

day observance bill; to the Committee on the District of Columbia.

1312. By Mr. TAYLOR of Colorado: Petitions from citizens of Clifton, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1313. Also, petition from citizens of Palisade, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1314. Also, petition from citizens of Kline, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1315. Also, petition from citizens of Dolores, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1316. Also, petition from citizens of Fruita, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1317. Also, petition from citizens of Cedaredge, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1318. Also, petition from citizens of Durango, Colo., and vicinity, protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1319. By Mr. WARE: Petition of Mrs. R. W. Moor and others, protesting against House bill 78; to the Committee on the District of Columbia.

1320. Also, petition of Mrs. Hezzy Romans and others, protesting against House bill 78; to the Committee on the District of Columbia.

1321. By Mr. WATSON: Resolution adopted by Patriotic Order Sons of America of Pennsylvania, favoring enactment of more rigid enforcement of immigration laws; to the Committee on Immigration and Naturalization.

1322. Also, petition from members of the Woman's Christian Temperance Union, in protest against the billion-dollar Navy building program and favoring negotiations of treaties to prevent war; to the Committee on Naval Affairs.

1323. By Mr. WEAVER: Petition of citizens of Buncombe County, N. C., protesting against the passage of House bill 78; to the Committee on this District of Columbia.

1324. By Mr. WILLIAMS of Missouri: Petition of Mrs. Thomas E. Blair and 127 others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1325. Also, petition of G. W. Henson and 18 others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1326. Also, petition of W. W. Murry and 114 others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1327. By Mr. WILLIAMSON: Petition of certain citizens of Oacoma, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1328. Also, petition of Mrs. Chas. Shaffer and other residents of Perkins County, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1329. Also, petition of certain citizens of Lead, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1330. By Mr. BROWNE: Petition of citizens of Waushara County, Wis., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1331. By Mr. WYANT: Petition of 200 citizens of Westmoreland County, Pa., against compulsory Sunday observance as proposed in Lankford bill (H. R. 78); to the Committee on the District of Columbia.

SENATE

WEDNESDAY, January 11, 1928

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Lord God, grant to each and all of us to be so true to our high calling here on earth that we may serve Thee with joy and without fear; that when each in his own appointed time shall be summoned to join the great company of departed souls we may pass hence in peace, looking humbly for that fuller light which shall break upon us, when the morning is come upon the unseen shore. Grant this O Lord for His sake, who is our life and in whose presence is fullness of joy, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Edwards	McKellar	Sheppard
Barkley	Ferris	McLean	Shipstead
Bayard	Fess	McMaster	Shortridge
Bingham	Fletcher	McNary	Smoot
Black	Frazier	Mayfield	Steck
Blaine	George	Metcalf	Steiwer
Blease	Gerry	Neely	Stephens
Borah	Gillett	Norbeck	Swanson
Bratton	Gould	Norris	Thomas
Brookhart	Greene	Nye	Trammell
Broussard	Hale	Oddie	Tydings
Bruce	Harris	Overman	Tyson
Capper	Harrison	Phipps	Wagner
Caraway	Hayden	Pine	Walsh, Mass.
Copeland	Heflin	Pittman	Walsh, Mont.
Couzens	Howell	Ransdell	Warren
Curtis	Johnson	Reed, Pa.	Waterman
Cutting	Jones	Robinson, Ark.	Wheeler
Dale	Kendrick	Robinson, Ind.	Willis
Deneen	King	Sackett	
Dill	La Follette	Schall	

Mr. ROBINSON of Indiana. My colleague the senior Senator from Indiana [Mr. WATSON] is necessarily absent. I ask that this announcement may stand for the day.

Mr. GERRY. I wish to announce that the Senator from Missouri [Mr. REED] is unavoidably detained from the Senate.

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

FOOT-AND-MOUTH DISEASE

Mr. KENDRICK. Mr. President, I hold in my hand a copy of the Live Stock Markets, a paper published by the John Clay Commission Co., of Chicago, and others, of our central markets. This paper contains an editorial entitled "Breakers ahead," and sounding a timely warning against the importation into this country of any livestock or livestock products from those countries that are known to be infested with foot-and-mouth disease.

The editorial is written in strong, concise, and most convincing language. The writer, Mr. John Clay, is one of the really great authorities on the livestock industry of the Nation. He has been for nearly 50 years a successful producer, on a large scale, of both cattle and sheep on the western plains and in the Rocky Mountain territory. For nearly 40 years he has been at the head of one of the great livestock commission companies, with houses located in practically every one of our largest market centers. In addition to these activities, he has been for many years, and is now, at the head of and a directing force in a number of our western banking institutions and has rendered great service in furnishing funds for the rehabilitation of the livestock industry following its recent period of severe depression.

In addition to his intimate knowledge of the industry in this country, Mr. Clay, as a boy in Scotland, and since in frequent visits to his native land, has had unusual opportunities to observe the ravages of the foot-and-mouth disease in its effect upon livestock. Because of such intimate knowledge, his warning is entitled to special consideration at this time.

Without doubt the country will approve to the fullest extent the sentiment expressed in this editorial because of the Nation's recent experiences with this dread disease. In the outbreak of 1914-15, 172,222 animals were destroyed, with an appraised value of \$5,865,720. There was expended in eradicating this outbreak, including the value of the animals slaughtered, the expense of their burial, supplies, and work of disinfection, approximately \$9,000,000. In the more recent outbreak of 1924-25 the figures show 142,152 animals destroyed, appraised value \$4,919,538.86, and the amount expended \$7,434,908.22. In each instance one-half the expense was born by the Federal Government and one-half by the States involved.

