the York County Historical Society (Inc.) upon payment of the cost thereof."

Mr. NEWTON of Minnesota. Mr. Speaker, has this been approved by the Treasury Department and the Director of the Mint?

Mr. MENGES. It has been approved by the Treasury Department.

Mr. NEWTON of Minnesota. It has always been my understanding that the Treasury Department objected to the idea of having so many different kinds of American money.

Mr. MENGES. This is a medal, not a coin.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. MENGES. Yes.

Mr. CRAMTON. Are the people interested in promoting the matter obliged to come in and make a showing of money before the mint goes ahead and incurs the expense? The way the resolutions reads, apparently they do not have to do anything until the mint has manufactured the medals. There ought to be a requirement for them to pay so that if they do not succeed in raising the money they would not have to go to the expense of manufacturing the medals.

Mr. MENGES. I would say to the gentleman that that is provided in the act of 1873, as I understand it.

Mr. CRAMTON. What would be the attitude of the people? Will the people interested in this observance make a showing to the department that they have got the money before the department enters upon the manufacture?

Mr. MENGES. We surely will.

Mr. CHINDBLOM. Mr. Speaker, my understanding is that they have to make a contract and agreement to buy a certain number of them.

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.

## ADDITIONAL JUDGE, UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 10936) to provide for the appointment of an additional judge of the district court of the United States in the eastern district of New York.

The Clerk read the title of the bill.

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

Mr. O'CONNOR of New York. Mr. Speaker, I object.

Mr. BLACK of New York. Mr. Speaker, I object.

## BRIDGE ACROSS TRINITY RIVER, HOOPA VALLEY INDIAN RESERVATION, CALIF.

Mr. LEA of California. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1038, H. R. 10977, authorizing an appropriation of \$70,000 for the construction of a bridge across the Trinity River, and a road to connect therewith, within the Hoopa Valley Indian Reservation, Calif.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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 an appropriation of \$70,000 is hereby authorized out of any money in the Treasury not otherwise appropriated, for the construction of a bridge and approaches thereto across the Trinity River within the Hoopa Valley Indian Reservation, Calif., and for the construction of a road leading over said bridge from the Welchpec Road on the north to the public highway at the south line of said reservation, including the cost of surveys, plans, estimates, and specifications, and other necessary expenses connected therewith, one-half the cost thereof to be reimbursed out of any funds of the Indians of said reservation hereafter placed to their credit in the Treasury of the United States. Such work shall be under the direction of the Secretary of the Interior, who shall approve the plans and specifications therefor, and in conformity with such rules and regulations as he may prescribe.

With the following committee amendments:

Line 3, strike out "\$70,000" and insert "\$35,000"; line 5, strike out the word "for" and insert "to pay half the cost of"; page 2, after the word "therewith," in line 3, strike out all of the rest of the paragraph and insert in lieu thereof the following: "on condition that the State of California or the county of Humboldt furnish an equal sum; and under rules and regulations prescribed by the Secretary of the Interior, who shall also approve the plans and specifications therefor: *Provided*, That before any money is spent hereunder, said State or county shall agree, in writing, to maintain the bridge and road without expense to the United States or the Indians."

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.

The title was amended to read:

A bill to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Indian Reservation, Calif.

A motion to reconsider the vote by which the bill was passed was laid on the table.

## FURTHER DEVELOPMENT OF AGRICULTURAL EXTENSION WORK

Mr. KETCHAM. Mr. Speaker, I ask unanimous consent to take up Calendar No. 1094.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to take up Calendar No. 1094. The Clerk will report the bill by title.

The Clerk read as follows:

(H. R. 17334)

To provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That in order to further develop the cooperative extension system as inaugurated under the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act of Congress approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of the cooperative extension work in agriculture and home economics and the necessary printing and distributing of information in connection with the same, the sum of \$480,000 for each of the fiscal years of 1929 and 1930, \$10,000 of which shall be paid annually, in the manner hereinafter provided, to each State which shall by action



of its legislature assent to the provisions of such act of May 8, 1914. The payment of such installments of the appropriations hereinbefore authorized to be made as shall become due to any State before the adjournment of the regular session of the legislature meeting next after the passage of this act may, in the absence of prior legislative assent, be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury. There is hereby authorized to be appropriated the sum of \$500,000 for the fiscal year 1930, in addition to the sum of \$480,000 hereinbefore provided. All sums appropriated under the provisions of this act shall be subject to the same conditions and limitations as the sums appropriated under such act of May 8, 1914, except that at least 80 per cent of all appropriations under this act shall be utilized for the payment of the salaries of men and women extension agents in equitable proportions in the counties of the different States. The restriction on the use of these funds for the promotion of agricultural trains shall not apply.

SEC. 2. The sums authorized to be appropriated under the provisions of this act shall be in addition to, and not in substitution for, sums appropriated under such act of May 8, 1914.

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

A motion to reconsider the vote was laid on the table.

#### APPROPRIATION FOR CONSTRUCTION OF ROAD ACROSS FORT SILL MILITARY RESERVATION

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to return to No. 993 on the calendar (S. 3614).

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. We want to know what it is.

Mr. WAINWRIGHT. It is a bill authorizing the construction of a hard-surfaced road across Fort Sill Military Reservation.

Mr. CRAMTON. The gentleman from Ohio [Mr. BEGG] objected to that, and unless the gentleman has some assurance the gentleman from Ohio has changed his position I will have to object.

Mr. WAINWRIGHT. The gentleman from Ohio stated to me he objected to the bill upon the request of the floor leader [Mr. TILSON], that he had no other interest in it.

Mr. CRAMTON. This is a Senate bill and that could be brought up to-morrow without any great difficulty. Because of the absence of the gentleman from Ohio I shall feel obliged to object.

#### APPRAISAL OF CERTAIN GOVERNMENT PROPERTY

Mr. BLANTON. Mr. Speaker, Mr. WOODRUFF showed me the importance of the bill, Calendar No. 934, and asked that I withdraw my objection. He said it was very important and I am willing to withdraw, and ask unanimous consent to refer back to Calendar No. 934 (H. R. 16771).

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized to cause the property of the Government used under the contract of October 16, 1924, and renewals thereof, for the furnishing of electric current to the naval ordnance plant at South Charleston, W. Va., to be appraised, as provided for in said contract, by three persons as a preliminary to the purchase of said property by the contractor, the three appraisers to consist of one person selected by the Secretary of the Navy, one by the contractor, and the third by the two first so selected, as stipulated in the contract. The person selected and detailed by the Secretary of the Navy for said purpose, who shall be an officer of the Navy, and such persons as may be detailed by the Secretary to assist him, shall serve without additional compensation, except travel and subsistence in accordance with law. One-half of the fee and expenses of the third appraiser, not in excess of \$10,000, as the Secretary may approve, shall be payable from the appropriation "Ordnance and ordnance stores," under the Navy Department, which is hereby made available for the purpose.

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 was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2729) with amendments.

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

The Clerk read as follows:

An act (S. 2729) to authorize the refund of \$25,000 to the Columbia Hospital for Women and Lying-in Asylum.

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 Commissioners of the District of Columbia are authorized and directed to refund to the Columbia Hos-

pital for Women and Lying-in Asylum the sum of \$25,000 required to be paid into the Treasury of the United States from the surplus revenues of said hospital under the provisions of the District of Columbia appropriation act approved June 29, 1922, which said amount was so covered into the Treasury of the United States, 60 per cent to the credit of the District of Columbia and 40 per cent to the credit of the United States.

SEC. 2. That there is authorized to be appropriated to carry out the provisions of this act the sum of \$25,000, payable 60 per cent from the revenues of the District of Columbia and 40 per cent from any money in the Treasury not otherwise appropriated.

Mr. ZIHLMAN. I ask that the amendments be reported.

The Clerk read as follows:

Page 1, line 4, strike out the word "refund" and insert the word "pay" in lieu thereof.

Page 1, line 6, strike out lines 6 to 12, inclusive, and insert "as a contribution to the maintenance of that hospital."

Page 2, line 3, strike out the words "60 per cent."

Page 2, line 4, strike out the words "40 per cent from any money."

The amendments were agreed to.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be read as the gentleman now proposes to amend it. That saves confusion between the committee amendments and the amendments the gentleman offers now, and makes clear what it is. It is very short.

The SPEAKER pro tempore. Without objection the bill will be reported as amended.

There was no objection.

The bill as amended was again reported.

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

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill as amended.

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 whereby the bill was passed was ordered to be laid on the table.

#### INHERITANCE TAX AND 80 PER CENT CREDIT

Mr. GREEN of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GREEN of Florida. Mr. Speaker and Members of the House, under leave to extend my remarks, just granted, I again take opportunity to remind you of the great discrimination and unfairness of the 1926 revenue act. I have spoken several times on this subject and have tried to show you the iniquity of this act, and I shall continue to fight this unjust discrimination at every opportunity.

You will recall that during the discussion before the passage of this act there were various and sundry criticisms and mal-statements made against Florida and her State's constitution amendment, which forever prohibits the levying of income or inheritance tax. We in Florida are firm in our belief that the inheritance-tax field should be left entirely with the respective States. We believe that the Federal Government should not interfere in this field of taxation, but we oppose most of all the 80 per cent credit allowed by taxpayers of States in which there is a State estate tax.

For the information of the House I am going to quote an editorial which recently appeared in the Tampa Morning Tribune. It is one of Florida's largest and best daily papers, and in this editorial well voices Florida's feeling in the matter. In this editorial the Governor of Maryland is referred to, and while I do not agree with this governor in near all of his views, I am sure that many of you will appreciate his views upon this subject. The editorial follows:

#### RITCHIE IS WITH US

The opponents of the Federal inheritance tax injustice have a new and influential ally in Gov. Albert C. Ritchie, of Maryland, who has taken a positive stand against the tax and against the attempt of Congress to coerce the States into levying this form of taxation.

Governor Ritchie, in his message to the Legislature of Maryland, not only declares his opposition to the tax and his belief that it should be repealed, but also takes a strong position in favor of a separation of tax sources as between Federal and State Governments and calling a halt upon Congress in invading the taxing powers of the States.

In his message Governor Ritchie, after reciting the provisions of the Federal law, says:

"The direct effect of this is to invite the individual States to levy inheritance taxes up to 80 per cent of the Federal tax in order that

this full credit may be received. It encourages States with low rates to raise, and several States have already raised, their inheritance-tax rates so as to approximate more closely 80 per cent of the Federal tax.

"In my judgment this involves a clear invasion by Congress of the taxing powers of the States and contemplates a system of joint levies entirely out of accord with the long-established separation of tax sources as between State and Federal Governments.

"There is a serious question now before the courts as to the constitutionality of the Federal law, and a determined effort will be made to repeal it at this session of Congress.

"In any event, I do not think that Maryland should permit herself to be coerced by the Federal Government into raising her inheritance taxes in order to meet the credit allowance in the Federal law.

"I recommend that we do not do so, and that this legislature memorialize Congress to repeal the Federal estate tax altogether."

A concurrent resolution asking repeal of the Federal inheritance tax is now before the Maryland Legislature, and it is believed that Maryland will join the other States which have so far taken this action.

To date a concurrent resolution to this effect has been adopted by both houses of the Legislatures of Texas, Arkansas, Alabama, Delaware, Indiana, Nevada, Oregon, Utah, Vermont, and West Virginia. It has passed the senate in four States—Iowa, Kansas, Illinois, and Arizona. It has passed the house in three States—Missouri, Pennsylvania, and Wyoming. It is now before the legislatures in 17 other States.

Speaking of Governor Ritchie's message on this subject, the American Taxpayers' League declares that "it has in it the spirit of '76 and calls to the colors the exponents of sound taxation, and challenges the centralization and usurpation of power by Congress." Other governors should study the question and sound a warning to the legislators of their States.

In order that you may be fully aware of the great proportions which this subject is taking, I am going to now submit a short statement which, according to press reports, indicates the recent activity in many of the States upon this all-important matter. The statement follows:

FEBRUARY 19, 1927.

The concurrent resolution asking Congress to repeal the Federal estate (inheritance) tax passed the Nevada House and Senate, the Pennsylvania Senate, the Maryland Senate, and the Utah Senate this week—all unanimous. To date the resolution has passed both houses in 12 States, passed 1 house in 6 States, and is in committee in 17 States, according to press reports.

The following is a report by States:

Passed both houses—

1. Alabama.
2. Arizona.
3. Arkansas.
4. Delaware.
5. Indiana.
6. Nevada.
7. Oregon.
8. Pennsylvania.
9. Texas.
10. Utah.
11. Vermont.
12. West Virginia.

Passed senate: Iowa, Illinois, Kansas, and Maryland.

Passed house: Missouri and Wyoming.

The concurrent resolution has been introduced in the State legislatures of the following States and is before committees for action:

1. Connecticut.
2. Maine.
3. Massachusetts.
4. Michigan.
5. Minnesota.
6. Montana.
7. Nebraska.
8. New Hampshire.
9. New York.
10. North Carolina.
11. North Dakota.
12. Ohio.
13. Oklahoma.
14. South Carolina.
15. Tennessee.
16. Washington.
17. Wisconsin.

Mr. Speaker, this is a live subject, one in which America is tensely interested, and those of us who believe in the rights of the several States and oppose the great concentration of power in the Federal Government expect to keep up the fight to the end that at least this 80 per cent discrimination is repealed.

The present administration is setting up Federal bureau after bureau here in Washington, and by this most unsafe and vicious activity the rights of the States are becoming more and more dwarfed. I oppose a bureaucratic form of government and stand for the full rights of the States. If America is to remain a safe and free democracy, we must safeguard the rights of the States. Therefore I appeal to you to assist us in correcting this travesty of justice.

I firmly believe the Ways and Means Committee will, at the beginning of the next Congress, in some way correct this unfair discrimination, and as I shall speak on this subject from time to time I will not ask your further attention to-day.

#### THE CONSENT CALENDAR

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to propound a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT of Tennessee. The Consent Calendar has been concluded. Certain bills have been objected to. I presume they will remain on the Consent Calendar. My inquiry is whether any bills can hereafter be put upon the Consent Calendar under the rules of the House?

The SPEAKER pro tempore. It is the understanding of the Chair that no rule prohibits them going on, but there is no rule providing for the calling the Consent Calendar from this time on unless by unanimous consent.

#### AMENDMENT TO SECTION 215 OF THE CRIMINAL CODE

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that Calendar No. 1066, the bill H. R. 16256, which was objected to by the gentleman from North Carolina [Mr. ABERNETHY], may retain its place on the calendar.

Mr. ABERNETHY. Reserving the right to object, Mr. Speaker, I want to make a statement to the House for a few moments. It is a very rare thing that I ever object to a bill on the Unanimous Consent Calendar, especially when it is sponsored by such a splendid Representative as the distinguished gentleman from Oklahoma [Mr. HASTINGS], but I can not conscientiously support this bill. I should not object now if I did not have in my hands an opinion of the Attorney General of the United States opposing the passage of the bill. I am willing to withdraw my objection if the matter can be considered on its merits and the House permitted to determine whether the bill shall pass or not. I can not consistently support the bill and allow it to go through in the face of the opposition of the Attorney General, and also that of the Assistant Attorney General, and their opinions that the bill ought not to pass. It is a nation-wide bill. But I am perfectly willing, if the House is willing, to withdraw my objection and let the matter be heard on its merits, with 10 minutes' consideration.

Mr. CRAMTON. Mr. Speaker, let me suggest that the request of the gentleman from Oklahoma [Mr. HASTINGS] be granted, and that the gentleman from North Carolina [Mr. ABERNETHY] can extend his remarks and put them in the RECORD for consideration hereafter.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., January 26, 1927.

HON. GEORGE S. GRAHAM,

Chairman Committee on the Judiciary,

House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: I have the honor to refer further to your letter of the 20th instant, with which you transmitted for my consideration and recommendation H. R. 14243, a bill to amend section 215 of the Criminal Code, and section 53 of the Judicial Code.

This bill is identical with S. 4040, introduced in the Senate April 19, 1926, by the late Senator Cummins. S. 4040 was referred to me under date of May 3, 1926, by Senator DENEEN of the Senate Judiciary Committee, and under date of May 13, 1926, I informed Senator DENEEN that in my opinion the bill should not be enacted. At the same time I transmitted to Senator DENEEN a copy of an office memorandum by Assistant Attorney General Luhring dated May 10, 1926, which set forth the department's objections to the bill. I inclose herewith a copy of Mr. Luhring's memorandum on S. 4040.