It will be recalled that less than two years ago the President, in one of his messages to Congress, called attention to the unusually adverse conditions prevailing in our livestock industry, and pointed out the necessity of rendering such consistent aid as could be given toward its rehabilitation. Very recently there has seemed to be some improvement in the unhappy condition of this industry, and in the face of such upward trend it would be especially inopportune to invite another disaster such as infection in our herds and flocks would surely mean.

Because of its extreme importance at this juncture I ask to have the editorial inserted in the RECORD, and I earnestly commend it to the attention of every Member of this body who is interested in the protection and preservation of the herds and flocks of the Nation.

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

There is evidently a quiet movement going on in Government circles to let in Argentine beef to the United States. Conversations being had in Washington, D. C., are paving the way for what may turn out to be a national catastrophe. The Argentine is full of foot-and-mouth disease. No effort is made to stamp it out. We know what happened to us in 1914-15. Our authorities, both National and State, went at it vigorously and stamped it out.

Foot and mouth is most deadly in the case of pregnant animals. There the death loss is considerable, more especially among ewes and sows. When I was a young farmer in Scotland we paid little attention to this disease. If by chance it visited your farm and attacked your feeding cattle or your wethers on turnips and grain, it put them back a month or more. If it got into your ewe flock at lambing, that spelt disaster.

It is a most insidious disease. It comes out of the sky. Great Britain has it most of the time. It pops up in unexpected places. Hundreds of thousands of pounds sterling have been poured into stamping it out, but it breaks out, and only a day or two ago I noticed where a half dozen herds and flocks in one neighborhood were affected. And yet no live animals—cattle, sheep, or hogs—are allowed into Great Britain except under a very strict quarantine. The supposition is that it reached that country through straw used for packing, or from people coming from an infected zone. In fact, science has failed to find the source of the disease.

Now, if we allow Argentine cattle into this country, dead or alive, we are pretty certain to get the disease. When it comes, as come it will, it may be handled promptly and squelched, but safety first. The real story of the ravages of this disease is told in Great Britain. It wanders through English counties, up and down Scottish vales. What would happen if it got among the big herds of Texas? Fancy the Matador herd going into trenches and ruthlessly killed, as we had to do 12 or 13 years ago in Illinois.

And yet knowing all this Washington is silently conversing on the subject of reinstating the entrance of this Argentine beef to our country. The red signal of danger does not stop them.

They are riding for a fall. The country must rise in its might and stop the desecration of our farms and ranches, the ruin of our already severely taxed property holders.

For seven years we have faced the "slings and arrows of outrageous fortune." Are we to face another catastrophe which will in the end affect the whole Nation: First, the livestock men; second, the bankers; and, third, the community at large?

JOHN CLAY.

The following paragraph from the North British Agriculturist, Edinburgh, emphasizes the virulence of this disease:

THE ELUSIVE VIRUS

"Details as to the length of time the virus of foot and mouth can be effective were given recently by Mr. F. C. Minnett, of the Institute of Animal Pathology, in London. In 1926 evidence proved that the disease was carried into this country (England) through the medium of fresh pig carcasses from the Continent. Experiments had proved that in the bone marrow of chilled and salted carcasses the virus survived at least 42 days, and in the bone marrow of frozen beef carcasses for at least 76 days. The virus had been proved to be highly resistant to destruction by carbolic acid, lysol, and certain coal-tar disinfectants. Experiments pointed to formalin being a reliable agent for general disinfection, such as the outside of ricks or contaminated animal hides. Mr. A. Arkwright, of the Lister Institute, said that all attempts to propagate the virus had failed, the virus having been observed to multiply only on the living tissues of animals."

THE RADIO SITUATION

Mr. COPELAND. Mr. President, on last Monday the Senator from Idaho [Mr. BORAH] presented for printing in the RECORD a letter from the Technical Radio Laboratory at Newark, N. J. I have here a reply to this letter from the radio commissioner from the first zone, Commissioner Caldwell. I ask unanimous consent that, without reading, it may be printed in the RECORD in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

FEDERAL RADIO COMMISSION,
Washington.

Senator ROYAL S. COPELAND,
United States Capitol, Washington, D. C.

DEAR SENATOR COPELAND: Noting the letter from Mr. D. W. May, of radio station WTRM, Midland Park, N. J., on page 1157 of the CON-

GRESSIONAL RECORD for Monday, January 9, 1928, commenting on the general radio situation and on his experiences with the Federal Radio Commission, it occurs to me that you and other Members of the Senate may wish to know more of the exact status and facts concerning station WTRM and the reasons why, in the public interest, the demands of its management could not be acceded to by the radio commission.

Station WTRM came on the air with 15 watts power on December 17, 1926. This was during the breakdown of the radio law and at a time when the former radio authorities had warned all stations that thus to come on, or to change wave length or power, would speedily wreck the former orderly radio system. Nevertheless, WTRM started up and "pirated" channel 1,070 kilocycles.

On June 15, 1927, after the Radio Commission had completed elaborate studies and designed a new reallocation of all broadcasting stations to bring about order in the air once more and to eliminate the interference and chaos created by the outlaw stations, station WTRM was assigned by the commission to 1,450 kilocycles, continuing with its original 15 watts power.

Station WTRM's opposition to the Radio Commission since that date has grown out of its efforts to secure a preferable wave length; that is, a wave length more comparable to that which the station appropriated for itself when there was no law. The commission would certainly have liked to have given Mr. May such a desirable channel for WTRM, but, unfortunately, all the channels were full, and there were 48 stations to be taken care of in the congested New York City area, in which WTRM is located, and 45 of these stations had come on the air before WTRM.

WTRM was therefore continued licensed by the commission to operate on 1,450 kilocycles, with its original power of 15 watts. This channel, far from being undesirable, as was formerly supposed by many, is now in the midst of a group of assignments of 5,000, 10,000, and even 50,000 watt (ultimate) stations, which have chosen this wave-length region because of its greater distance-carrying power.

Although station WTRM has been licensed continuously since it opened, there seems to be considerable question whether it has ever sent out regular or consistent programs, or even any programs at all.

The radio division of the Department of Commerce reports that its New York radio inspectors, who daily and nightly measure the transmissions of local New York and New Jersey stations, have never once been able to find WTRM on the air.

Also, since December 1, 1927, requests by the commission to the station for newspaper clippings listing its programs during recent weeks have brought no response, and as a result no copies whatever of its programs are in the files of the commission, as in the case of other stations.

Yet this is the station without any record of any public service whatever, or even of operation, which Mr. May demanded to have increased from 15 watts to 1,000 watts, over the heads of some thirty other local stations, all older, and to have assigned to channel 770 kilocycles, a channel used by a popular group of Chicago stations, transmitting independent programs.

To have acceded to Mr. May's demands would have worked a rank injustice to hundreds of other and older stations, situated throughout the country, which are similarly requesting power increases. Furthermore, such an assignment of WTRM (1,000 watts on 770 kilocycles) would have produced a whistle or heterodyne on the Chicago station's program over the entire United States, outside of a 25-mile radius around Chicago, thus denying that Chicago station's program to a population of some 60,000,000, who could have heard only a loud whistle on that channel had Mr. May been permitted to increase his power and go on it.

Incidentally it should be mentioned that the Chicago stations on 770 kilocycles protected in this way by the refusal of the New York commissioner to approve Mr. May's application is connected with no "chain" or network, but operates independent programs. This Chicago station's unduplicated programs are therefore of particular interest to distant listeners throughout the entire central part of the country.

Besides being offered a public hearing on his application for 770 kilocycles (which Mr. May refused, as the correspondence in the commission's files clearly shows) the whole foregoing interference situation which would follow upon increase of WTRM's power was repeatedly explained to Mr. May and to this attorney, Mr. Green, at a series of four or five conferences at New York City, each conference requested by Mr. May in order to save him the trips to Washington. In fact, probably more time has been spent by the New York commissioner and former Secretary Pickard in trying to aid Mr. May, while doing justice to other small stations, than with any other broadcaster. Mr. May's response to such a helpful attitude on the part of the radio commissioners is manifested by the unfair and incorrect statements contained in his letter.

This Mr. May, of WTRM, is the same D. W. May who has figured in a number of radio-station transfers and deals in the New York area. His latest transaction of the kind, prior to WTRM, was the starting and sale of the 500-watt WDW (the call letters standing for his initials), which also he put on the air during the breakdown of the law on November 22, 1926, against the urging of the authorities, and as a result causing serious interference with local and distant stations.

In this case also Mr. May felt that despite the newness of WDWM and its position of forty-third in the local field of 48 stations, he should be allowed to retain the preferable wave length which he had pirated for WDWM during the law's breakdown.

After preliminary discussions with me as commissioner for his zone, during which lengthy discussions I made particular effort to be helpful to Mr. May, but not at the expense of stations that had remained faithful to the public and to radio by keeping on their prescribed channels, Mr. May demanded a public hearing of his case before the whole commission. This hearing was immediately granted and was conducted by Commissioner E. O. Sykes, former presiding justice of the Supreme Court of Mississippi, sitting with three other original members of the Radio Commission, Admiral Bullard, Doctor Bellows, and myself. Copies of the proceedings of that hearing, occupying 147 typewritten pages, are on file at the commission's offices and can be examined by anyone interested.

After hearing and considering testimony by Mr. May, and by others who appeared against him, the entire commission unanimously denied WDWM's application to resume its former pirated wave length and ordered WDWM to remain on the lower wave length assigned it by the commission.

A week or two later Mr. May telephoned me requesting an appointment in New York to save him coming to Washington, in order to discuss a plan for moving out of the congested metropolitan area to Asbury Park, N. J., and I gladly assisted him in finding a wave length which would be available for use 50 miles from New York City. Later he told me he had sold his station WDWM to the city of Asbury Park, had made "a good thing out of it," and was very much pleased, thanking me for my help. That is the story of Mr. May's WDWM.

Regardless of Mr. May's expressed fears for the safety of the small broadcaster in his letter in the CONGRESSIONAL RECORD, a recital of the foregoing will indicate that the wave lengths and powers accorded Mr. May's two stations have been fairly and justly in accordance with the service records of those two stations, in comparison with the records of the 680 broadcasters who have been rendering public service long before Mr. May's station started out during the law's breakdown.

With respect to independent broadcasters, the attitude of the commission has always been particularly sympathetic toward the small stations and the independent operators, who make up by far the greatest number of the 680 stations on the air. Indeed, the small stations which are doing a good job in their communities have been given every possible advantage, and where such stations are in isolated regions, increases in power have been authorized for them up to the very limits of interference elsewhere. Unfortunately, however, as is generally known, we have not half enough channels to permit good service by our 680 stations. Nevertheless, the commissioners have struggled days, nights, and week ends with the problem of fitting in these small, independent stations by every ingenuity, so that all worth-while broadcasters might continue on their places on the air.

In his letter in the CONGRESSIONAL RECORD Mr. May further expresses great fear that the commission is assigning choice channels to some particular stations. If Mr. May is as familiar with the radio situation as is the average listener, he certainly knows that all of the 65 chain stations which he mentions are, with two or three exceptions, independently owned or controlled, and that these independent stations merely purchased their few hours of daily chain programs from a common purveyor of chain programs, known as a "chain service."