I invite your attention also to my letter to you of the 22d instant relative to H. R. 14244 and S. 5144, similar bills, to amend section 215 of the Criminal Code, and to the office memorandum transmitted therewith.

Respectfully,

JNO. G. SARGENT,  
Attorney General.



DEPARTMENT OF JUSTICE,  
Washington, D. C., May 10, 1926.

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL MARSHALL

I beg to refer to S. 4040, a bill to amend section 215 of the Criminal Code and section 53 of the Judicial Code. You request my recommendation and reasons in support thereof.

Section 215 of the Criminal Code provides as follows:

"Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, \* \* \* shall, for the purpose of executing such scheme or artifice or attempting so to do, place, or cause to be placed, any letter, \* \* \* in any post office, \* \* \* to be sent or delivered by the post-office establishment of the United States, \* \* \* or shall knowingly cause to be delivered by mail according to the direction thereon, \* \* \* any such letter \* \* \* shall be fined not more than \$1,000, or imprisoned not more than five years, or both."

It is proposed to amend section 215 by adding the following paragraph:

"All prosecutions for alleged violation of this statute, including the presentment of indictment, shall be brought and had in the district, previously ascertained by law, in which it is alleged there has been a violation thereof. Such district shall be the one in which accused is charged to have, while physically present therein, done, or to have caused, the mailing or depositing in the mails of the matters specified in section 215, or in which it is charged that he, by some act on his part, done or caused to be done while present in the district in which it is charged he offended, knowingly caused any matter specified in section 215 to be delivered by mail according to the direction thereon, or in which, being physically present in such district, he, by some act therein done, directed or caused to be directed that said mail matter should be delivered to the person to whom it is addressed. This amendment shall apply to all indictments hereafter returned; and to any already returned but on which there has been no final trial and trial-court decision, or which are, at the time this act takes effect, pending undetermined in any appellate court of the United States."

In *Durland v. United States* (161 U. S. 306), the Supreme Court of the United States said:

"The act is aimed at every scheme which is in fact designed to defraud, by representations as to the past or present, or suggestions and promises as to the future. It was with the purpose of protecting the public against all such intentional efforts to despoil, and to prevent the post office from being used to carry them into effect, that the statute was passed \* \* \*."

With the increasing use of corporations and common-law trusts as business organizations, it has become a common practice to offer for sale shares of stock in every conceivable sort of business enterprise. It is quite usual for such promotions to assume a national scale and for people in widely scattered States to be solicited to purchase stock. It is inevitable that dishonest promoters would employ stock-selling schemes as a guise under which they would secure large sums of money from the public. This practice is perhaps best illustrated in the numerous fraudulent companies promoted within recent years for the sale of oil, mining, and land stocks.

In many of such cases the several States are powerless to cope with the situation. The operations of the promoter often extend over many States and it is difficult, if not impossible, to conduct a successful prosecution in the State courts. State prosecuting officials are embarrassed by the lack of adequate laws in many instances, the magnitude of the fraudulent operations conducted by the promoter, and the impossibility of obtaining the extradition from other States of defendants who are indicted. Therefore section 215 of the Criminal Code is designed to and does fill an essential need in the apprehension and prosecution of persons practicing commercial fraud.

The proposed amendment to section 215 would, in my opinion, so emasculate the statute as to render it wholly impotent as a weapon in combating commercial fraud. The amendment is apparently designed to prevent the indictment of persons in the district in which a letter alleged to have been in furtherance of a scheme to defraud was caused to be delivered as distinguished from the district in which it was placed in the mails. If this was the purpose of the drafter of the amendment, I am of the opinion that inept language was used to express such purpose. The result could have been accomplished by striking from the present statute the words "or shall knowingly cause to be delivered by mail according to the direction thereon," etc.

But whatever the purpose of the amendment may be, its provisions would render a successful prosecution in mail fraud cases practically impossible. The amendment provides in effect that all prosecutions including the presentment of indictment shall be brought in the district in which the accused is charged to have, while physically present therein, done, or to have caused, the mailing or depositing in the mails of the matter specified in section 215. This, of course, would afford every defendant the opportunity of contending that he was not physically present within the district when the letters alleged to have been mailed in furtherance of the scheme were deposited in the post-

office. It would place upon the Government the burden of proving that the defendant was physically present within the district when the letters were actually mailed. It would be easy indeed to devise a scheme and then have subordinate deposit letters in execution thereof in the mails while the deviser of the scheme was absent from such district. I believe that such a provision in section 215 would result in utter confusion.

With reference to indictment in the district in which the letter was caused to be delivered, the proposed amendment provides as follows: " \* \* \* or in which it was charged that he, by some act on his part, done or caused to be done while present in the district in which it is charged he offended, knowingly caused any matter specified in section 215 to be delivered by mail according to the direction thereon, or in which, being physically present in such district, he, by some act therein done, directed or caused to be directed that said mail matter should be delivered to the person to whom it is addressed."

It would be quite impossible in most mail fraud cases to prove that the defendant was physically present in the district in which the letter was caused to be delivered. As a matter of fact in many mail fraud schemes the defendant solicits money or property from his victims by mail without being present within the district in which such letters are delivered. Practical experience has indicated that in some mail fraud schemes the deviser thereof will solicit money and property from victims in a certain locality. The prosecutor may elect to indict in the district in which the letters were delivered because most of the essential witnesses, namely the victims, are in such district. The courts have given approval to such a course. In *Hyde v. United States* (255 U. S. 347 at 363) the Supreme Court, referring to the alleged hardship upon the defendant in trying him in a district other than that in which he resided, said:

"It is not an oppression in the law to accept the place where an unlawful purpose is attempted to be executed as the place of its punishment, and rather the conspirators be taken from their homes than the victims and witnesses of the \* \* \*. This court has recognized, therefore, that there may be a constructive presence in a State, distinct from a personal presence, by which a crime may be consummated."

The last sentence of section 1 of the proposed amendment makes it applicable to all indictments wherever returned, and to any already returned but on which there has been no final trial and trial court decision, or which are at the time the act takes effect, pending undetermined in any appellate court of the United States. This would mean that a number of important mail fraud cases which are now pending in the courts must be dismissed because the indictments were not returned in the district in which the defendants were personally present at the time the alleged offense was committed. In practically all of them the statute of limitations would have run and the defendants could not be prosecuted for obvious fraud.

I am of the opinion that the enactment of the proposed amendment would be most unfortunate in the attempts made to punish and prevent commercial fraud.

Section 2 of the proposed amendment would amend section 53 of the Judicial Code by adding thereto the following:

"The words 'all prosecutions for crimes or offenses' found in said section 53 shall include the return of indictment; and all prosecutions, including the return of indictment, shall be had, brought, and prosecuted within the division now specified in said section 53."

"This act shall apply to all prosecutions pending in any court of the United States when the act takes effect; and also to any prosecution which has gone to final decision but is still pending on appeal when this act takes effect."

It has heretofore been the practice to impanel a grand jury from the district at large, to charge such grand jury with the investigation and presentment of offenses committed in any part of the district, and when indictments were returned to remit them for trial and other proceedings to the divisions wherein the offenses were committed, save as the defendant assented to a disposal in another division. This practice is a great saving to the Government, inasmuch as it does not require the impaneling of a grand jury in each division of a district. It also adequately protects the interests of the defendant, inasmuch as he may have the case remitted to the division in which the offense was committed for trial or other proceedings.

In the case of *Sallinger v. Loisel* (265 U. S. 244 at 236) the Supreme Court in construing section 53 of the Judicial Code said:

"The contention is that the word 'prosecution' in the general provision includes the finding and return of an indictment. That the word sometimes is used as including them must be conceded. But there are also relations in which it comprehends only the proceedings had after the indictment is returned. Here we think it is used with the latter signification. It appears twice in the provision, doubtless with the same meaning. The first time is in the clause directing that 'all prosecutions' be had in the division where the offense was committed; and the second is in the clause permitting the court or judge, at the instance of the defendant, to order 'the cause to be transferred for prosecution' to another division."

"The connection in which it appears the second time shows that it refers to the proceedings after the indictment is found and returned—

that is to say, after there is a cause susceptible of being transferred. Besides, had Congress intended to put an end to the prevailing practice of impaneling a grand jury for the entire district at a session in some division and of remitting the indictments to the several divisions in which the offenses were committed, unless the accused elected otherwise, it is but reasonable that that intention would have been expressed in apt terms, such as were used in some of the exceptional special statutes. That practice was attended with real advantages which should not be lightly regarded as put aside. In many divisions only one term is held in a year. If persons arrested and committed for offenses in those divisions were required to await the action of a grand jury impaneled there, periods of almost a year must elapse in many instances before a trial could be had or an opportunity given for entering a plea of guilty and receiving sentence."

If the proposed amendment to section 53 were enacted into law, the present practice of impaneling a grand jury for the entire district, with its consequent economy and expedition, would be impossible. I can see no advantage which would accrue to the defendant that would offset this decided disadvantage to the Government, and also to the defendant, inasmuch as he might be required to await the action of a grand jury impaneled in the particular district in which the offense was committed; and in many instances, as the court points out above, periods of almost a year must elapse before a trial could be had or an opportunity given for entering a plea of guilty or receiving sentence.

The second paragraph of the proposed amendment of section 53 would invalidate a great number of cases of all types which might be pending in the courts when the act takes effect. It is the practice in many of the Western States to hold one grand jury for the entire district for the investigation and presentment of all offenses committed in any part of the district. In practically all amendments in criminal procedure the statute provides that the amendment shall not affect causes pending in the courts at the time such act takes effect. The proposed amendment herein departs from this policy and would result in many defendants escaping punishment for obvious offenses.

Respectfully,

O. R. LUHRING,  
Assistant Attorney General.

#### ADDRESS OF THE BELGIAN AMBASSADOR

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks by printing an address delivered by Baron de Cartier de Marchienne, the Belgian ambassador, before the Connecticut Commandery of the Military Order of Foreign Wars.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Speaker, under leave granted by the House I submit for printing in the CONGRESSIONAL RECORD an address delivered by Baron de Cartier de Marchienne, Belgian ambassador to the United States, before the Connecticut Commandery Military Order of Foreign Wars of the United States, at Hartford, Conn., on February 16, 1927. In this address the distinguished diplomat from Belgium generously recognizes the splendid service of the New York National Guard Division and the Yankee Division in Belgium and in France in the Great War. He makes happy reference to the contribution of Belgium to the early settlement of Connecticut and then discusses with remarkable clarity and understanding present conditions in Belgium. It is an address filled with information as well as the spirit of international good will and, as I believe, will be read with genuine interest by Americans everywhere.

The matter referred to is as follows:

ADDRESS BY BARON DE CARTIER DE MARCHIENNE, BELGIAN AMBASSADOR TO THE UNITED STATES TO THE CONNECTICUT COMMANDERY MILITARY ORDER OF FOREIGN WARS OF THE UNITED STATES, AT HARTFORD, CONN., FEBRUARY 16, 1927

Your Excellency, Mr. Chairman, companions of the Military Order of Foreign Wars, it is indeed a great pleasure to foregather with you here to-night. Your distinguished companion, my good friend Senator BINGHAM, was kind enough to extend me an invitation to your annual banquet some months ago. Much to my regret I was unable to come on that occasion, and I want to tell you how deeply I appreciate your hospitality in giving me another chance and in letting me come at this time.

I am particularly glad to meet and greet the companions of the Military Order of Foreign Wars—an order which upholds a noble tradition.

It has been my good fortune to enjoy the friendship of a number of the members of your order, among them Lieutenant Colonel, the Hon. HIRAM BINGHAM, Senator from Connecticut, who has won distinction as an author, as an explorer, as an aviator, and as a statesman. He wears the senatorial toga or the military tunic with equal grace, and is as much at home in the Halls of Congress as in the air or on the rugged trail of Bolivar across South America. He is also a delightful writer, and I have just read his book "An Explorer in the Air Service."

Your order is well represented in Congress. At the other end of the Capitol from Senator BINGHAM sits another good friend of mine, Lieut. Col. JOHN Q. TILSON, floor leader in the House, who has shown himself a capable leader in the political as well as in the military field. It is a great pleasure to me also to meet here Lieutenant Colonel Church, who has won the distinguished-service medal as well as the croix de guerre, and who rendered valiant services on the front around our old Belgian town of Ypres. Among others whom I have the privilege of knowing is your national commander, Doctor Bainbridge, for whom I have a very high esteem and who has been a specially good friend to my country. In recognition of his brilliant services to Belgium he was made an officer of the Order of Leopold by King Albert and was also decorated with the Belgian military cross. He is a member of our Belgian Royal Academy of Medicine and, as a mark of his friendship for us, he had his great work on cancer printed at Louvain and presented the first copy to our Queen. So you see we Belgians look upon him "as one of ours."

Your order comprises many officers who have "done their bit" for my country as well as for your own. I know the glorious record of the "Yankee Division" on the heights of the Meuse, in the Ourcq, and Chemin des Dames sectors and elsewhere, and in coming here to-night I felt that I was coming among old friends, among men who, on whatever front they may have served, have been the comrades in arms of our own troops in the great struggle by which Belgium regained her freedom.

I may, perhaps, be allowed to claim, in a modest way, to be considered as also one of your comrades, for I have the honor to hold a commission as honorary captain in the One hundred and sixth Infantry of the New York National Guard, an outfit which did brilliant work at Dickelbusch, Mont Kemmel, and in other Belgian sectors, where, I believe, several of you who are here to-night served.

May I not, therefore, venture to salute you as "brother officers"? It is a privilege to have this opportunity to mingle with you and extend my acquaintance among your members. The more I know you the more I have found that you are not only "first-class fighting men" but that you are also "regular fellers."

I feel at home among you, and there is another reason why I may, perhaps, have a special right to feel at home in Hartford. I have heard it claimed that Hartford was founded by Belgians. I don't know whether that claim can be substantiated, but, at any rate, we can make out an arguable case. If I am correctly informed, the first home builders on this spot were two families and six unmarried men who had landed at Manhattan Island from the good ship *Nieu Nederlandt* in 1624. I do not know whether there is any record of the names or of the nationality of that small group, but it is an historical fact that the majority of those who came to America on the *Nieu Nederlandt* were of Belgian blood, chiefly Walloons from my own section of Belgium. Although sent out under the auspices of the Dutch West India Co., the first colony on Manhattan Island consisted chiefly of Belgians, and the enterprise may be said to have been inspired and carried out to a large extent by men of Belgian stock.

Among others, Peter Minuit, the governor of the colony, who bought Manhattan Island from the Indians, was of Belgian descent. I may add that, like most of my fellow countrymen, he seems to have been a good business man, for he bought the whole site of New York City for the modest sum of 60 guilders, or about \$24 in real money. The official seal of the colony bore the inscription "Sigillum Novi Belgii," and if you look at the old maps you will find that a vast region, extending from the mouth of the Delaware to Cape Cod and including the site of Hartford, is indicated as "Nova Belgica."

While, therefore, I am prepared to prove that Connecticut was once a part of Nova Belgica, I can not offer positive proof that the small group of pioneers who picked out this delectable site of Hartford were all Belgians. Whoever they were they were good pickers. Perhaps some of your local historians can dig up from your archives some records to help me prove my case. In the meantime, and in the absence of any proof to the contrary, I should like to "stake out a claim" in favor of the Belgians, for I should like to think that we Belgians had some hand in "putting Hartford on the map."

The "hope" which inspired the name of the little "Fort Good Hope," built here three centuries ago, has been more than fulfilled. You and your ancestors have built up a wonderful and charming city, of which I had heard much before I had the good fortune to come in person to enjoy your hospitality. I well remember the praises of Hartford written more than a century ago by the great French epicure, Brillat-Savarin. In his celebrated work on the Physiology of Taste, he devoted much space to a eulogy of your city, which he had visited shortly after the American Revolution. He mentions the hospitality of your people and the charm of the ladies whom he had met, but, being a "gourmet," what impressed him most were the pleasures of the table, especially your game, partridges, and turkeys.