The manifest independence of the principal chain stations is evident upon reading over the accompanying list of the principal chain stations, taken at random:

The Courier Journal Co. and Louisville Times, WHAS, Louisville, Ky.
 The Detroit News, WWJ, Detroit, Mich.
 The Chicago Tribune, WLJW-WGN, Chicago, Ill.
 Travelers Insurance Co., WTIC, Hartford, Conn.
 Lit Bros. Department Store, WLIT, Philadelphia, Pa.
 Congress Square Hotel Co., WCSH, Portland, Me.
 Kaufman & Baer Co., WCAE, Pittsburgh, Pa.
 United States Playing Card Co., WSAI, Cincinnati, Ohio.
 Atlanta Journal Co., WSB, Atlanta, Ga.
 Bankers Life Co., WHO, Des Moines, Iowa.
 The Outlet Co., WJAR, Providence, R. I.
 Worcester Telegram, WTAG, Worcester, Mass.
 Pulitzer Publishing Co., KSD, St. Louis, Mo.
 Palmer School of Chiropractic, WOC, Davenport, Iowa.
 Washburn-Crosby Co., WCCO, Minneapolis, Minn.
 Kansas City Star Co., WDAF, Kansas City, Mo.
 National Life and Accident Co. (Inc.), WSM, Nashville, Tenn.
 Memphis Commercial Appeal (Inc.), WMC, Memphis, Tenn.

The commission makes no apology for the stations which it has placed on the "distance" channels from 600-1,000 kilocycles. These stations, nearly all of them independently owned and operated, are distinctly the most popular stations in their respective communities, for they are invariably the stations having the best apparatus, the broadest programs, and the widest interest and the best individual records of faithful observance of radio's rules of the air.

They have been assigned preferred positions because of their individual local history and standings as stations, and not because of "chain" or other connections. In fact, some 20 of these stations had no chain service when given their present assignments by the commission, but have since chosen to contract for the program service offered by one of the chains. That they are free to do this is evident, since under the law of 1927 the commission expressly has no authority over programs.

And the supply of two hours of daily programs from a common source of program material certainly has no more relation to the independent character of the station than the supplying of two columns of syndicated news matter to the leading newspapers in 20 cities from a central news bureau would have on the independent control, character, or policy of those papers.

At present the time occupied by these chain programs averages less than two hours per day for each station, making such chain duplication of negligible importance. Later if this purely chain time increases, or as better individual programs are developed by other stations now below 1,000 kilocycles, such stations have, under the commission's procedure of hearings, recourse to contest with the present occupants the right to those "distance" channels. And they will be assigned these channels if it can be shown that such reassignment would, from the standpoint of diversification of programs, be in the greater interest of distant as well as local listeners.

Mr. May's statements declaring that the commission and its members are harsh and intolerant in their actions, and choose to disregard the advice of Members of Congress, are not only denied by the undersigned, but will properly be regarded as absurd by the many Members of both Houses who have repeatedly counseled with the radio commissioners in local and State situations, and who by supplying particular information of the standing of applicants in their communities, public interest rendered, etc., have greatly aided the commission in its handling of the purely radio aspects of such cases.

The members of the Federal Radio Commission invite the most thorough scrutiny of all their actions and operations as an official body during its hectic life of the past 10 months, knowing that all reasonable critics can be answered fully and to their satisfaction on every point which they may raise.

O. H. CALDWELL,
 Commissioner, First Zone.

JANUARY 11, 1928.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had passed a bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS

Mr. DENEEN presented resolutions adopted by the City Council of Chicago, Ill., favoring amendment of the so-called Volstead Act so as to permit the sale, manufacture, and transportation of light wines and beers for beverage purposes, and to provide for a referendum vote of the people to establish the sentiment of the majority on the question of the repeal of the eighteenth amendment to the Constitution, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Murphysboro, Ill., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WARREN presented resolutions adopted by Commercial Club of Lovell, and the Lions Club and the Shoshone Project Farm Bureau, both of Powell, in the State of Wyoming, protesting against the passage of legislation to further restrict the immigration of Mexican citizens into the United States, which were referred to the Committee on Immigration.

Mr. LA FOLLETTE presented a memorial of sundry citizens of Kenosha, Wis., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. COPELAND presented petitions of sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. TYSON presented a resolution adopted by the Southern Appalachian Coal Operators' Association, at Knoxville, Tenn., which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

SOUTHERN APPALACHIAN COAL OPERATORS' ASSOCIATION,
Knoxville, Tenn., January 9, 1928.

The Southern Appalachian Coal Operators' Association, at a meeting in the offices of the association, Knoxville, Tenn., on Monday, January 9, 1928, passed, by unanimous vote, the following resolution:

"Whereas the business and industry of our country has been built up by the free play of competition and by freight rates adjusted so that distant points can compete with near-by points; and

"Whereas for the past several years there seems to be growing a sentiment in the Interstate Commerce Commission to base rates entirely on mileage and the commission seems to be expanding its own power to cover all business, as well as that of the railroads, and through the freight rates to zone all materials; and

"Whereas on December 31, 1927, the term of Commissioner John J. Esch expired and the President of the United States sent his name to the United States Senate for reappointment on the commission, and as Mr. Esch has served a six-year term as a member of the commission and was chairman of the commission and was also chairman of the House Committee on Interstate and Foreign Commerce and is, therefore, experienced and his character above reproach, but unfortunately has thrown the weight of his influence and opinion with that portion of the commission which is favoring basing rates on mileage only and the zoning of materials: Now, therefore, be it

"Resolved, That the Southern Appalachian Coal Operators' Association is opposed to this policy of the commission and opposed to the appointment or reappointment of any man or men whose views lead them to vote in favor of such methods of rate making or policies; and we are, therefore, opposed to the reappointment of Mr. John J. Esch; and we urge that Senators MCKELLAR, TYSON, SACKETT, and BARKLEY not only vote against Mr. Esch's reappointment but use their influence with other Senators to the same end, and in the future oppose on the floor of the Senate this un-American policy: Be it further

"Resolved, That a copy of this resolution be sent to the four Senators above mentioned."

R. E. HOWE, Secretary.

COMPARISON OF ELECTRIC RATES

Mr. DILL. Mr. President, I have an article from the publication called Labor, making a comparison of city-owned light plant rates on electricity with privately owned light plants, which I would like to have printed in the Record.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

[From Labor, January 4, 1928]

TACOMA SHOWING THE WAY—CITY-OWNED POWER AND LIGHT PLANTS GIVES SERVICE IN THE HOMES FAR BELOW RATES OF PRIVATE COMPANIES

Labor has received an interesting letter from a good friend and subscriber, Homer T. Bone, who is port counsel of Tacoma, Wash. Tacoma is one of those backward "un-American" cities which goes in for public ownership of its power plant, and here is what Mr. Bone says:

"I enjoyed your editorial of December 17, 'Light bills of two cities,' comparing light rates of Washington City and Ottawa, Canada.

"We in Tacoma indulge in a friendly rivalry with our public-ownership friends in Canada and are always pleased to see the remarkable contrast between the low light rates enjoyed by Canadian cities under public ownership and those exacted from victims of the superior efficiency of private ownership across the line.

LOW RATES IN TACOMA

"Between November 15 and December 15, 1927, I used 686 kilowatt-hours of current in my home for domestic purposes on a lighting circuit. For this service I paid the city of Tacoma \$8.75, or a trifle over 1.27 cents per kilowatt-hour.

"During that same period I used 1,563 kilowatt-hours of service in electric heating in my home. For this heating service I paid the city of Tacoma \$7.80, or one-half cent per kilowatt-hour.

"It will be seen that I used in this 30-day period in my 10-room home a total of 2,249 kilowatt-hours of electric service for domestic and heating purposes, and for this I paid the city of Tacoma a total of \$16.55."

Labor called up "Pepco," the private company which supplies Washington with current, to find out what the same amount of current, used in the same way, would cost in the capital of the United States.

"PEPCO'S" BILL IN WASHINGTON

The system of charges is rather confusing, but the company's expert worked out the charges as follows:

Lighting charge: Three hundred and sixteen kilowatt-hours, at a base rate of 5.9 cents per kilowatt-hour, \$18.64; 370 kilowatt-hours, at a charge of 4.5 cents per kilowatt-hour, \$16.65. Total charge for 686 kilowatt-hours on lighting circuit, \$35.29.

Heating charge: Ten kilowatt-hours, at 5.9 cents per kilowatt-hour, 59 cents; 1,553 kilowatt-hours, at 3 cents per kilowatt-hour, \$46.59. Total charge for 1,563 kilowatt-hours on heating circuit, \$47.18.

Under public ownership in Tacoma Mr. Bone's lights cost \$8.75 per month.

Under private ownership in Washington they would cost \$35.29 per month.

Under public ownership in Tacoma his electric heaters cost \$7.80 per month.

Under private ownership in Washington they would cost \$47.18 per month.

Under public ownership the total charge was \$16.55.

Under private ownership the total charge would be \$82.47.

TRUST TRIES TO FOOL 'EM

Mr. Bone goes on:

"The municipal power development of Tacoma (owned by the people of Tacoma) will produce about \$900,000 net profit for 1927. One can only wonder why the people of Washington permit themselves to be hi-jacked by private monopoly."

Echo answers: "Why?"

The power trust's answer would be: Washington depends on a steam plant, while Tacoma gets its "juice" from water power!

Mr. Bone answers that: "Out in this country publicity artists for the power trust are telling audiences that power can be produced as cheaply in a modern steam plant as from a hydroplant."

In other words, the trust tells one story where it is discouraging water-power development under public ownership and quite another story where it is defending extortionate rates under "private enterprise."

REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Claims, to which was referred the bill (S. 511) to reimburse Horace A. Choumard, chaplain, in Twenty-third Infantry, for loss of certain personal property, reported it without amendment and submitted a report (No. 53) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 593) for the relief of W. H. Presleigh (Rept. No. 54); and

A bill (S. 1219) for the relief of William Mortesen (Rept. No. 55).

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

A bill (S. 1121) for the relief of Grover Ashley (Rept. No. 56);

A bill (S. 1133) for the relief of John F. White and Mary L. White (Rept. No. 57); and

A bill (S. 1362) to extend the benefits of the employees' compensation act of September 7, 1916, to Harry Simpson (Rept. No. 58).

Mr. TRAMMELL also, from the Committee on Claims, to which was referred the bill (S. 1217) for the relief of Albert Wood, reported it with an amendment and submitted a report (No. 59) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 457) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy, reported it without amendment and submitted a report (No. 60) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 496) for the relief of M. Zingarell and wife, Mary Alice Zingarell (Rept. No. 61);

A bill (S. 1120) for the relief of Ella H. Smith (Rept. No. 62); and

A bill (S. 2363) for the relief of Richard Riggles (Rept. No. 63).

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

A bill (S. 516) for the relief of Minta Goike (Rept. No. 64); and

A bill (S. 1542) for the relief of Josephine M. Scott (Rept. No. 65).