Your wild turkeys had already been imported into Europe and domesticated, and Brillat-Savarin wrote: "The turkey is certainly one of the most beautiful presents that the new world has made to the old." And again he rhapsodizes, addressing the first inhabitants of Paradise: "Ye, the first parents of the human race, whose gourman-



dise is mentioned in history, you who ruined yourselves for an apple; what would you not have done for a truffled turkey!"

To come back to the present time, among those who have pictured to me the charm of life among you is our Belgian vice consul here, Mr. Leroux, who has also kept me informed of your great business activity and development. Some of your manufacturing industries are very similar to our own in Belgium, such as foundry and machine-shop products, cutlery, hardware, textiles, cotton goods, and woolen goods. This similarity of products is not conducive to any very brisk trade between Belgium and Connecticut, but, although we may be competitors in certain lines, I am sure there is no hard feeling, and I hope there are still a few commodities in which we can trade with reciprocal advantage. There is one line in which we can not offer you any very serious competition, and that is in the insurance business of which Hartford is the great center. It is a most useful business and comforting to the human race. Insurance recoups us for losses by fire or flood or burglary or accident; it provides for sickness and the infirmities of age. So far as I know, you have not yet invented a form of policy to insure bliss in the next world, but the manifold forms of insurance which your companies offer provide a comforting assurance amid the chances and changes of this mortal life, and even take away the "sting of death"; at least as far as some of our beneficiaries are concerned.

If my countrymen had invested some of our national wealth in your fire and burglary policies prior to August, 1914, Belgium would not have had such a hard time getting on her feet again. However, I am glad to be able to tell you that, considering all the circumstances, Belgium is once more in a satisfactory situation. We are not yet "on easy street," but we are on the way. Our factories have been rebuilt and reequipped, and our principal industries are producing as much, and in some cases more, than in the pre-war period. Our habitations have been restored; our fields are again under cultivation. All our workmen have employment and are on the job. Our port of Antwerp is 50 per cent more active than in 1913 and now ranks third among the ports of the world, immediately after London and New York. We are again able to hang out the sign "Business as usual." To effect this recovery, in the absence of any reasonable compensatory indemnity, we have had to dig deep into our own pockets. This brought about a great increase in our national debt and an enormous depreciation of our currency. Fortunately, we found means to remedy the situation and to put our finances on a sound basis. Last year the Belgian franc had a very bad "sinking spell," and in this crisis, as in the perilous days of 1914, Belgium turned to her King for leadership. A coalition ministry was formed under the presidency of Mr. Jaspar, and in it was included, as minister without portfolio, Mr. Emile Francqui, who is one of the foremost practical financiers of our country, and I may say of the world. Parliament then delegated to King Albert full dictatorial powers for six months to deal with the financial situation as he might think best, and adjourned, leaving the King surrounded by his wise advisers, to decide on measures to restore confidence and financial order. The results have been most satisfactory.

Taxes were increased; economies were instituted; the State Railways Administration was reorganized into the Belgian National Railway Co.; the floating debt was reduced to less than one-quarter of its former amount; a foreign loan of \$100,000,000 was successfully floated and oversubscribed; the Government debt to the National Bank of Belgium was reduced from nearly 7,000,000,000 francs to 2,000,000,000; a national amortization fund was created; a credit of \$35,000,000 for supporting the exchange, if necessary, was arranged with the United States Federal Reserve Bank, the Bank of England, the Bank of France, and with the leading financial institutions of other countries. The gold standard has been restored and our currency has been stabilized. A new monetary unit has been created; it is called the "Belga," has fine-gold content of .209211 grams, and is equal to 5 Belgian francs; its dollar parity of 7.19193 to the dollar makes the value of the "Belga" a little over 13½ cents.

These measures have put Belgium on a sound basis. Confidence has been restored; capital is returning to the country; exporters and importers have a stable currency in which to deal; money is easier; and recent foreign-trade figures that I have seen show that in October, 1926, Belgium had, for the first time in her whole modern history, including the pre-war period, a favorable trade balance, amounting to 139,000,000 francs.

All Belgian national bonds traded in Wall Street are selling on a 6 to 6½ per cent basis. We have put our house in order and we enter the New Year with courage and with high hope. We are not only doing business at the old stand, but we are determined to make it a bigger and better business. Since the war we have started a remarkable industrial development in the northeastern section of Belgium—a region which had formerly been comparatively unproductive. We have discovered a large and rich coal field in that district, and, alongside this new source of fuel there have sprung up a large number of new factories of various sorts. Some of these industrial plants have, you may say, their own fuel right at their doors.

Moreover, our African colony, the Belgian Congo, is rapidly developing an immense supply of raw materials for our industries. Among

these are gold, copper, tin, cobalt, coal, radium, and diamonds. The radium ore is shipped to Belgium for treatment at a plant built a few years ago at Oelen, near Antwerp, and this ore is of such extent and richness that this Belgian plant is to-day producing 90 per cent of the world supply of radium. The copper is very high grade; the production of the mines of the Union Minière du Haut Katanga was, last year, about 90,000 tons, ranking it as one of the greater copper mines of the world. The diamond fields produce annually about 1,000,000 carats of diamonds. In the most important of the diamond-mining companies American capital is invested; this company employs about 20,000 natives and its staff of mining engineers is largely composed of Americans.

I have given this brief outline of Belgium's present situation, for I felt sure that you officers who have seen the desolation wrought by war and who have been our comrades in the conflict would like to know how we have been getting along since the armistice. Moreover, I feel confident that your people here in Hartford who gave such generous aid to our civilian population during the war will be glad to know the fruit of their good works. We shall always gratefully remember the relief spontaneously organized here at Hartford in the early months of the war as the Belgian relief fund of Connecticut, and which took such an important and generous part in Belgium under the guiding hand of that great American, Herbert Hoover. I hope that all of you, including those who aided our civilians as well as those who were our comrades in arms, will come over to Belgium and see for yourselves what progress we have made in the past eight years. Many of you will no doubt attend the meeting of the American Legion at Paris this year, and this will afford you a splendid opportunity to visit Antwerp, Liege, Ghent, Bruges, Louvain, Ypres, and other cities, as well as Brussels, which is only three and a half hours distant from the French capital.

You will receive a most hearty welcome from all our people, and we shall try to make you feel as much at home as I have felt here to-night at your hospitable board in the good-fellowship and comradeship of the companions of the Military Order of Foreign Wars.

#### ENGROSSMENT AND ENROLLMENT OF BILLS

Mr. TILSON. Now, Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution offered by the gentleman from Connecticut.

The Clerk read as follows:

Resolution offered by Mr. TILSON:

"Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossment and enrollment of bills by printing, as provided by the act of March 2, 1895, may be suspended, and said bills and resolutions may be engrossed and enrolled by the most expeditious method insuring accuracy."

Mr. TILSON. I will say this is the usual resolution passed at this time of the session, because it is absolutely necessary that it be passed.

Mr. GARRETT of Tennessee. This is the usual resolution passed at this stage of the session ever since I have been here.

Mr. BLANTON. Does it meet with the approval of the Rules Committee?

Mr. GARRETT of Tennessee. The Rules Committee has not dealt with it, but I will say to the gentleman from Texas that it is the usual resolution passed at this stage of the session.

Mr. BLANTON. The chairman of the Rules Committee being in the chair now, I presume it meets with his approval.

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

The resolution was agreed to.

#### DISABLED EMERGENCY OFFICERS

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating a resolution adopted by the American Legion, Department of Wisconsin, in favor of the disabled emergency officers' retirement legislation.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following resolution:

#### Resolution

Whereas the Congress of the United States, in the selective service act of May 18, 1917, promised that all volunteer officers commissioned under that act should be "in all respects" on the same footing as to pay, allowances, and pensions as officers " \* \* \* of corresponding grades and length of service in the Regular Army"; and

Whereas regular officers of the Army, Navy, and Marine Corps; provisional officers of the Army, Navy, and Marine Corps; and emergency officers of the Navy and Marine Corps have been granted by Congress the privileges of retirement for disability when incurred in

line of duty, leaving only the disabled emergency officers of the Army without such retirement; and

Whereas an overwhelming majority of the Members of each Congress since the armistice has promised to correct the injustice to disabled emergency Army officers by the enactment of legislation designed to adjust the unfair conditions imposed upon these men; and

Whereas, the United States Senate has twice passed measures to correct this condition, the vote in the Sixty-seventh Congress being 50 to 14, the vote in the Sixty-eighth Congress being 63 to 14; and

Whereas in the first session of the current Congress (the Sixty-ninth) the Senate Committee on Military Affairs favorably reported the Tyson bill, S. 3027, and the House Committee on World War Veterans' Legislation favorably reported the Fitzgerald bill, H. R. 4548, similar bills in their provision for the retirement of disabled emergency Army officers who incurred disability in line of duty during the World War, both of which bills are now on their respective calendars in the United States Senate and House of Representatives awaiting a final vote; and

Whereas the Hon. ROYAL C. JOHNSON, a Member of the House of Representatives from South Dakota, has introduced legislation in former Congresses on this subject, has always been an ardent supporter of such measures, and, as chairman of the House Committee on World War Veterans' Legislation which has three times favorably reported this legislation, has always cooperated with the active workers of the national legislative committee of the American Legion, who have constantly striven for the enactment of this legislation; and

Whereas the House Committee on World War Veterans' Legislation will, in all probability, have a committee day upon which it may bring out its own legislation for consideration and vote on the floor of the House in the next session of the Sixty-ninth Congress: Now therefore be it

*Resolved*, That the Department of Wisconsin of the American Legion in its annual convention assembled at La Crosse, Wis., this 26th day of August, 1926, do and hereby does most heartily indorse the principles of retirement for disabled emergency Army officers as already established for the other eight classes of disabled military and naval officers of the World War, and which principles are embodied in pending measures now before Congress, the Tyson bill, S. 3027, and the Fitzgerald bill, H. R. 4548; and be it further

*Resolved*, That the Members of the United States Senate and House of Representatives from the State of Wisconsin be, and hereby are, most strongly urged to lend their active support in securing the enactment of this pending legislation as early as possible in the next session of the current Congress; and be it further

*Resolved*, That the Hon. ROYAL C. JOHNSON, as chairman of the House Committee on World War Veterans' Legislation, be, and he hereby is, instructed to continue to put forth his best efforts both as a legionnaire and a Member of Congress in support of this legislation and should his committee not have its legislative day in the House of Representatives in the next session of this Congress, that he then, as chairman of his committee, prevail upon the Republican steering committee of the House of Representatives and the House Rules Committee to grant a special rule for the prompt consideration and vote on House bill 4548 on the floor of the House; and be it further

*Resolved*, That copies of this resolution be forwarded to the Wisconsin delegation in the Sixty-ninth Congress, the President of the United States, the Vice President of the United States, the Hon. CHARLES CURTIS, majority floor leader of the United States Senate; the Hon. JAMES W. WADSWORTH, chairman of the United States Senate steering committee; the Hon. LAWRENCE D. TYSON, United States Senate; the Hon. NICHOLAS LONGWORTH, Speaker of the House of Representatives; the Hon. BERTRAND H. SNELL, chairman of the Rules Committee of the House of Representatives; the Hon. ROY G. FITZGERALD, House of Representatives; and to the chairman and vice chairman of the national legislative committee of the American Legion.

#### HOME DEMONSTRATION AND BOYS' AND GIRLS' CLUB AGENTS

Mr. KETCHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, on H. R. 17334.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. KETCHAM. Mr. Speaker and Members of the House, in view of the lateness of the hour I do not desire to take the time of the House in making any extended remarks on H. R. 17334. I will at this point, however, avail myself of the privilege granted of extending my remarks on the bill so that there may be at hand some more extended information as to the inception, development, present status, and prospects of the particular forms of extension work which are reached in this bill. I can not, however, pass over the opportunity of expressing my appreciation of the courtesy extended by the House in permitting a bill of this importance to be considered on the Consent Calendar. Were it not for the near approach of the end of the session and the unusual importance of the bill itself, I would not have asked the privilege. The fact that no objec-

tion was made to its consideration and no word of opposition uttered against its passage shows how fully the whole country appreciates the special value of the Extension Service of the Department of Agriculture and particularly the need of more home-demonstration and boys' and girls' club work.

In all our discussions of the farm problem we must never forget that the business of agriculture is upon a different basis than almost any other of our great industries. The farm as it is generally known in the United States is not only an institution for the earning of a livelihood, it is the home itself and it is impossible to analyze the farm problem, as we do that of other industries because in no other instance is the family welfare and interest so closely bound up with the means of earning a livelihood.

This fact puts unusual emphasis upon the proper development of the home life along with the improved economic conditions that all students of the rural problem recognize must be reached if we are to have an enduring, prosperous, and attractive agriculture in the United States. So far as the rural home is concerned the limitation of one speech in the House of Representatives would not serve to even outline the new inspiration that has come to literally thousands of wives and mothers in the open country as a result of the work of the home-demonstration agents. In a helpful and tactful manner this splendid group of women work in every State of the Union and have brought new ideas, new methods, and new economies to rural homes. The fact that there is a very widespread demand for increased numbers of these home-demonstration agents is the best proof of the effectiveness and efficiency of the service they have rendered.

The terms of H. R. 17334, specifically directs that in the appointment of new agents under its terms an equitable and fair proportion of the appropriation is to be "utilized for the payment of the salaries of men and women extension agents."

No one can read the testimony of Mrs. Nelson Beck of Albermarle County, Va., which is made a part of this extension, without being deeply impressed with the direct value of the home-demonstration agents' work not only to the individual upon the farm but to the community as well.

The second feature emphasized in this bill is the appointment of additional agents to organize and supervise the work of boys' and girls' clubs. It is doubtful if there is any other one single movement on foot to-day in the field of agriculture that has more promise for the future than boys' and girls' club work. Ordinarily, when we want to accomplish results in any given field or to institute a reform we think first of passing a law in regard to it, and after such a law has been written most Americans settle back complacently in the feeling that the whole matter has been solved, and all we need to do is to see the wheels go round.

The Department of Agriculture, agricultural colleges, experiment stations, farm bulletins, and all the mediums set up to-day for research work and publication thereof are extremely valuable, but the fact is that the most of this machinery has been set up with the idea of assisting the men and women actually engaged in the business of maintaining the farm and the farm home. Habit, however, is a hard thing to overcome, and when one has reached maturity with well-established practices in mind, it is hard to readjust one's operations to the newer and possibly better ideas and plans that come to us through the valuable agencies referred to above.

If we are to accomplish the best results we must begin earlier than with mature men and women. The boys and girls who are just starting out in their careers and who are not circumscribed by well-established habits are the ones to whom new ideas and new conceptions most readily appeal, and it is at this point that the most encouraging work in recent years has been done looking toward a rehabilitation of agriculture.

Since the organization of the first boys' and girls' clubs, named in short the 4-H Clubs (head, hand, heart, and health), 5,000,000 young people under the age of 20 years have been enrolled in the various States of the Union under the general supervision of county agricultural agents and the specific direction of voluntary leaders numbering 40,000. The scope of the work involved in the 4-H Clubs represents practically every farm and farm-home activity. The enrollment of girls in these clubs is larger than that of boys, 58 per cent of the total club members enrolled in 1924 being girls.

For the most part the girls are interested in clothing projects of various kinds, food preservation, and the preparation and serving of food in the farm home. Added to these problems, home management and the economic side of farm life are emphasized.

The projects most commonly undertaken by the boys are corn, potatoes, cotton, livestock, and poultry. Each project involves



the laying out of a definite program, the investment of a definite amount of time, money, and effort, the successful accomplishment of the project from the standpoint of a net profit where sales are involved and the writing of a report thereon. It has been estimated that the value of the products from club members alone in the last year is more than \$10,000,000.

Not only is club work valuable because it trains the young men and young women to do things efficiently and economically, but the community value of the clubs is outstanding. The young people learn how to meet together, work together, and not only consider their club projects in a systematic order, but learn how to transact the business of a public meeting in a business-like way. Their community interests are developed, and incidentally many of the farm and home practices which the boys and girls learn are adopted by their parents to their advantage and profit.

Public support has rallied in a marvelous way to this 4-H Club movement. This fact is evidenced by the indorsements filed in support of the Capper-Ketcham bill. They come not only from farm organizations, but from the General Federation of Women's Clubs, American Bankers' Association, and many other highly representative groups of citizens not directly affected by the movement.

If one statement in my remarks previously made on this bill is recalled on this point, it will indicate the far-reaching public interest that ought to be taken in the growth of these boys' and girls' clubs:

There are approximately 6,400,000 farms in the United States, and the average tenure on them is 16 years. Under normal conditions 400,000 new farmers take up the task every year. Under the most favorable circumstances, at present, but a small fraction of them have had as full training as they should for the very important responsibility they assume.

If the boys' and girls' club work can be extended sufficiently to give a substantial part of the 400,000 new farmers required to replace those voluntarily retiring each year the training and experience that will enable them to conduct their farm operations not only successfully so far as the financial end of it is concerned, but to give to the home and country life generally the new touch of attractiveness and an inspiration which club work necessarily brings, the movement will be worth many times its cost.

Mr. Speaker, I can close my remarks no more effectively, I think, than to incorporate some statements made by actual club members before the House Committee on Agriculture. I am including the statements of Miss Gladys Bull, of Worcester County, Md.; Mr. Charles Hines, of Montgomery County, Md., and Mrs. Nelson Beck, of Albemarle County, Va., previously referred to. I commend these statements to every friend of the boys' and girls' club work, and also to any who may have some doubts as to the real practical value of club work to the individual whom it seeks to reach.

#### STATEMENT OF MISS GLADYS BULL, OF MARYLAND

Miss BULL. Mr. Chairman and gentlemen of the committee, I am from Worcester County, Md. I live on a farm right near Pocomoke City. I have lived on a farm all my life. When I was 10 years old I became a club girl. At that time I had never known that there was anything like a 4-H Club for girls. I knew that the boys did such things, but one day when I came home from school I found that the home-demonstration agent was visiting my home for the first time. I gladly accepted her invitation to join the 4-H Club. The first projects that I took up were canning, sewing, and poultry. Before that time my mother had never been able to can vegetables and have them keep through the winter. I learned through the 4-H Club that we could use the steam pressure cooker and provide our winter supply of fruits and vegetables, and since that time my mother and I always working together have had our winter supply each year. The first three years that I was in club work I had a small flock of poultry of my own, and from my own flock I made a small profit each year. In that way I started my bank account and I have been able to pay a great many of my school expenses from this bank account. When I first started sewing I did only the simple things. I made very small articles, but I learned to do better and to do bigger things. I began to make some of my own clothing. This past year in club work I have been taking up the renovation of clothing and I have learned that I can take old clothes, which are practically worthless, and make very attractive and very neat dresses at very little cost. The dress that I happen to be wearing to-day is one of my made-over products. I made the dress at a cost of \$1.13.

Last year I entered the "own your own room" project. I was not satisfied with my room. It was a room, but it was not as attractive as I would like it to be. So I painted over the furniture and did the room over in general, and now I have a very attractive room in which

I can entertain my friends, and I am not ashamed of it. The steam-pressure cooker is just one of the things which has been taken back to my home. Because I made my room over and made it attractive, that gave my mother an incentive to do the house over. So at the same time we painted all the woodwork and remodeled the furniture and fixed over several rooms in the house. The result is that we have a very much more attractive home, and, of course, we are happier.

The farmers in our community have been greatly helped by club work through the county agent and through the boys' and girls' clubs. The boys and girls have taken home these things to their mothers and fathers, and the mothers and fathers have had things better than they have had before. The farmers are learning to plant the most profitable crops and market them in the most profitable way. And in the last three or four years that has been a big help to the community. The mothers have learned to do things more efficiently and more inexpensively through the county agents and the home-demonstration agents, and things go along much more smoothly. With their suggestions we can carry on our work and can do things many times better than we ever could before.

Personally the help that I have gotten from my club work can never be told. Besides learning to do things with my hands, learning to do things efficiently and effectively, I have gotten the inspiration to go on with my education. If it had not been for the club work, I do not think I would ever have been planning to go to college. Now I am a senior in the high school, and next year I hope to enter college and take up home economics. It will be necessary for me to work my way through school, but I intend to do it, and I want to prepare myself. The help I have had from the county agent and the home-demonstration agent and the State leaders and people in the Extension Service has been wonderful. They have given me the inspiration to go on. Without it, I do not even know that I would be in high school to-day. [Applause.]

#### STATEMENT OF MR. CHARLES HINES, MONTGOMERY COUNTY, MD.

Mr. HINES. I am Charles Hines, of Olney, Md. I am chairman of the Olney Pig Club. Five years ago the county agent came to our school to organize a boys' and girls' club. He first organized one club in the school, which took in three projects—swine, poultry, and calves. I chose poultry for my project, but later on in the year the calf club and the pig club became separate organizations. There were not enough boys to start a poultry club, so I abandoned the project. I didn't get any encouragement from the county agent to go ahead. The next year I persuaded my father to let me join the pig club. I had quite a job of doing it, too. My father believed that a pig was a pig, and it did not matter about his breeding. He finally consented, and bought me a Duroc hog and sow. The first year I made about \$58. The next year I raised a litter of nine pigs, which I entered in the Maryland State Fair, in the 1,500-pound-litter contest, and then the general ton-litter contest, both of which I won. My litter weighed 1,612 pounds in 150 days and 2,028 pounds in 180 days. On this litter I cleared \$250. I convinced my father that purebred hogs paid right there. We now have four purebred sows and one boar on the farm.

This litter contest was also won by a member of our local club the first year, breaking all Maryland records, and during the four years these contests have been held they have been won by a junior breeder. When these clubs were first organized in the county there were only five or six men in the whole county breeding purebred hogs. Now there are over a hundred raising purebred hogs throughout the county. I have also been showing my pigs at the county fairs and the State fairs, where I have won \$255 in prize money and also a silver cup. I did not get any training in poultry work, but we have 700 hens and a 4,600-egg hatchery. We do custom hatching, and I put out about 2,500 chicks a year. Six months of the year my mother and father are away on leave of absence because of their health, and I have full charge of the whole farm.

Mr. KETCHAM. How old are you?

Mr. HINES. Nineteen years of age. We have a 42-acre farm. I have decided to stay on the farm and make swine and poultry a specialty. [Applause.]

Mr. KETCHAM. With regard to the hogs that you raise, do you raise them particularly for resale, or for breeding purposes, or for the market?

Mr. HINES. For both purposes.

Mr. KINCHELOE. How long did it take you to make a turnover?

Mr. HINES. What do you mean by that?

Mr. KINCHELOE. How long does it take you to get them to the market?

Mr. HINES. I raise two litters a year—every six months.

Mr. KINCHELOE. That is, you turn over twice a year?

Mr. HINES. Yes, sir.

Mr. HALL. How far have you gotten with your school work?

Mr. HINES. I got to the second year high school, and then because of my parents' health I came home to work on the farm.

Mr. HALL. Have you any intention of leaving the farm at all?

Mr. HINES. No intention whatever.

Mr. HALL. You do not want to take the civil-service examination some time and become a postal clerk? You do not want to come to the city and become a postal clerk?

Mr. HINES. No; but if it hadn't been for the club work I think I would be passing my time in the city to-day. The club work has shown me that the farm is not such a bad place after all, if you really keep tab on what you are doing.

Mr. HALL. You are happy out there on the farm, are you?

Mr. HINES. Yes; I am.

Mr. ASWELL. If you had had training in poultry, what would you have done?

Mr. HINES. I don't know; but I happen to have a good mother. [Applause.]

STATEMENT OF MRS. NELSON BECK, OF ALBERMARLE COUNTY, VA.

Mrs. BECK. Mr. Chairman and gentlemen, I live on the farm and am a dairyman's wife. If any of you have ever lived on a dairy farm, you know what that means—breakfast at 5 o'clock every morning and work until after dark every night. When we moved to the country we knew very little of country life, and from the very beginning I called on my agent, and everything that I am and everything that I know came through the county agent and the home-demonstration agent. I would like to tell you just a little bit about the work that I have done. I started off the first year in the chicken business; I made a profit, and after that in the last 18 months I have collected above expenses over \$3,000. I want to tell you that the dairy has not been as profitable because of contagious abortion, and the money that I have made has gone to help on the farm. If it had not been for the chickens and the help that I have gotten through that, I do not know where I would have been to-day. It has been that way just all the way through. We have put water in the house and electric lights. We have a garden. I buy my own clothes, have my own spending money, and every time I am in trouble I call on my county agent and my home-demonstration agent and they come and help me out. In everything we do we consider them first of all. I also feel like I am independent. When I get ready to fix over my house I do it. I have some pictures here if any of you might be interested in them, showing some of the work that has been done in Albermarle County.

Here is a kitchen. We have an advisory council in the county, of which I am chairman. Here is a kitchen which has been improved. Here is a kitchen that was made over by a woman at a cost of \$3.68. She got the prize, a \$100 range, which was given her. We have that incentive. Here is another case where a woman brought down furniture from the attic and made the living room over. In our county the home-demonstration agent and the county agent work with the boys and girls in their club work. Here is a picture of work done by a little girl, who has won the \$500 prize, and her work has been shown in some of the magazines. Now, in the town of Charlottesville about two years ago we put on a demonstration house where the women, when they came into town, can rest and learn things. The women in our community all work together. We have learned canning and other things of that kind and also help the farm woman to dress more like the city woman. We have taught her how to make her clothes. We do not want the farm woman to be different from the city woman.

Now, in our little club in a little town just a few miles from Monticello, we have 12 women there and our home-demonstration agent has helped us very much in doing club work. Some of them raise turkeys, chickens, etc., under our home-demonstration agent. Farming has not been very profitable in our little community lately but it is the women that have helped carry on the farm. Unless you make the farm home more attractive, how can we keep the boys and girls there? I want to say that the agent has helped us all along the way. In our community we have a council which is composed of women of all the different districts—

Mr. FULMER. You stated that farming was not profitable just at this time?

Mrs. BECK. Yes.

Mr. FULMER. Can you give any special reason for that?

Mrs. BECK. In Virginia the apple and fruit situation has not been very profitable, but we women on the farm have been able to carry on the home expenses.

Mr. FULMER. That is because of depressed prices?

Mrs. BECK. Not only depressed prices, but there has been an over-production. That has made it unprofitable because of the way of handling the surplus that has been put on the market. That is the unprofitable part of it. We women have been able to make money on our chickens and we have always been able to dispose of our surplus at a profit.

Mr. KINCHELOE. Did you say you had an epidemic in your county?

Mrs. BECK. Yes; contagious abortion.

Mr. KINCHELOE. Is there any cure for that?

Mrs. BECK. In time they think it can be cured, but it has been the money that we have made with our chickens, through the demonstration agent, with which we have been able to carry on the farm.

Mr. KINCHELOE. Your dairy business has not been profitable?

Mrs. BECK. It had been up until then, but it is something we can not help.

Mr. HALL. Don't you find that the boys and girls on the farms are hoping at some time that they will be able to come to the city?

Mrs. BECK. Not in our community. The mothers and fathers are finding out that the best thing for the boys and girls is to let them come to the city for a few days or a few weeks and they are always glad to come back.

Mr. HALL. I am glad to hear you say that.

Mr. PURNELL. Of course, you realize we are not inviting applications for rural carriers.

Mr. KETCHAM. Will you be good enough to enlarge a little upon the point you have just stressed, namely, the community value of this work? Will you compare the community life now with what it was 10 years ago, say?

Mrs. BECK. When I first went on the farm I had neighbors on both sides, but we had no common interests. Maybe we borrowed some implement from each other, or something like that, or talked to each other over the telephone. Now we have our club. The women meet once a month. There is a spirit of cooperation. We work together. When we have any special project to put on, the women will all come together and will work together, and it has added greatly to community life. It is something that we did not have 10 years ago in the country.

It may properly be said that at the conclusion of the statement of these witnesses not only those present outside the committee, but the committee itself, joined in hearty applause. I do not need to remind members of other House committees that testimony of witnesses before such committees is not ordinarily received in such enthusiastic fashion.

For the further information of the House I am pleased to say that at the conclusion of the Senate hearing a similar bill introduced by Senator CAPPER was unanimously and almost hilariously reported to the Senate. Similar action was taken by the House Committee on Agriculture and approval of the Budget Bureau to the very considerable financial outlay involved is strong proof of the appeal this particular form of extension service makes to those charged with special financial responsibility in the Government.

In conclusion, Mr. Speaker, I want to acknowledge my deep appreciation to every agency that has been instrumental in securing the passage of this bill. Indorsements have come from more than 100 Members of Congress and from organizations of various kinds from every State in the Union; all these indicate the high regard in which the work sought to be accomplished by this bill is held, and naturally I am very much pleased with the successful outcome of our joint efforts in behalf of this meritorious legislation.

IMPEACHMENT AND CONDUCT OF JUDGE COOPER

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of impeachments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, it is said by Lord Bryce in the American Commonwealth:

Impeachment \* \* \* is the heaviest artillery in the congressional arsenal, but because it is so heavy it is unfit for ordinary use. It is like a 100-ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at. Or to vary the simile, impeachment is what the physicians call a heroic medicine, an extreme remedy, proper to be applied against an official guilty of political crimes, but ill adapted for the punishment of small transgressions.

On January 26, 1927, I introduced in the House the following resolution:

[H. Res. 400, 69th Cong., 2d sess.]

*Resolved*, That the Committee on the Judiciary of the House of Representatives be instructed to investigate charges against United States District Judge Frank Cooper, northern district of New York, which charges were in news dispatches which appeared in the New York Morning World, New York Herald-Tribune, and the Washington Post, under date of January 26, 1927, which news dispatches purported to be part of the response of the Treasury Department to the resolution of inquiry into prohibition enforcement adopted by the Senate, whereby it is manifest that said United States District Judge Cooper has brought the administration of justice in said northern district of New York into disrepute by a course of conduct and misbehavior which falls under the constitutional provision as grounds for impeachment and removal from office.

The said reply of the Treasury Department charges the said United States Judge Cooper with encouraging, advising, and counseling so-called rum running between Canada and New York State, which is a violation



of law, with entering into a conspiracy with prohibition officials to violate the prohibition law by purchasing and transporting liquor, and with counseling and advising prohibition officials in a course of conduct known as entrapment and provoking prohibition law violations.

It is inferred from the dispatches aforesaid that the said United States district judge, with full knowledge of the entrapment and other violations of the law, presumed to sit in judgment upon those who had been entrapped into violation of the law; that thereby the said judge set at naught the well-known judicial requirement that a presiding judge must be impartial; that the acts of said United States district judge, as indicated in said dispatches, were willfully oppressive and unlawful and resulted in the conviction of 40 defendants and in the imposing of heavy fines and penitentiary imprisonments.

And that the Committee on the Judiciary, after such investigation, report at its convenience its findings of fact and conclusions and recommendations to the House of Representatives.

Soon after a similar resolution was introduced by the gentleman from New York [Mr. LAGUARDIA], and following that he actually impeached the judge both from the floor of the House and by resolution. The charges were referred to the Judiciary Committee. I have based my resolution on letters and memoranda that passed between the Prohibition Department and R. Q. Merrick, former prohibition administrator of New York:

They are part of Senate Document No. 198, and are as follows:

REPORTS DATED JANUARY 15, 1927, BY R. Q. MERRICK, FORMERLY CHIEF OF FIELD SERVICE IN NORTHERN NEW YORK AND NOW PROHIBITION ADMINISTRATOR OF THE EIGHTH DISTRICT, SHOWING THE APPROVED PRACTICE FOR THE PURCHASE AND SALE OF WHISKY BY AGENTS IN NORTHERN NEW YORK

JANUARY 15, 1927.

Memorandum for Hon. L. C. Andrews, Assistant Secretary of the Treasury:

Sometime during the month of November, 1924, Hon. Frank Cooper, United States district judge for the northern district of New York, sent for me to come to Albany for a conference.