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1313) to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stat. L. 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes (Rept. No. 66); and

A bill (S. 1856) for the relief of the Gunnison-Mayfield Land & Grazing Co. (Rept. No. 67).

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which were referred the following bills, referred them each without amendment and submitted reports thereon:

A bill (S. 1795) for the relief of Fannie M. Hollingsworth (Rept. No. 68); and

A bill (S. 1959) to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves (Rept. No. 69).

Mr. WALSH of Montana also, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment:

A bill (S. 1798) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; and

A bill (S. 1801) in reference to writs of error.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 1114) for the relief of James E. Fitzgerald, reported it with amendments and submitted a report (No. 70) thereon.

He also, from the same committee, to which was referred the bill (S. 1164) to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va., reported it without amendment and submitted a report (No. 71) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 2365) for the relief of G. W. Rogers, reported it without amendment and submitted a report (No. 72) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 601) for the relief of James E. Van Horne, reported it without amendment and submitted a report (No. 73) thereon.

ALLEGED MEXICAN PROPAGANDA

Mr. REED of Pennsylvania. Mr. President, from the special committee to investigate alleged payments to United States Senators by representatives of foreign governments, I ask leave to make a partial report (No. 52) and, speaking on a matter of highest privilege, I wish in a few minutes to make an explanation of the proceedings of the committee up to this time. I might say that copies of the report, and copies of the three volumes of the testimony which was taken, and copies of translations of the 71 documents which were produced in the committee, are available in the Chamber, and I have asked that they be placed on the desk of every Senator.

The committee met as soon after its appointment as it was possible to have a full attendance, I think, upon the fifth day after its creation. The first witness summoned was Mr. William R. Hearst, who is the proprietor of a chain of some twenty and odd newspapers which simultaneously published these documents which contained the charges against Senators.

Mr. Hearst laid before the committee 71 documents in the original which he said constituted the entire file that he had on this subject. Some of the 71 documents had been published in facsimile, some in translation, and some had not been published at all. They consisted of 35 letters purporting to have been signed by the President of Mexico, Mr. Calles; of 3 documents purporting to have been signed by the Secretary of the Mexican Treasury; of 7 messages in cipher or code; and of about 25 carbon copies of telegrams or of letters purporting to have passed from one Mexican official to another; some of them written in Mexico, some of them supposed to have been written in New York. The group of papers as a whole came from seven different Mexican Government offices in Mexico City and in New York City, and, according to the initials on the letters, had been typed by upwards of 14 different typists. It was not possible to determine exactly how many, but there were at least 14 typists employed.

Mr. Hearst testified that the first group of these papers had been obtained in Mexico City by his representative, Page, through an American of Mexican ancestry named Avila, who represented that he had bought them from Mexican clerks employed in Mexican Government offices. These papers were taken by Page to New York and submitted to Mr. Hearst in New York City. Hearst testified that he inquired whether every effort had been made to verify their genuineness and that he was assured that it had. He testified that he instructed his representatives to do everything they could to establish the genuineness of the documents.

After the first batch of papers had been produced by this Avila, a second group was obtained by him also in Mexico City. In both cases the only evidence of their origin or their genuineness or the fact that they were bought from Mexican Government clerks was the unsupported word of this Avila. He took money from the Hearst representative, he disappeared

with the money, came back with these two groups of papers, and he represented, according to the testimony, that he had given the money to Mexican Government clerks in exchange for these documents. He also represented and testified to us that he saw a ledger sheet taken from the ledger in the office of the controller general of Mexico.

It was further testified that after the submission of the papers to Hearst in New York, Mr. Hearst went to California; that Page and Avila and one other representative of Hearst went to San Antonio; and that when they were there Avila represented to them that two men had come out of Mexico, one of whom was a clerk employed in the office of President Calles, that they had a number of documents sewed up in the interior of a mattress which they brought with them among their belongings; that they wanted \$20,000 for these pretended documents which they said they had stolen from President Calles's office. There was no evidence that these men were there or that they brought the documents or that they sold them for money or that they got the money or that they were the source of the documents, except the unsupported word of Avila. He was told by the Hearst representatives that they would not pay over \$12,000 for this batch of documents from President Calles's office. He went back, he states, to those Mexicans, offered them the \$12,000, and he states they agreed to take it. He also states that they accepted the money, gave him the papers; and that he saw them cut out from the interior of the mattress in which they had been smuggled into the United States. Then he states that as proof of their good will they gave him a second batch of papers in San Antonio without any further charge. These papers also were represented as coming from President Calles's office. So there were four installments of documents, the origin of which depended entirely on the unsupported word of this Avila. He represented that he had paid up to that time out of the Hearst money something like fifteen or sixteen thousand dollars for these papers.

They were all taken to California and shown to Mr. Hearst and to his representatives who were there with him. Then he turned these documents over to some of his editors to handle their publication and their exploitation. They were taken to New York, and one of the editors decided that they ought to check on the genuineness of these papers and on the truth of Avila's story. So, in order to check on Avila's story up to that time, they employed the same man Avila to be "planted," as they called it, in the office of the Mexican consul general in New York City, there to steal what papers he could or buy what he could to corroborate the genuineness of the papers which had been produced.

After five or six weeks Avila did bring to them two installments of carbon copies of papers which he represented he had purchased from a clerk named Tovas employed in the office of the Mexican consul general in New York; but there again there was no confirmation of his statement, and they had merely the unsupported word of Avila that that was the way he got them and that he had in fact paid the money that he said he had paid for these papers. So much for the origin of the papers.