Judge Cooper stated that he was tired of imposing sentences on rum runners for transporting liquor in violation of section 26 and that he wanted me to take some action to get the higher-ups who would import this liquor from Canada and distribute same in wholesale quantities from Champlain and Plattsburg, N. Y. The judge asked what I could do about it and if I had any suggestions as to how I would proceed. I told Judge Cooper that as there was no State law in New York prohibiting the sale or transportation of intoxicating liquors and as he (Judge Cooper) was the only judge in the northern judicial district, that, with his approval, I would start agents to operating as bootleggers and rum runners and try to make conspiracy cases against these violators. I suggested to the judge that I would provide agents with money and an automobile, have them buy liquor on the Canadian border, and bring it to Albany and store it. The judge said that it was a violation to transport liquor and that I could go further and sell same and make a conspiracy between the person selling the liquor to our agents and the persons to whom they sold at the other end. With this understanding I came to Washington, had a conference with Prohibition Commissioner Haynes and Chief General Prohibition Agent E. C. Yellowley, and told them what Judge Cooper wanted, and they agreed that if the judge would back us up in this proposition that we would go through with it.

R. Q. MERRICK,  
Prohibition Administrator.

On or about December 1, 1924, I procured from E. C. Yellowley, chief general prohibition agents, \$1,000 in cash to be used for the purchase of intoxicating liquor. I assigned Agents Clarence H. Parks, now working in Pittsburgh, and Charles M. Forbes, now working in New York, and provided for them a Willys-Knight sedan automobile and gave them several hundred dollars to start with and instructed them to proceed to Albany, N. Y., and Troy, N. Y., and cultivate the acquaintance of the liquor dealers and let it be understood that they were to run in liquor from the border and that they wanted to get acquainted with the liquor dealers in northern New York, and also get customers in Troy and Albany for the purchase of the liquor which they brought in. Several of the dealers in Albany and Troy gave them letters of introduction to persons in Plattsburg and Champlain, N. Y., who were in the liquor business, and the agents about the middle of December drove from Albany to Plattsburg direct, where they presented their letters of introduction to the different dealers and purchased liquor and beer. The agents were instructed to keep their expenses as low as possible, and they were ordered to confine their purchases to not more than 10 cases of beer, which ordinarily cost on the Canadian border about \$8 per case. Once in a while the agents found it necessary to purchase a case of whisky or a case of wine where the dealers did not have beer on hand. The usual purchase was 10 cases of beer which the agents would bring from Plattsburg or Champlain to Albany or Troy, for which they received a profit of from \$3 to \$4 per case.

At the end of each trip a detailed, confidential report was submitted to me and the money which had been received by the agents for the sale of the liquor was turned over to me. The agents averaged two trips per week and continued their operations for the period from about the 10th or 15th of December to the first week in February. They made in all some dozen or more trips and never failed a single time to get all of the beer and liquor they wanted from the wholesale liquor dealers on the border and never failed to sell same at a profit on their arrival at Albany and Troy. In several instances the dealers at Albany and Troy paid our agents by check, in which cases photostatic copies were made of the checks before they were cashed and the money was then turned over to me to be held until the cases were brought into court.

After we had secured evidence against practically every big bootlegger in the north country search warrants were procured before United States Commissioner Hubbard at Albany, and I brought in agents from Syracuse and took with me some forty-odd agents from the New York office, and we arranged for a simultaneous raid at all places where evidence had been secured, there being some 30 or more search warrants. About 10 of them were in Plattsburg and immediate vicinity, and the others were chiefly in Albany and Troy. When the search warrants were served we seized several thousand bottles of beer and whisky and made some 40 or more arrests. After the search warrants were served and the defendants taken before the United States commissioners and held for the higher courts, these two agents were assigned to the district attorney's office at Syracuse for a period of a week or more, where indictments were drawn against all of these persons charging conspiracy to violate the national prohibition act. A special grand jury was called the latter part of February or the first of March and true bills were rendered against all of the defendants. A special term of court was then called in March to try these cases. The witnesses in each case were agents Clarence H. Parks and Charles M. Forbes, myself, and the chemist. The agents swore that they were instructed by me to proceed as they did and that they were ordered to purchase and transport and sell this whisky, and that the money in each instance was turned over to me. I followed as a witness in each case and swore that I had procured this money from my superior officer in Washington; that I had authorized the agents to hire this automobile to transport this liquor; that I had given them the money with instructions to purchase and transport and sell; and that the agents had accounted to me at the end of each trip for the money expended and had turned over to me the money they had received for the sale of the liquor. I produced in court each time the money representing the proceeds of the sale.

My recollection is that we convicted every defendant except two or three. In one instance we had prosecuted a man and his wife, and the woman was acquitted but the husband convicted. The fines imposed, according to my recollection, ran considerably in excess of \$50,000. The sentences averaged from one to two years in the penitentiary and from \$2,000 to \$10,000 fine in each case.

In the case against Harry C. Hartson and Barney Duken the attorney representing these defendants, John E. Judge, of Plattsburg, appealed from the sentence imposed by Judge Cooper, and the sentence was set aside because the circuit court of appeals held that the indictment was faulty, but no question was raised as to the admissibility of the evidence.

In the case against Robert C. Hayes and Rosario A. Defranzo the defendants' attorneys, Roscoe Irwin, of Albany, and John E. Judge, of Plattsburg, appealed from the sentence of Judge Cooper, but the sentence was upheld by the circuit court of appeals.

The case of Mr. and Mrs. Albion La Fountain was appealed from the decision of Judge Cooper by defendants' attorney, John E. Judge, of Plattsburg. The conviction on the first count charging sale was overruled because the evidence showed that the sale was made by La Fountain and his wife to the agents in Canada, but the conviction was upheld as to the second, third, and sixth counts.

The decision of the circuit court of appeals in each of these cases is shown in Federal Reporter, volume 14 (2d), No. 5, under date of November 4, 1926. The case of Hartson et al. v. U. S. is shown on page 561. The case of La Fountain v. U. S. is shown on page 562. The case of Robert C. Hayes et al. v. U. S. is shown on page 563.

The conviction of these wholesale liquor dealers operating on the Canadian border had a most wholesome effect on the wholesale traffic that had been going on for several years. Our agents on the border had been catching 25 or 30 automobiles each month transporting big loads of liquor, but after the conviction of all of these defendants the seizures dropped off to 4 and 5 automobiles a month, and instead of seizing cars with 25 or 30 cases of beer, wine, or whisky, the ordinary seizure represented a roadster with 5 or 10 cases in it. The conviction of these conspirators did more to prevent smuggling from Canada than anything we had been able to do since the prohibition law was passed.

R. Q. MERRICK,  
Prohibition Administrator.

Judge Cooper, Merrick, and others appeared before the Judiciary Committee. The judge practically admitted the state-

ments contained in the aforesaid memoranda and letters. In addition, it developed the judge set on 40 of the cases that came about as a result of the campaign of rigid prohibition enforcement in his district which he initiated and sponsored. He counseled and advised the purchase, sale, and transporting of liquor for the purpose of entrapping law violators. He had handpicked undercover men meet him in his chambers and at his home and talked about the method of procedure to entrap the "higher-ups." He encouraged the agents in their enticement of people to run rum over the border and then when these people were caught he presumed to sit in judgment upon them. I herewith submit a letter which was offered in evidence before the committee which shows the unjudicial conduct of this judge:

UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF NEW YORK,  
CHAMBERS OF JUDGE FRANK COOPER,  
Albany, N. Y., November 17, 1924.

Mr. R. Q. MERRICK,  
Chief Federal Prohibition Enforcement Agent,  
New York City, N. Y.

MY DEAR MR. MERRICK: I have obtained a list of the names and locations of some of those who are reputed to be the master bootleggers in Clinton County and vicinity. We are occasionally getting somebody who runs for some of these men, or who buys from them, or from somebody else, but we very rarely get any of these employing or master bootleggers. We did get a fellow named Ameda Hart and, upon his conviction, he was given the maximum penalty under conspiracy and under possession and transportation. We have not got anybody from Clinton County, and we are not very likely to get them very soon unless some unusual measures are taken. If we can get two or three of these men and send them to Atlanta, it will do more to scare the rest of them than a thousand arrests of their runners. None of the men in service along the border can get these fellows because the Federal men are all too well known.

If you have a couple of trustworthy, keen, and resourceful young men in your service, you could get a number of these fellows, if they go about it in the right way. There are several things which they can do to get into the current of the bootlegging activities. They could come to Albany and by hanging around the Hampton Hotel or the Schlitz Hotel they could get in touch with local people who want somebody to go to the north country to get the ale and beer, etc., and bring it to Albany, and the Albany people would tell them where to go in Clinton County to get the stuff. I have no doubt the local people would provide the automobile. They could go to Clinton County and go where these local people send them and get in touch with the proprietors of these places and make their buy and come away. If they could be arrested, it would not hurt anything, but perhaps would make it better for their future activities.

They could also go directly to Plattsburg and vicinity and hang around and easily get in touch with the dealers, if my information is correct. I am told you can go to certain lunch rooms in Plattsburg, Champlain, and Rouses Point, and if you come up with an automobile you will be solicited to buy a load to take back. It might be well for them to drive up in an automobile rather than to go without the automobile.

In fact, they could go to one of these automobile sales, copies of which I inclose herewith, and buy one of the cars at a small sum, and in that way, undoubtedly, right then and there get in touch with some of the bootleggers. At any rate, they would have the car, and if they stayed around looking for a load they would very soon get it. The inclosed sales are in Essex County. I also inclose you herewith notices of sales in Clinton County. They are, however, for sales of automobiles last Saturday, but there will be more very speedily, and some of these cars can be bought for a song.

These agents should report to nobody anywhere until their work is completed.

I would be very glad to have them come and see me here in Albany, and it would be better if they did not come to the office. They could telephone me and make an appointment to see me at the house and I could outline this to them a little bit more clearly, if desired.

The desirability for keeping their presence quiet would militate against their going to the north country and using one of the seized cars—I mean cars seized and not yet sold. It would be much better for them to get a cheap car in Albany or in the northern country.

I assume that in some way you could provide money to purchase a cheap car.

If any of these fellows should be arrested, they could confidentially ask the commissioners to call me on the phone, and I will tell the commissioners to release the men on their own recognizance, having first heard from the names and some descriptions of the men who are sent.

I understood you had some men up in that country before doing some investigation and that they did not accomplish much.

Just why they did not perhaps is not profitable to discuss. Among other things they probably did not know to whom to go. I have a reliable list of the names and locations of the persons to go after.

The winter is drawing on and, if anything is to be done along this line, it should be done promptly.

I am sending a copy of this letter to Mr. Haynes at Washington.

I hope you can consider this matter speedily and let me hear from you.

Yours very truly,

FRANK COOPER,  
United States District Judge.

This letter shows the overzealousness of the judge in the interests of prohibition enforcement—a zealotry that got the better of his judgment. I do not doubt that Judge Cooper acted in all sincerity and felt that it was his duty to participate in these cases. I do not attack his sincerity; I do think he deserves censure and rebuke for his sitting as a judge in cases that he helped make—in sitting in cases which grew out of a buying and selling arrangement involving, as he knew, an initial investment of \$1,250 of Government funds which yielded a final profit to the Government of \$209.

The judge admitted that he promised to see to it that prohibition agents so trading in liquor, if arrested, could be let out on bail upon their own recognizance and he further would see to it that thereby their identity would not be disclosed. No agents were arrested.

How could his judgment be impartial? The Federal Judicial Code contains two pertinent sections. They are as follows:

SEC. 20. When district judge is interested or related to parties. Whenever it appears that the judge of any district court is in any way concerned in interest in any suit pending therein, or has been of counsel or is a material witness for either party, or is so related to or connected with either party as to render it improper, in his opinion, for him to sit on the trial, it shall be his duty, on application by either party, to cause the fact to be entered on the records of the court; and also an order that an authenticated copy thereof shall be forthwith certified to the senior circuit judge for said circuit then present in the circuit; and thereupon such proceedings shall be had as are provided in section 14.

SEC. 21. When affidavit of personal bias or prejudice of judge is filed. Whenever a party to any action or proceeding, civil or criminal, shall make and file an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against him or in favor of any opposite party to the suit, such judge shall proceed no further therein, but another judge shall be designated in the manner prescribed in the section last preceding, or chosen in the manner prescribed in section 23, to hear such matter. Every such affidavit shall state the facts and the reasons for the belief that such bias or prejudice exists and shall be filed not less than 10 days before the beginning of the term of the court, or good cause shall be shown for the failure to file it within such time. No party shall be entitled in any case to file more than one such affidavit; and no such affidavit shall be filed unless accompanied by a certificate of counsel of record that such affidavit and application are made in good faith. The same proceedings shall be had when the presiding judge shall file with the clerk of the court a certificate that he deems himself unable for any reason to preside with absolute impartiality in the pending suit or action.

Those two sections disqualified Judge Cooper. He should have had the candor to inform the defendants of his activity and arrangement with Merrick. He utterly destroyed the value of the said sections of the Judicial Code. The United States Supreme Court held in the case of *Berger v. United States* (255 U. S. 22) the tribunals shall not only be impartial in the controversy submitted to them, but shall give assurance that they are impartial, free, to use the words of section 21 (Judicial Code), from any "bias or prejudice," that might destroy the normal course of impartial judgment.

Judge Cooper did not give that assurance. He harbored secret bias. In doing so he brought the Federal judiciary in his district into disrepute.

The 40 defendants that appeared before Judge Cooper did not know of his connection with their illegal conduct, did not know what Judge Cooper had counseled and advised Merrick concerning liquor violations, had no knowledge of his activity in helping run down the rum runners "higher up." Judge Cooper did not disclose that. That was secret. These defendants, for whom I have no sympathy, were not in a position to avail themselves of filing the affidavit of bias and prejudice indicated in said sections 20 and 21 of the Judicial Code. They and their lawyers thought they had an impartial judge. What he had initiated with Merrick surely made him partial and biased. He violated every canon of judicial ethics in sitting on these cases. Whether his acts arise to the height of impeachable offense is another question. The Judiciary Committee said his offenses were not impeachable and made the following report:



The committee has examined into the charges against Hon. Frank Cooper, United States district judge for the northern district of New York, made on the floor of the House and referred to it by the House on the 28th day of January, 1927 (CONGRESSIONAL RECORD, pp. 2488-2493), and has heard all witnesses tendered by accuser and accused and reports to the House the oral and documentary evidence submitted; and while certain activities of the Hon. Frank Cooper with relation to the manner of procuring evidence in cases which would come before him for trial are not to be considered as approved by this report, it has reached the conclusion and finds that the evidence does not call for the interposition of the constitutional powers of the House with regard to impeachment. The committee therefore recommends the adoption of the following resolution:

"Resolved, That the evidence submitted to the Committee on the Judiciary in regard to the conduct of Hon. Frank Cooper, United States district judge for the northern district of New York, does not call for the interposition of the constitutional powers of the House with regard to impeachment."

The report, therefore, can be deemed a rebuke, though mild, of Judge Cooper's conduct. The committee in stating that it did not approve of his acts, tacitly disapproved of them and frowned upon his methods. The report will have a desirable effect, I hope, not only on the future conduct of Judge Cooper but upon the work of all Federal judges. Personally, I am glad, for Judge Cooper's sake, that the committee did not deem his acts "high crimes and misdemeanors."

The morning World of New York, editorially, says:

It is a judge's business to sit in impartial judgment, not to act as a prosecutor. It is his duty to review evidence furnished by all parties to a case, not to help accumulate evidence against one party. Least of all should any judge abet an agent who goes out to induce people to commit crimes or assist any such agent provocateur in acts that are legally criminal. The charges against Federal Judge Frank Cooper, of the northern district of this State, were that he had violated these fundamental rules. The House Judiciary Committee does not find that he went far enough in his cooperation with undercover men to merit an impeachment trial. But it does rebuke him severely by declaring that his activities in "procuring evidence in cases which would come before him for trial are not to be considered as approved by this report."

If the testimony given by the undercover men themselves in the committee hearing is true, Judge Cooper's acts were highly censurable. One witness, R. Q. Merrick, of the dry enforcement squad, declared that the judge had approved an arrangement by which he and his men were to buy, transport, and sell liquor in an effort to reach certain "higher-ups" in bootlegging circles. An alleged letter of Judge Cooper was put in evidence, in which he advised Mr. Merrick as to just how his men could buy a car, go to border towns like Plattsburg, and solicit business in hauling bootleg liquor. Judge Cooper admitted that he was ready to obtain the release of Mr. Merrick's men if arrested. Could such a judge deal fairly with one of the supposed "higher-ups"? The case is another illustration of the evils inseparable from the whole unworthy undercover campaign.

#### THE PROCEEDINGS WERE NEITHER NONPOLITICAL NOR NONPROHIBITION

Early in the proceedings the gentleman from Texas [Mr. BLANTON] sought to inject prohibition and politics. (See CONGRESSIONAL RECORD, February 8, 1927, pp. 3282-3284.) Our reaction in a case of this sort should be the same whether the subject matter involved is of prohibition or potatoes. There should be nothing political in this controversy. We should beware that the participants in the matter of impeachment descend into the political arena. Hamilton, in the Federalist, No. 65, March 7, 1788, said that "Impeachment is a national inquest into the conduct of public men," and especially advised that it be kept free of the taint of politics. He had this to say on the subject:

A well-constituted court for the trial of impeachments is an object not more to be desired than difficult to be obtained in a government wholly elective. The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated political, as they relate chiefly to injuries done immediately to the society itself. The prosecution of them, for this reason, will seldom fail to agitate the passions of the whole community and to divide it into parties, more or less friendly or inimical to the accused. In many cases it will connect itself with the preexisting factions, and will enlist all their animosities, partialities, influence, and interest on one side or on the other; and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties than by the real demonstration of innocence or guilt.

#### PROCEDURE BEFORE THE JUDICIARY COMMITTEE ON RESOLUTIONS OF INQUIRY LEADING UP TO IMPEACHMENT

The preliminary hearing before the Judiciary Committee is in the nature of a grand jury inquiry and always *ex parte*.

This view was stated by Senator HAWES when he appeared before the subcommittee in the English case. (See p. 3, hearing before special committee of House of Representatives concerning Judge English.) His language in part was as follows:

Now, there are two points of view that can be assumed by this committee. One is that this is the Judiciary Committee, sitting solely and exclusively for the purpose of hearing such evidence as may be presented, weighing that evidence, and determining their opinions because of the character of the evidence. The other point of view is the one that I myself advocate, and that is that the function of this committee and of Congress in this case is that of a grand jury; that it is within the province of the committee not only to take the evidence that is brought to it but to search for evidence, to ask for evidence, to follow up this lead and follow up that lead, wherever it may take you, and without limit as to time. In other words, our ancestors before us found that in the investigation of crime men and women would not volunteer their evidence; that there must be some process of bringing before the law-enforcement tribunals of our country reluctant witnesses—witnesses who would hold back, witnesses who would not of their own volition testify. That function was the grand jury function, and all of the great crimes in our country have been unearthed and presented to our courts primarily by the investigations of grand juries. It is my opinion, therefore, that this committee has two functions, one partly judicial and the other that of an inquisition which will go carefully into every detail of this situation.

I think that the committee should do this for the protection of Judge English, so that if this community charge is without basis, is unsupported, if it is idle, or if it is the result of animus, or if it is a part of a plot, the evidence will be disclosed and the judge will be vindicated. If, on the other hand, the evidence discloses that you have a man in that office who is not of proper judicial poise, who is arbitrary and unfair, or whose conduct outside of the court room in connection with the authority of the court is such that he is an unfit person to hold that position, then it is the duty of this committee to report to the full committee of the House and ask for impeachment proceedings.

Senator HAWES's suggestions as to the grand jury function of the Judiciary Committee were followed in the English case. However, in the Cooper case the committee acted differently and as I think erroneously. They limited the hearings to the specific charges brought against the judge.

At this point permit me to submit additional data on procedure prepared for me by Charles C. Tansill, of the legislative reference room, Library of Congress:

#### 1. WHAT IS THE PROCEDURE OF THE JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON RESOLUTIONS OF INQUIRY LEADING UP TO IMPEACHMENT?

The procedure of the Judiciary Committee of the House of Representatives on resolutions of inquiry leading up to impeachment may be illustrated by specific cases that have come before that committee for consideration and action. One of the earliest and most pertinent of these cases is that of the impeachment proceedings against James H. Peck, United States judge for the district of Missouri. On December 8, 1826, Mr. John Scott, of Missouri, presented a memorial of Luke Edward Lawless for an inquiry into the official conduct of James H. Peck, district judge of the United States for the district of Missouri, with reference to certain proceedings on an attachment for contempt against the said Lawless. (House Journal, 19th Cong., 2d sess., p. 32.) This memorial was referred to the Committee on the Judiciary, but on February 15, 1827, the House ordered the committee discharged from the consideration of the memorial. (Ibid, p. 300.)

On December 15, 1829, on the motion of Mr. George McDuffie, the memorial of Mr. Lawless was again referred to the Committee on the Judiciary for consideration. (House Journal, 21st Cong., 1st sess., p. 39.) On January 7, 1830, Mr. James Buchanan, of Pennsylvania, from the Committee on the Judiciary reported a resolution to authorize the committee "to send for persons and papers in the case of the charge of official misconduct against James H. Peck." (Ibid, p. 138.) This resolution was agreed to by the House and witnesses sent for. On February 28, 1830, Judge Peck was advised by a letter from the chairman of the Committee on the Judiciary that the committee "would receive any explanation which the memorialist might think proper to make in relation to the charge." (H. Rept. 345, 21st Cong., 1st sess., p. 4.) On March 19, 1830, Judge Peck submitted a written statement to the committee and the examination of witnesses proceeded.

Judge Peck was not permitted to bring witnesses before the Committee on the Judiciary, but he was given leave to cross-examine them, and also to file a statement. The procedure before the committee is related by Judge Peck in a subsequent memorial of April 5, 1830. Thus—

"It is true also that your memorialist was permitted to cross-examine, to a certain extent, the witnesses who had been summoned and examined in support of the charge; but this cross-examination was much restricted by frequent objections and by the strong desire evinced

by the committee to get through the examination at least within the two remaining days of the week. And your memorialist having been more than once admonished that he was there *ex gratia*, felt himself checked and restrained from extending the cross-examination to points which seemed to him to belong to the inquiry, so that his having been permitted to be present, under such circumstances, is rather a disadvantage to him than a benefit, because it gives to the transaction all the semblance of a free and full investigation of the whole case without the reality. Your memorialist does not make this remark in censure of the honorable committee; on the contrary, considering the proceeding, as they manifestly seemed to do, as being analogous to an inquiry by a grand jury and to be governed by the same rules, your memorialist is sincerely satisfied that it was their purpose to treat him, as, in this view of the subject, they did, in fact, treat him, with great liberality and indulgence.

"But your memorialist submits, with great respect, that the proceeding of the House of Representatives in inquiring whether they will or will not institute an impeachment is not to be governed by those strict rules which confine a grand jury to *ex parte* evidence. It was not the course pursued by the House of Commons of Great Britain in the case of Warren Hastings, to which he has referred, and in which the house, before they voted the impeachment, heard not only the defense but the testimony of his witnesses." (U. S. Congress. 21st Cong., 1st sess., House Rept. No. 345, p. 5.)

In his memorial of April 5 Judge Peck petitioned Congress to "receive from him a written exposition of the whole case, embracing both the facts and the law, and give him also process to call his witnesses from Missouri in support of his statements." Upon the granting of this request a spirited debate was held in the House of Representatives. In defense of the action of the committee, Mr. Buchanan remarked:

"Judge Peck, in that memorial, suggests that the Committee on the Judiciary sent for such witnesses only as had been selected by Mr. Lawless. That is far from being the fact. The committee acted upon higher principles. They were sensible of the high responsibility which they owed, both to this House and to the country, for the correctness of their proceedings; and had therefore inquired and ascertained, from the best sources in their power, the names of such witnesses as would be most likely to give an impartial and intelligent statement of the transaction. They had sent for and examined seven witnesses; and he owed it to them to say, that, although he had long been in the habit of examining witnesses in courts of justice, he had never observed, on any occasion, more candor or more impartiality than these seven gentlemen had exhibited upon their examination before the committee.

"It is true, as the memorial suggests, that, in the case of Warren Hastings, the House of Commons did hear the accused, and did permit him to produce testimony, before they voted an impeachment against him. But this was only a single instance. That course might have been adopted, because Mr. Burke, merely as an individual member of the House, had risen in his place, and moved the impeachment. Whether he was correct in this conjecture or not, it was certain there had been no case of an impeachment by this House, in which so much indulgence was granted, as had been allowed to the accused upon the present occasion. He was permitted to furnish the committee with a written explanation of his conduct, and his request that he might cross-examine the witnesses was promptly granted. The House will decide, when they come to review the testimony, whether he was improperly restricted in this cross-examination, or whether it has not been full and ample. He would say, that, in his opinion, this cross-examination had rather injured than benefited the judge." (Debates in Congress, 21st Cong., 1st sess., Vol. VI, p. 737.)

In discussing the question as to whether the accused in cases of this kind should have the right to produce witnesses of his own, Mr. Ingersoll observed:

"... there might perhaps be some difficulty in arriving at the correct practice to be pursued in this case; and as possibly the practice hitherto had not been uniform, it was the more important that the House should start right. He confessed that this was, in a great measure, a new case to him. The only one that he had ever before witnessed was that in which charges, through a newspaper of this district, had been brought against the Vice President about three years ago. That officer had presented these charges to the House, as the grand inquest of the Nation, and requested an inquiry. A committee had been appointed to investigate them; and, before that committee, a friend of the Vice President had been permitted to appear, and represent him throughout the whole investigation.

"Witnesses also had been examined on the part of the accused. How it had been in the case of Judge Chase or of Judge Pickering, from New Hampshire, he did not recollect; but he well recollected that witnesses in favor of the Vice President had been examined, as well as against him, and that his representative had been allowed to be present before the committee through every stage of that examination. The committee at that time took some pains to ascertain what was the proper mode of proceeding, and they became satisfied that the party accused had in these preliminary proceedings a right to be thus heard.

The Constitution, providing for the impeachment of all civil officers, makes no difference between judicial and other officers. Nor can it make any difference whether the matter is brought before us by the individual who feels himself injured by an unjust charge or whether it comes on the petition of a citizen, or by the message of the Executive, or by a Member rising in his seat, as was done in the case of Warren Hastings. The rules which must govern this inquiry must be uniform, be the officer who he may, and no matter in what form the subject is first brought to our notice. Mr. I. said he would not in this early stage of the business commit himself to any course till he could look further into parliamentary proceedings in similar cases. He rose principally to correct what had been said by the gentleman from New York, who, he thought, went too far in saying that there had been no instance in which the party accused was permitted to examine his witnesses in the preliminary proceedings in this House." (Debates in Congress, 21st Cong., 1st sess., Vol. VI, pp. 737-738.)

In this case of Judge Peck the Committee on the Judiciary had proceeded on the theory of an *ex parte* inquiry. They had procured all the testimony in their power, which they reported to the House with a simple statement of their own opinion on it. It was the intention of the committee to regard the hearings as a judicial proceeding and to leave it possible for every gentleman to decide for himself on the "naked testimony." In this regard the remarks of Mr. Strong are pertinent:

"Mr. Strong said that, from the little examination he had been able to give to this subject, he had come to the conclusion that the present proceedings should be strictly *ex parte*—rigidly so. It had been said by the gentleman from Massachusetts, Mr. Everett, that the committee had departed somewhat from this line. It was true that they had deviated from it in a slight degree, but the departure was not such as to warrant the House in taking the other step which was now requested. There was a very material difference between hearing the party accused and hearing his witnesses. The Members of the House were not judges to try or condemn the accused. It was true that the matters in this testimony might not be such as to mix themselves up with party politics; but suppose that it were proposed to impeach a political man of high standing, and that the witnesses were brought to the bar of the House, he put it to every man to say whether the safety of the country did not require that in such cases politics should be thoroughly excluded from that tribunal.

"And how could this be done but by keeping the proceedings strictly *ex parte*? Complaints had been made that the committee had not reported articles of impeachment; the case had been referred to them for no such purpose; their duty had been simply to ascertain facts. The House did not want even their opinions; it wanted the facts only, and on one side. What the House had to decide was whether the testimony did or did not contain matter to warrant an impeachment. If it did, then the House would say the party should be impeached, and the next step would be to appoint a committee to frame the articles. These would be reported to the House and, if they were agreed upon, then managers would be appointed to conduct the trial before the Senate. It struck him that the safest course would be to keep the proceedings as near *ex parte* as possible." (Debates in Congress, 21st Cong., 1st sess., Vol. VI, p. 738.)

#### B. THE IMPEACHMENT AND TRIAL OF WEST H. HUMPHREYS

On January 8, 1862, Mr. Horace Maynard, of Tennessee, in the House of Representatives, presented a resolution requesting the Committee on the Judiciary to "inquire into the truth" of certain allegations made against West H. Humphreys, United States judge for the several districts of Tennessee. (House Journal, 37th Cong., 2d sess., p. 150.) This resolution was agreed to by the House without debate, and the Committee on the Judiciary promptly began an investigation into the conduct of Judge Humphreys. Mr. Maynard, a Member of the House of Representatives from Tennessee, and Messrs. C. F. Trigg, John Lell-yett, and F. M. McFall, citizens of Tennessee, were called before the committee as witnesses and duly examined. From the testimony printed in the report of the committee March 4, 1862, it appeared that Judge Humphreys had publicly declared in favor of secession, had neglected his duties as a United States judge, and had officiated as judge for the Confederacy. Judge Humphreys was not present at the hearing before the committee, nor did anyone represent him or make a statement in his behalf. On the basis of the testimony of the four witnesses called, the committee recommended that Judge Humphreys be "impeached for high crimes and misdemeanors." (H. Rept. No. 44, 37th Cong., 2d sess.; Congressional Globe, 37th Cong., 2d sess., p. 1966.)

#### C. THE IMPEACHMENT AND TRIAL OF PRESIDENT JOHNSON

On January 7, 1867, Mr. Benjamin F. Loan, of Missouri, offered a resolution calling for the impeachment of President Johnson. (House Journal, 39th Cong., 2d sess., pp. 118-119.) After some discussion this resolution was referred to the Committee on Reconstruction. On this same day, January 7, 1867, Mr. James M. Ashley, of Ohio, offered a resolution impeaching President Johnson of high crimes and misdemeanors, and calling upon the Committee on the Judiciary to inquire into the official conduct of the Chief Executive. This resolution was agreed to, and the Committee on the Judiciary began an investigation.



On February 28, 1867, Mr. James F. Wilson, of Iowa, chairman of the Committee on the Judiciary, submitted a report which indicated that witnesses had been called and testimony taken. But owing to the fact that the investigation covered such a "broad field," and involved such a "multitude of facts," the committee felt that it could not present at that time any formal report to the House. The committee did feel, however, that sufficient testimony had been brought to its notice "to justify and demand a further prosecution of the investigation." (House Report No. 31, 39th Cong., 2d sess., p. 2.)

In a minority report Mr. A. J. Rogers remarked:

"The examination of witnesses and the records was commenced, as appears by the majority report, about the time of the reference, to wit, on the 7th of January, 1867, and continued daily. A large number of witnesses has been examined, and everything done that could be to bring the case to a close, as appears by the majority report; and the majority came to the conclusion 'that sufficient testimony has been brought to its notice to justify and demand a further prosecution of the investigation.' I have carefully examined all the evidence in the case, and do report that there is not one particle of evidence to sustain any of the charges which the House charged the committee to investigate, and that the case is wholly without a particle of evidence upon which an impeachment could be founded, and that with all the effort that has been made, and the mass of evidence that has been taken, the case is entirely bald of proof. I furthermore report that the most of the testimony that has been taken is of a secondary character, and such as would not be admitted in a court of justice. In view of this conclusion, I can see no good in a continuation of the investigation." (Ibid., p. 3.)

On March 7, 1867, Mr. James M. Ashley submitted a resolution providing for a continuance of the investigation conducted by the Committee on the Judiciary with reference to the official conduct of President Johnson. (House Journal, 40th Cong., 1st sess., pp. 19-21.) This resolution was agreed to by the House, and the investigation was continued. On November 25, 1867, Mr. George S. Boutwell, of Massachusetts, from the Committee on the Judiciary, submitted the report of the majority of that committee, signed by five of the members, while Mr. James F. Wilson, of Iowa, presented the minority report signed by himself and Mr. Frederick E. Woodbridge, of Vermont. (H. Rept. No. 7, 40th Cong., 1st sess.) The examination of witnesses before the committee was conducted ex parte, there being no one present to cross-examine witnesses on behalf of the President, nor does it appear that any testimony was introduced at his suggestion or sought to be introduced. The examination of witnesses was conducted by the chairman or by other members of the committee, although in one instance Mr. Benjamin F. Butler, a Member of the House but not a member of the committee, was permitted to examine a witness. The examination of Mr. Butler was in no sense on behalf of the President, but rather the reverse. In the minority views presented by Mr. Marshall the investigation is condemned as "a secret and ex parte one." (Ibid. p. 110.)