Mr. Avila was the recipient of the \$18,000 in money which he said he paid to the various clerks from whom he got the papers. He also testified that he himself got nothing out of this whole transaction except a \$50-a-week salary paid to him by the Hearst newspapers or by Hearst himself.

Mr. Hearst further testified that he did not show or direct to be shown any of these letters to any of the Senators whose names are mentioned in them, and his reason for not directing that to be done, as I recall his words, was that that would mean their premature disclosure, or some such expression as that.

He further testified that he himself made no further effort to establish their genuineness than this. He did testify also that he understood they had been shown to the American Embassy in Mexico City and that some officials of the embassy there had said that they seemed to be genuine. Of course, he himself was not in Mexico and could not answer as to that of his own knowledge.

Then the committee took these papers and set to work on them. I am abbreviating the recital as much as I can in order to try to state merely the substance of what was done. We did not want to employ handwriting experts at high pay to establish any side of this controversy or to prove or disprove the documents, but we wanted, if we could, to get experts who had no money interest in the matter and were not employed to represent any particular side. So we appealed to the Treasury and the Navy Department, each of which has competent experts on that subject, and they were quite ready to assign those experts to us. That was done, and the papers were submitted to them, and those two experts reported that, in their opinion, there was no doubt whatever that all of the signatures were

spurious in so far as they were able to compare them with genuine signatures.

We were able to obtain genuine signatures of President Calles with which to check the 35 documents purporting to be signed by him and a genuine signature of the Mexican Secretary of the Treasury; so that 38 out of about 45 of the signed documents were capable of check. We had a treaty, for example, on the files of the State Department which contained President Calles's signature and we were given six letters by Hearst representatives which they said contained the genuine signature of President Calles. Comparing the signatures on the documents with these seven standards of the genuine Calles signatures and the one of L. Montes de Oca, the Secretary of the Mexican Treasury, these two experts said there was no doubt whatever in their minds but the whole bundle were frauds and forgeries.

That conclusion was made known to the counsel of Mr. Hearst, representing him here in Washington; extracts of those opinions of the experts were read to Mr. Hearst's counsel, and they then asked the committee the privilege of having their experts, designated by them, to examine these papers and pronounce for the Hearst organization on their genuineness. The committee gave them that privilege, and turned the documents over to the three Hearst experts. For many days they spent long hours in a careful study of these documents, and finally, at the conclusion of this long study, the three Hearst experts agreed with the two experts selected by the committee that every one of these Calles and L. Montes de Oca papers was a forgery.

If the Senate wants to see their reasons for that I suggest that they refer to the last page of volume 3 of the testimony which lies on the desks of Senators. There is a folded sheet which contrasts three genuine signatures of President Calles with 3 out of the 35 of the forged signatures. The genuine signatures are the odd numbers, Nos. 1, 3, and 5; the spurious signatures are Nos. 2, 4, and 6. It does not require an expert, in our judgment—and I might say that I believe that all I am saying on this subject is the unanimous view of our committee—to pronounce those signatures clumsy forgeries.

For example, in every one of the genuine signatures of President Calles there are five loops or angles in the word "Elias." In every one of the forged signatures there are only four. In every one of the genuine signatures the "i" of the name "Elias" carries its dot or accent. In no one of the spurious signatures does that dot occur.

The difference in the concluding flourish of the name is obvious. The curve is exactly reversed in the spurious signatures.

The shaping of the letters is different. The final "s" of the name "Calles" is always carefully formed in the forged signatures. It is never carefully formed in the genuine signatures; and I could go on for half an hour pointing out these items of difference. Suffice it to say that all the experts and all the members of the committee unhesitatingly pronounced every one of these Calles signatures to be fraudulent.

The committee then devoted itself to a study of the seven "code" messages which were accompanied by their translations, and which purported to show—

Mr. NORRIS. Mr. President, may I interrupt the Senator there, before he leaves the signatures?

Mr. REED of Pennsylvania. Yes; I yield gladly.

Mr. NORRIS. Did the committee and the experts reach the conclusion that the forged signatures referred to were the work of the same person in all instances?

Mr. REED of Pennsylvania. No. There are two or three signatures of President Calles that are obviously made by a different person from the one who signed the great mass of the Calles documents.

Mr. NORRIS. How many of the forged signatures or documents of the President of Mexico were forged by the same person?

Mr. REED of Pennsylvania. Apparently 32 out of the 35 were forged by the same person. Three were apparently forged by an extremely illiterate person, or some one who wrote like a schoolboy. They were very poor; even poorer imitations than these that we have copied here.

Mr. NORRIS. What were those three?

Mr. REED of Pennsylvania. Those three were carbon copies of what purported to have been letters sent out from his office. All that purported to be the originals of letters signed by President Calles were apparently forged by the same person.

The committee next devoted itself to a study of these "code" messages which were pretended confirmations of messages sent from Calles or from the Minister of Foreign Affairs in Mexico City to the consul-general in New York. These confirmations were supposed to have been sent through the diplomatic

pouch. Each code message had pinned to it the pretended translation in plain Spanish of the code message, and they purported to show the confirmation of this spending of money and its payment to Senators.

One of the first suspicious things about those confirmations was that one of them, by its date, left Mexico City on the 17th of July, 1926, and was stamped received in New York City by way of the diplomatic pouch on July 20. As there was no air mail between those cities, that was an obvious impossibility. It might have been an error, but it was one of the things that attracted our attention.