As to the nature of the testimony taken in the course of the investigation, the majority report states that no pains were spared to "make their investigation as complete as possible." (Ibid. p. 1.) In the minority report it is observed that "a great deal of matter contained in the volume of testimony reported to the House is of no value whatever." (Ibid. p. 104.)

#### D. THE IMPEACHMENT AND TRIAL OF CHARLES SWAYNE

On December 10, 1903, Mr. W. B. Lamar, of Florida, presented a resolution impeaching Charles Swayne, United States judge of the northern district of Florida. (House Journal, 58th Cong., 2d sess., p. 37.) This resolution was agreed to and the Committee on the Judiciary was authorized to make the necessary investigation. Testimony was then taken in Pensacola, Tallahassee, and Jacksonville, Fla., and in the city of Washington, D. C. "At all hearings the Hon. Charles Swayne was present himself and by counsel, except at the last hearings in Washington, when he appeared in propria persona and argued his case before the subcommittee. All the witnesses asked for by the complainants and the respondents were sworn. Their evidence was reduced to writing and is presented with this report." (H. Rept. No. 1905, 58th Cong., 2d sess., p. 1.)

On March 25, 1904, Mr. Henry W. Palmer, of Pennsylvania, from the Committee on the Judiciary, presented the report of that committee. (Ibid.) On April 7, 1904, Mr. Palmer presented a resolution requesting a further investigation of the charges against Judge Swayne, and this was agreed to. (CONGRESSIONAL RECORD, 58th Cong., 2d sess., p. 4431.) In accordance with this second resolution, a subcommittee took testimony at various times from February 13 to November 29, 1904. During the course of these proceedings Judge Swayne, besides having counsel, also appeared for himself, offered evidence, and cross-examined witnesses. Hon. B. S. Liddon appeared for the complainants. In the course of the testimony Judge Swayne made a complete statement with reference to his legal career, his appointment to the bench, and to his tenure as judge. (Impeachment of Judge Charles Swayne, evidence before the subcommittee of the Judiciary Committee of the House of Representatives (Washington, 1904), pp. 211, 238, 578.) On Novem-

ber 28, 1904, he was permitted to appear before the subcommittee and testify at length, and upon the conclusion of his testimony he was cross-examined by Mr. Liddon. (Ibid., p. 591.)

#### PRECEDENTS

##### STORY ON THE CONSTITUTION

Volume 1, fifth edition, pages 584, 585, paragraph 800, says:

In examining the parliamentary history of impeachments it will be found that many offenses, not easily definable by law, and many of a purely political character, have been deemed high crimes and misdemeanors, worthy of this extraordinary remedy. Thus lord chancellors and judges and other magistrates have not only been impeached for bribery and acting grossly contrary to the duties of their office but for misleading their sovereign by unconstitutional opinions and for attempts to subvert the fundamental laws and introduce arbitrary power. \* \* \*

Some of the offenses, indeed, for which persons were impeached in the early ages of British jurisprudence would now seem harsh and severe; (a) but perhaps they are rendered necessary by existing corruptions and the importance of suppressing a spirit of favoritism and court intrigue. Thus persons have been impeached for giving bad counsel to the King, advising a prejudicial peace, enticing the King to act against the advice of Parliament, purchasing offices, giving medicine to the King without advice of physicians, preventing other persons from giving counsel to the King except in their presence, and procuring exorbitant personal grants from the King. \* \* \*

One can not but be struck in this slight enumeration with the utter unfitness of the common tribunals of justice to take cognizance of such offenses and with the entire propriety of confiding the jurisdiction over them to a tribunal capable of understanding and reforming and scrutinizing the polity of the state and of sufficient dignity to maintain the independence and reputation of worthy public officers.

Different times, different laws and customs. In England throughout its history offenses trivial as well as important have been found impeachable.

Edward III impeached his mistress, Alice Perrers—see Fourth Hatsell's Precedents, page 67 (1377)—perhaps because he had grown tired of her. She was convicted and banished. In America the offense must be important because the language is "high crimes and misdemeanors." Furthermore, in England private subjects may be impeached. Here only civil officers, by virtue of our constitutional provisions, may be so accused.

No better exposition of the American law of impeachment can be found than that given by Chairman Graham of the Judiciary Committee, in the English case, which is as follows. (Report of Judiciary Committee, H. R., p. 9):

Although frequently debated, and the negative advocated by some high authorities, it is now, we believe, considered that impeachment is not confined alone to acts which are forbidden by the Constitution or Federal statute. \* \* \* Thus an official may be impeached for offenses of a political character and for gross betrayal of public interests. Also, for abuses or betrayal of trusts, for inexcusable negligence of duty, for the tyrannical abuse of power, or, as one writer puts it, for a "breach of official duty by malfeasance or misfeasance, including conduct such as drunkenness when habitual, or in the performance of official duties, gross indecency, profanity, obscenity, or other language used in the discharge of an official function, which tends to bring the office into disrepute, or for an abuse or reckless exercise of discretionary power as well as the breach of an official duty imposed by statute or common law." \* \* \*

A Federal judge is entitled to hold office under the Constitution during good behavior, and this provision should be considered along with Article IV, section 2, of the Constitution, providing that all civil officers of the United States shall be removed from office upon impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. Good behavior is the essential condition on which the tenure to judicial office rests, and any act committed or omitted by the incumbent in violation of this condition necessarily works a forfeiture of the office.

Apply the law announced by Chairman GRAHAM to Judge Cooper's offense.

Some of the charges in the English case were not as serious as those against Cooper. Of course, others against English were really more serious, were criminal and venal. At least the Judiciary Committee that heard the English case is the same that hears the Cooper case. It could not cast aside for light and transient reasons the precedents it raised in some of the English charges. That was why it could not avoid censuring Cooper, even if it did not impeach him.

English was in part impeached because he disbarred Thomas M. Webb, a lawyer, of his own motion, without charges and without opportunity to be heard; because he threatened and denounced State officials in abusive and profane language in

open court; because he used coercive and threatening language to a jury in open court in case of United States against Hall, and threatened them with jail if they did not find the defendant guilty; because in a tyrannical fashion he threatened to attack members of the staff of the East St. Louis Daily Journal and threatened to imprison them if they published facts concerning the disbarment of an attorney; because of his habitual profanity and vulgarity in open court and in chambers; and because he made Thomas sole referee in bankruptcy in his district, which consisted of 45 counties, thereby enriching unduly the said Thomas.

In addition, the said English seemed to have been in league with the bankruptcy ring which he established and made corrupt use of bankruptcy funds.

It will be noted that some of the charges against English were not so very serious or even important. Separate counts in the indictment were spelled out of these less serious charges.

#### CASE OF PICKERING

Pickering was one of the Federalist judges that Jefferson, of the Democratic-Republican Party, wanted to get rid of. His was purely a political impeachment. The charges against him included drinking, profanity, refusal to allow an appeal, and refusal to hear a witness. That was Pickering's vice. There was really nothing more in the charges. There is some record that he really was insane, probably as a result of excessive drinking. He was tried and convicted and removed as a district judge of the district of New Hampshire. The real motive behind the impeachment was the desire of the majority party in power to get rid of a Federalist judge.

#### CASE OF CHASE

Samuel Chase had been appointed by the Federalists as associate judge of the Supreme Court. He was a thorn in the side of Jefferson and his party. Aside from the political character of the charges against him, the grounds for his impeachment were ridiculous. One might call them coffee grounds. Chase had preached the doctrine of Federalism and severely attacked Republicanism. Albert J. Beveridge, in his *Life of John Marshall*, volume 3, gives a very interesting account of the impeachment of Chase (pp. 157-222). Beveridge, in explaining Jefferson's attitude toward Chase, said as follows:

Jefferson promptly wrote Nicholson: "Ought this seditious and official attack on the principles of our Constitution and on the proceedings of a State go unpunished? And to whom so pointedly as yourself will the public look for the necessary measures?"

Senator Giles was Jefferson's personal representative in the Senate, and in his speech in the Senate (p. 158, Beveridge's *John Marshall*, vol. 3) Giles very clearly gave his and Jefferson's idea of impeachment:

"\* \* \* 'If,' continued Senator Giles, 'the judges of the Supreme Court should dare, as they had done, to declare acts of Congress unconstitutional, or to send a mandamus to the Secretary of State, as they had done, it was the undoubted right of the House to impeach them, and of the Senate to remove them for giving such opinions, however honest or sincere they may have been in entertaining them.' He held that the Senate, when trying an impeached officer, did not act as a court. 'Removal by impeachment was nothing more than a declaration by Congress to this effect: You hold dangerous opinions and if you are suffered to carry them into effect you will work the destruction of the Nation.'

Giles, in an extended and carefully prepared speech, announced the Republican view of impeachment, which, he said—"is nothing more than an inquiry, by the two Houses of Congress, whether the office of any public man might not be better filled by another." Adams was convinced that "this is undoubtedly the source and object of Mr. Chase's impeachment, and on the same principle any officer may easily be removed at any time."

Chase was finally impeached.

He was accused of everything of which anybody had complained since his appointment to the Supreme Bench. His conduct at the trials of Fries and Callender was set forth with tedious particularity; in Delaware he had stooped—to the level of an informer—

His charge to the grand jury at Baltimore was an—  
intemperate and inflammatory political harangue—

He had prostituted his—  
high judicial character \* \* \* to the low purpose of an electioneer-  
ing partisan—

His purpose was—  
to excite \* \* \* odium \* \* \* against the Government.

In charging the grand jury at Baltimore, he had denounced Republican principles and mercilessly assailed Republican acts and purposes.

It was established that, in the trial of Fries, Chase had written the opinion of the court upon the law before the jury was sworn, solely in order to save time; had withdrawn the paper and destroyed it when he found Fries's counsel resented the court's precipitate action, and, finally, had repeatedly urged them to proceed with the defense without restriction. Chase's inquisitorial conduct in Delaware was proved, and several witnesses testified to the matter and manner of his charge to the Baltimore grand jury.

The charges against Chase in the light of our present-day knowledge hardly arise to the dignity of impeachment. However, let us pause a minute on the seventh charge against Chase, which Simpson, in his book, *A Treatise on Federal Impeachments*, page 196, says was as follows:

Seventh. That in another case he did descend from the dignity of a judge and stoop to the level of an informer, by refusing to discharge the grand jury, although entreated by several of the said jury so to do; and by \* \* \* observing to the said grand jury that he, the said Samuel Chase, understood "that a highly seditious temper had manifested itself in the State of Delaware, among a certain class of people \* \* \* more especially in the town of Wilmington, where lived a most seditious printer \* \* \* it becomes your duty, gentlemen, to inquire diligently into this matter," or words to that effect; and that with intention to procure the prosecution of the printer in question, the said Samuel Chase did, moreover, authoritatively enjoin on the district attorney of the United States \* \* \* to find some passage which might furnish the ground work of the prosecution against the printer of said paper.

Chase was zealous to curb growing republicanism. Just as Cooper probably was zealous to curb growing disregard of prohibition, Chase desired to enforce the alien and sedition laws. He therefore became the prosecutor and endeavored to and did set in motion the machinery of the district attorney's office. Just so Cooper set in motion the machinery of the prohibition administrator's office. Chase was impeached. Cooper was rebuked. However, my purpose in bringing up the matter has been served; I am satisfied.

#### IMPEACHMENT OF PECK

In 1830 James H. Peck, judge of the United States District Court for the District of Missouri, was impeached on the ground that he had grossly abused his power as a judge in sentencing an attorney to 24 hours' imprisonment and suspension from the bar of his court for 18 calendar months for writing and publishing a moderate criticism of one of Judge Peck's decisions in a case in which this attorney had appeared in behalf of the plaintiff, with the result that the attorney was practically prevented from participation in the case. Peck was convicted.

Decidedly, Cooper's conduct was far more serious than that of Judge Peck.

#### IMPEACHMENT OF HUMPHREYS

Judge West H. Humphreys in 1862 was impeached and convicted because he had abandoned his office as district judge of Tennessee, had joined the Confederacy, and was acting as a Confederate judge. His case offers little of precedent for us in the instant case.

#### IMPEACHMENT OF SWAYNE

United States District Judge Swayne was impeached and acquitted in 1905, among other things because he falsified his traveling expenses, obtained money under false pretenses, appropriated to his own use a railroad car for his family and friends while the railroad, of which the car was a part, was in the hands of a receiver appointed by him, because of illegal residence, and because he maliciously and unlawfully had judged an attorney in contempt of court. Close examination of this case discloses that in some instances the charges against Judge Swayne were trivial as compared to the seriousness of the charges against Judge Cooper.

#### IMPEACHMENT OF ARCHBALD

Robert W. Archbald was impeached as one of the judges of the United States Commerce Court and was convicted in 1912. The charges against him were of a most venal character and branded him as a corrupt judge. The case, however, is important now, because for the first time in our history the Senate in convicting the respondent really adopted a code of judicial ethics. For the first time in American history a judge was successfully impeached for doing that which was governed by no law except the universal law of good conduct, which every judge is supposed to know and give heed to.



Ex-President Taft, in an address before the American Bar Association in 1913, stated that the result of the Archbald trial was a—

liberal interpretation of the term "high misdemeanor."

He said it was—

most useful in demonstrating to all incumbents of the Federal bench that they must be careful in their conduct outside of court as well as in the court itself and that they must not use the prestige of their official position, directly or indirectly, to secure personal benefit.

Moreover, as the managers of the House in that case repeatedly stated that they did not challenge the judge's ability, integrity, or impartiality, perhaps a better way of expressing the result of the trial would be to say that they determined that a judge ought not only to be impartial, but he ought so to demean himself, both in and out of court, that litigants will have no reason to suspect his impartiality; and that repeatedly failing in that respect constitutes a "high misdemeanor" in regard to his office. If such be considered the result of that case, everyone must agree that it established a much-needed precedent.

In his report, Congressman Clayton, for the House managers in the Archbald case, thus pictured the ideal judge:

A judge should be the personification of integrity, of honor, and of uprightness in his daily walk and conversation. He should hold his exalted office and the administration of justice above the sordid desire to accumulate wealth by trading or trafficking with actual or probable litigants in his court. He should be free and unaffected by any bias born of avarice and unhampered by pecuniary or other improper obligations.

The next point made by Congressman Clayton was that as a judge holds his office under the Constitution, "during good behavior," it follows as a matter of course that he forfeits it whenever he is guilty of misbehavior.

Congressman Clayton believed that the effect of Judge Archbald's impeachment and conviction would be most salutary.

It shows—

He said—

that there is no necessity for the recall of judges, nor need a person be regarded as an anarchist for making an assault on the courts when he endeavors to purge them of improper men. As a rule, our judges have been men of probity and high character, but owing to the frailty of human nature, occasionally an unfit or dishonest man is appointed.

No further comment is necessary on the Archbald case except to state that in my opinion, gauged by the code of ethics laid down in that case, Judge Cooper, as far as the evidence now discloses, more than approaches the danger line of impeachment.

I have cited all the precedents in our history of impeachment of judges by the House of Representatives. Every case must stand on its own bottom. However, much help may be obtained in these precedents.

#### CANONS OF JUDICIAL ETHICS

The hereinafter mentioned canons of judicial ethics were in part adopted by the American Bar Association at its forty-seventh annual meeting at Philadelphia, July 9, 1924.

#### PUBLIC INTEREST

The assumption of the office of judge casts upon the incumbent duties in respect to his personal conduct which concern his relation to the State and its inhabitants, the litigants before him, the principles of law, the practitioners of law in his court, and the witnesses, jurors, and attendants who aid him in the administration of its functions.

#### CONSTITUTIONAL OBLIGATIONS

It is the duty of all judges in the United States to support the Federal Constitution and that of the State whose laws they administer; in so doing, they should fearlessly observe and apply fundamental limitations and guarantees.

#### AVOIDANCE OF IMPROPRIETY

A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the bench and in the performance of judicial duties but also in his everyday life, should be beyond reproach.

#### INDEPENDENCE

He should not be swayed by partisan demands, public clamor, or considerations of personal popularity or notoriety, nor be apprehensive of unjust criticism.

Judge Cooper failed to observe and apply the "fundamental limitations and guarantees" of a trial. He failed to exercise impartial judgment. Judge Cooper was neither "free from

impropriety" nor "the appearance of impropriety." He undoubtedly was swayed by "partisan demands and public clamor."

#### IMPEACHMENT IS A HIGHLY IMPORTANT BUT RARE REMEDY

Bryce, in the *American Commonwealth*, volume 1, said:

Impeachment \* \* \* is the heaviest piece of artillery in the congressional arsenal, but because it is so heavy it is unfit for ordinary use. It is like a hundred-ton gun, which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at. But Federal judiciary is a large mark. We must even go to extremes to keep it free of taints of all sorts.

#### IS IMPEACHMENT AN ADEQUATE REMEDY?

Lord Bryce shows how cumbersome and difficult a remedy it really is.

It is too drastic in its nature. There is evident dislike to put so serious a stigma upon a judge. Then, too, impeachment shoves the accused judge into the political ring. In the Cooper case prohibition was the deciding factor. The "drys" stood by Cooper and the "wets" opposed him. Furthermore, the offenses that constitute "high crimes and misdemeanors," which are the only constitutional causes of impeachment, are most uncertain of definition. Incompetent and ignorant judges are probably not impeachable and they hold office for life. To provoke discussion and not with any hope of congressional action now, I offer a bill setting up a judicial tribunal to have effective supervision over the conduct of Federal judges. This tribunal will protect the public from continuance in office of those who are judicially unfit or incompetent. Upon proper complaint against a district judge a trial of the accused shall be had before the judges of the United States circuit court of appeals, together with the judges of the United States Supreme Court.

The remedy of impeachment would still obtain in the cases of the district, the circuit, and the Supreme Court judges. No constitutional amendment is necessary, because the Constitution provides that the judges shall hold office during good behavior. (Art. 3, sec. 1, Constitution.) Congress, by virtue of article 1, section 8, has the power to define what constitutes "good behavior" and to provide a method of discovering whether or not Federal judges are complying with the requirement of "good behavior" and to cause them to forfeit their offices if they are not.

The judiciary is the best judge of the actions of the district judges. Pride alone would force high standard of moral conduct upon the part of all the judges. It is interesting to note that this practice is followed in England where the lord chancellor has power of removal over the county judge for either inability or misbehavior.

Impeachment is a heroic remedy suited to extreme ills and wrongs, but poorly adapted for the cure and punishment of small ills and transgressions. My suggested remedy seems fairer and surer.

My bill is as follows:

[H. R. 17404, 69th Cong., 2d sess.]

A bill for the purpose of setting up a tribunal for the discipline of United States district judges when such discipline may be necessary

Whereas Federal judges are selected for life but during good behavior; and

Whereas there is no method whereby the United States district judges in particular may be disciplined or removed for misbehavior or misconduct save by the cumbersome and difficult method of impeachment: Now, therefore, in order to have a more satisfactory means of discipline and displacement of United States district judges,

Be it enacted, etc., That whenever five reputable lawyers of 10 or more years of practice in any United States district court shall certify to the Chief Justice of the United States Supreme Court charges of judicial misconduct or misbehavior against a United States district judge, it shall be the duty of the said Chief Justice of the United States Supreme Court to summon his Associate Justices of the United States Supreme Court and the judges of the United States circuit court of appeals of any circuit other than that which has jurisdiction over the accused judge, and shall convoke said judges into a tribunal to hear said charges.

SEC. 2. Said tribunal shall sit in the United States Supreme Court at Washington and the Chief Justice of the Supreme Court shall preside.

SEC. 3. Said tribunal shall have appropriate power of discipline of said judge accused and shall have power, under such terms and conditions as it deems fit, of removal of any United States district judge against whom serious charges of misconduct or misbehavior have been proven.

SEC. 4. The Chief Justices of the United States Supreme Court shall prescribe the rules of evidence to be applied in the hearing of

the charges and shall furthermore make and publish from time to time any and all rules and regulations necessary to carry out the purposes of this act.

SEC. 5. There shall be no appeal from the decision of the said tribunal.

SEC. 6. The remedy of impeachment as prescribed in the Constitution shall not be impaired, limited, or abridged in any respect as against United States district judges, judges of the United States circuit court of appeals, United States Supreme Court justices, or against the judges of any court or tribunal under Federal jurisdiction.

#### ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and six minutes p. m.) the House adjourned until to-morrow, Tuesday, March 1, 1927, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOOD: Committee on Appropriations. H. R. 17355. A bill making appropriations for public building projects; without amendment (Rept. No. 2269). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMAS: Committee on the Public Lands. S. 4782. An act to remove a cloud on title; without amendment (Rept. No. 2270). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the office of the Comptroller General of the United States; (Rept. No. 2272). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of the Interior (Rept. No. 2273). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the United States Civil Service Commission (Rept. No. 2274). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Navy Department (Rept. No. 2275). Ordered to be printed.

Mr. WHITE of Maine: Committee on Rules. H. Res. 447. A resolution providing for the consideration of S. 3896. An act to amend section 11 of the merchant marine act, 1920, and to complete the construction loan fund authorized by that section; without amendment (Rept. No. 2276). Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. S. 3657. An act to incorporate the Federal reserve pension fund, to define its functions, and for other purposes; without amendment (Rept. No. 2278). Referred to the House Calendar.

Mr. MOORE of Ohio: Committee on the Judiciary. H. J. Res. 78. A joint resolution declining a bequest to the United States by the late Wesley Jordon, of Fairfield County, Ohio; with an amendment (Rept. No. 2279). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. THOMAS: Committee on the Public Lands. S. 4178. An act for the relief of Charles H. Send; with an amendment (Rept. No. 2271). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 16932) granting an increase of pension to Charles Mitchell, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WOOD: A bill (H. R. 17355) making appropriations for public building projects; committed to the Committee of the Whole House on the state of the Union.

By Mr. HUDSPETH: A bill (H. R. 17356) to increase the minimum salary of deputy United States marshals to \$2,000 per annum; to the Committee on the Judiciary.

By Mr. GILBERT: A bill (H. R. 17357) granting the consent of Congress to Tyrone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kentucky River; to the Committee on Interstate and Foreign Commerce.

By Mr. STALKER: A bill (H. R. 17358) to provide for the acquisition, improvement, equipment, management, operation, maintenance, and disposition of a civil air field and any appurtenances inclusive of repairs, lighting and communication systems and all structures of any kind deemed necessary and useful in connection therewith; to the Committee on the District of Columbia.

By Mr. CRUMPACKER: A bill (H. R. 17359) authorizing the Secretary of War to grant permission to the Port of Portland Commission to close the east channel of Swan Island, Ore; to the Committee on Interstate and Foreign Commerce.

By Mr. PERLMAN: A bill (H. R. 17360) granting hospital treatment to Federal officers and employees and their immediate families in hospitals owned or controlled by the United States; to the Committee on the Civil Service.

By Mr. CELLER: A bill (H. R. 17361) authorizing the Secretary of the Treasury to call a national conference on poisoned alcohol; to the Committee on the Judiciary.

By Mr. ALMON: Joint resolution (H. J. Res. 371) to create a joint congressional commission to study the Muscle Shoals project; to the Committee on Rules.

By Mr. LAGUARDIA: Joint resolution (H. J. Res. 372) for the celebration of the one hundred and fiftieth anniversary of the signing at Paris of the treaty of alliance between France and the United States; to the Committee on the Judiciary.

By Mr. BLOOM: Concurrent resolution (H. Con. Res. 59) congratulating the Government and the people of the Cuban Republic; to the Committee on Foreign Affairs.

By Mr. BEEDY: Resolution (H. Res. 445) to provide a clerk for the Committee on Mileage for the second session of the Sixty-ninth Congress; to the Committee on Accounts.

By Mr. FREE: Resolution (H. Res. 446) requesting inquiry into charges made against the Federal Council of Churches of Christ in America; to the Committee on Rules.

#### MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Wisconsin, urging immediate action to make possible the early completion of the Great Lakes-St. Lawrence waterway project; to the Committee on Rivers and Harbors.

Memorial of the Legislature of the State of Wyoming, for favorable consideration of reclamation projects in the State of Wyoming; to the Committee on Irrigation and Reclamation.

Memorial of the Legislature of the State of Wyoming, favoring the Riverton project be invoked to the end that appropriations be provided from year to year, ample in amount to allow the continuation of work upon the said project under a comprehensive and economical plan, the amount to be not less than \$500,000 per year; to the Committee on Appropriations.

Memorial of the State Legislature of the State of Iowa, regarding the President's veto of the McNary-Haugen bill; to the Committee on Agriculture.

Memorial of the Legislature of the State of Utah, memorializing the President of the United States to enact into law the McNary-Haugen bill for farm relief; to the Committee on Agriculture.

By Mr. NEWTON of Minnesota: Memorial of the Legislature of the State of Minnesota, relating to the repeal of the United States grain standard act; to the Committee on Agriculture.

By Mr. BERGER: Memorial of the Legislature of the State of Wisconsin, urging the Congress of United States to take immediate action to make possible the early completion of the Great Lakes-St. Lawrence waterway project; to the Committee on Interstate and Foreign Commerce.

By Mr. CHRISTOPHERSON: Memorial of the Legislature of the State of South Dakota, favoring the improvement of the upper Missouri River as a navigation project; to the Committee on Rivers and Harbors.

By Mr. WILLIAMSON: Memorial of the Legislature of the State of South Dakota, asking Congress to enact legislation authorizing an immediate survey and report on the feasibility of improving the Missouri River for navigation from Sioux City, Iowa, to Mobridge, S. Dak., and also requesting that such a report shall cover water storage in aid to navigation, water power, flood prevention, and land reclamation; to the Committee on Rivers and Harbors.



## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Wisconsin: A bill (H. R. 17362) granting a pension to Charles Ball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17363) granting a pension to Eliza Kinney; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 17364) granting an increase of pension to Mary D. Hatch; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 17365) granting a pension to Joseph P. McGreal; to the Committee on Pensions.

Also, a bill (H. R. 17366) to correct the naval record of Peter Hansen; to the Committee on Naval Affairs.

Also, a bill (H. R. 17367) to correct the military record of Fred Petersen; to the Committee on Military Affairs.

By Mr. STRONG of Kansas: A bill (H. R. 17368) granting an increase of pension to Sarah Weidle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17369) granting an increase of pension to Laura H. Day; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 17370) for the relief of Noel G. D. Boissier; to the Committee on Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7517. Petition of representatives of various church, beneficial, labor, musical, and social organizations of the city of Philadelphia, favoring repeal of that act of Congress which provides for "national origin" as the basis for the immigration quotas, because the "national origin" is uncertain and unjustly discriminating; to the Committee on Immigration and Naturalization.

7518. By Mr. BECK: Petition in favor of Civil War pension legislation, by citizens of Vernon County, Wis.; to the Committee on Invalid Pensions.

7519. By Mr. BRIGHAM: Petition of Mr. and Mrs. Blanchard and 20 other citizens of Underhill, Vt., favoring legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7520. By Mr. BURTNESS: Petition of 250 residents of Fargo, N. Dak., urging passage of legislation providing increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7521. Also, petition of 30 residents of Grand Forks, N. Dak., urging passage of legislation providing increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7522. Also, petition of 31 residents of Wahpeton, N. Dak., urging passage of legislation providing increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7523. By Mr. CARSS: Petition of disabled veterans of the World War and patients of United States Veteran's Hospital No. 65, urging enactment of legislation as adopted by the disabled American veterans at their last national convention at Atlanta, Ga.; to the Committee on World War Veterans' Legislation.

7524. By Mr. CHALMERS: Petition against compulsory Sunday observance, signed by residents of Lucas County, Ohio; to the Committee on the District of Columbia.

7525. By Mr. CHRISTOPHERSON: Petition of Traveling Salesmen of America, asking for repeal of the surcharge on Pullman fares; to the Committee on Interstate and Foreign Commerce.

7526. By Mr. COOPER of Wisconsin: Memorial of County Board of Supervisors of Walworth County, Wis., urging the building of the St. Lawrence deep waterway; to the Committee on Rivers and Harbors.

7527. By Mr. DRANE: Petition signed by Mr. G. C. Whitmore, of Lakeland, Fla., and others, urging the passage of pension legislation for the relief of veterans of the Civil War and widows of veterans at the present session of Congress; to the Committee on Invalid Pensions.

7528. Also, petition signed by George H. Lynch, of St. Petersburg, Fla., urging the passage of pension legislation for the relief of veterans of the Civil War and widows of veterans at the present session of Congress; to the Committee on Invalid Pensions.

7529. By Mr. GALLIVAN: Petition of Cigarmakers' International Union No. 97, Boston, Mass., protesting against House bill 8997, regarding Cuban parcel-post rates on cigars; to the Committee on the Post Office and Post Roads.

7530. By Mr. GARBER: Letter from the National Association of Retail Druggists, by Paul Pearson, chairman legislative committee, and E. C. Brokmoyer, general attorney, protesting against the enactment of House bill 17130; to the Committee on Ways and Means.

7531. Also, letter from E. A. Boyd, general attorney for the Kansas City, Mexico & Orient Railway system, Wichita, Kans., protesting against the passage of House bill 4475; to the Committee on the Post Office and Post Roads.

7532. Also, letter from Roy Hoffman, department commander, the American Legion, Oklahoma City, Okla., urging support of House bills 16975 and 16976; to the Committee on World War Veterans' Legislation.

7533. Also, petition of the Enid Chamber of Commerce, Enid, Okla., in support of House bill 8708, a bill to reduce the interest rate on railroad indebtedness and to extend the time of payment thereof; to the Committee on Interstate and Foreign Commerce.

7534. By Mr. HOWARD: Petition submitted by T. S. Teas and 28 others of Fremont, Dodge County, Nebr., protesting against the passage of House bill 10311, or any other bill making the observance of the Sabbath compulsory under civil penalty; to the Committee on the District of Columbia.

7535. By Mr. WILLIAM E. HULL: Petition of Ralph C. Carroll and numerous other citizens of Chillicothe, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

7536. By Mr. LITTLE: Petition signed by 71 residents of Kansas City, Kans., asking that Congress do not pass the compulsory Sunday observance bills; to the Committee on the District of Columbia.

7537. By Mr. MAPES: Petition of 139 adult citizens of Grand Rapids, Mich., protesting against the passage by Congress of the so-called compulsory Sunday observance bill (H. R. 10311), or any other legislation of a religious nature; to the Committee on the District of Columbia.

7538. By Mr. O'CONNELL of New York: Petition of the National Society of Scabbard and Blade, G Company, Sixth Regiment, Pittsburgh, Pa., protesting against further delay in bringing our Army up to the provisions of the national defense act of 1920 and our Navy up to its proper position under the 5-5-3 ratio; to the Committee on Military Affairs.

7539. Also, petition of the American Insurance Union of Columbus, Ohio, with reference to the work in survey and investigation of conditions on the poor farms of the country; to the Committee on Agriculture.

## SENATE

TUESDAY, March 1, 1927

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

Our heavenly Father, ever ready to hear our requests and to know the difficulties of each situation, we humbly beseech Thee this morning so to influence every word and thought and act that the glory of Thy name may be advanced, and that there may be such a compensation in the fulfillment of duty that when the hour comes for separation it may be with the satisfaction of having done Thy will. We ask in Jesus Christ's name. Amen.

## THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. REED of Pennsylvania. Mr. President, a point of order. The VICE PRESIDENT. The Senator from Pennsylvania will state the point of order.

Mr. REED of Pennsylvania. I make the point of order that the reading of the Journal is not in order at this time, cloture having been ordered, which operates to exclude all other business.

Mr. CURTIS. Mr. President—  
The VICE PRESIDENT. No debate is permitted on the point of order. The Chair will state what is involved, for the information of the Senate.

Mr. BRUCE. Do I understand the Chair to have sustained the point of order or to have overruled it?

The VICE PRESIDENT. The Chair has not ruled on the point of order. The Chair desires to make a statement.

Mr. CURTIS. I understand that the Chair is ready to rule?  
The VICE PRESIDENT. The Chair is ready to rule and will do so in a minute.