Through the courtesy of the Navy Department we were given the assistance of the very efficient code and cipher experts in that section of the Navy Department. They worked all day and all evening for over 10 days on these seven messages. At the end of the 10 days they testified to us that the code messages were a meaningless jumble of letters, not susceptible of being broken down as a code, because it never was a code; that they were made by somebody who tapped away on the left-hand upper corner of the typewriter keyboard and used only eight letters of the typewriter for most of the code words. They said it was not a code at all; that it was mere nonsense; and that it bore no relation whatever to the purported translation in plain Spanish; and Commander Studle, the head of that section, testified that he had no hesitation in pronouncing them all to be fakes.

The committee then set itself to a study of the errors in spelling and in grammar and in punctuation and in accentuation that were apparent in the documents. They were full of errors. Some of them had upward of 100 errors in a single letter, misplaced accents, omitted accents, misspelled words, errors in punctuation, and what not.

If Senators will look at the table which appears at the conclusion of volume 3, on page 294, they will see some of the results of that study. The letters were numbered at the time of their presentation to us by Hearst, and those numbers are used throughout.

In the upper block on that table are given the numbers and the stenographers' initials of the letters coming from the different offices. That shows the offices from which the various letters came. The table in the left-hand column gives a few of the characteristic errors that run through this series. One of them that I myself thought was very significant was a mistake in the abbreviation for the Spanish word that means "you."

In Spanish, as in English, abbreviations usually end with a period. They do in all modern languages. The man who wrote these documents followed the abbreviation "ud." that stood for the word "usted" with a comma. The committee consulted seven different scholars of Spanish, most of them Americans in birth and in allegiance, and most of them did not know that we were consulting the others. They all told us that that error, for example, was an idiosyncrasy that would be very seldom met with. Not one stenographer in a thousand would make such an error as that. It was like abbreviating "Mister" to read "Mr." instead of "Mr." Yet we found, when we came to study the documents, that papers ostensibly coming from seven different Mexican Government officers, from 14 or more stenographers in two cities, all of them, wherever they used that word at all, contained that curious little error, indicating to our minds, when taken in conjunction with all the other errors which are listed here, and still others, that the same person operated the typewriter that made all of these documents. We had no doubt whatever but that that coincidence of error, running throughout these documents—and that is only one of several—showed that the same person had typed them, just as we think the same person had signed 32 out of the 35 forged letters of President Calles.

When we got that far, with the Hearst experts agreeing with our experts in handwriting that these were all a pack of forgeries, with the code experts testifying that the "code" messages were a mere jumble of nonsense, with this very significant coincidence of errors running throughout the documents, it seemed to the committee that we had pretty nearly solved the question of the genuineness of these papers. But we then subpoenaed the officials of all the cable and telegraph companies which carry messages between Mexico and New York. Their copies of cablegrams and telegrams back in 1926 have been destroyed, under the regulations of the Interstate Commerce Commission, but some of these telegrams were dated 1927, and no company could find in its files any copy or any record of any of the messages in the year 1927.

Many of the messages in 1926 related to the telegraphic transfer of money. The companies were unable to find—the records of that being still preserved—a record of any transfer of any

sum indicated in these telegrams, showing conclusively that no such messages ever passed over the cables or telegraph wires.

The committee then made some inquiries, but did not summon witnesses, because we thought the matter was already sufficiently proved, which tended to corroborate our conclusions.

For example, with the permission of the Mexican consul general we had his bank account in New York examined. There was absolutely nothing there to correspond with these supposed transfers of money to his credit back in 1926. We examined the watermarks of the paper, of course, and we made inquiries of the manufacturers of that kind of paper whether any sales had ever been made to the Government of Mexico. We have not had full reply from one of them; but the other one has made investigation from all of its jobbers, and says that with the exception of a few small lots sold to private printers in Mexico City they have not sold any in Mexico at all. The Government of Mexico never bought paper of that watermark.

Then we found, in this supposed ledger sheet, that Avila said he saw taken from the ledger in the controller general's office, an entry that showed a sale of \$30,000 worth of trucks, I believe, or automobiles of some description, by the Buick Motor Co. to the general staff of the President of Mexico. That company was very ready to help us make inquiries; and their representative in Mexico City, their agents in the border towns along the American frontier, their auditors at Flint, Mich., and their officers in New York, all say that to the best of their knowledge and belief no such sale was ever made and no such payment was ever made to them; and they said they thought they would know it if there had been any such sale or any such payment.

The committee did not feel justified in spending either the time or the money to bring in paper dealers from all these borders, or automobile agents from Mexico City and from along the border, nor did it feel justified in subpoenaing the production of the original ledgers of the New York banks, and the coming of all the clerks necessary to prove them. We were all convinced that these papers without exception are fraudulent, spurious, and, in so far as they purport to bear the signature of either President Calles or the Secretary of the Mexican Treasury, they are forgeries. We are further convinced, and so find, as appears in our report, that no Senator of the United States has accepted or has been promised or has been offered one penny of money or any other valuable thing by any official or representative of the Mexican Government; and we state that finding in as plain terms as we are able to make it.

There is not a scintilla of evidence to sustain the allegation or the imputation that any Senator was ever so much as approached in this matter by any representative of Mexico.

Perhaps the Senate will bear with me if I say just a word in conclusion. This is the most flagrant case of the sort that has happened since I have been in the Senate; but, as we all know, over and over again charges of this kind against all of us or any of us are whispered around, and often never reach the light. I dare say that our votes are sold without our knowledge over and over again, and that the people who are disappointed by our votes are only too ready to attribute to us a corrupt motive. It seems to me that this disclosure, this obvious fraud, which has been brought out into the light and shown to all the world to be a fraud, rather points the way for our handling of similar charges in the future, that in justice to ourselves and to one another this kind of thing ought to be made public as soon as we hear it, and that the Senators themselves who are mentioned in such charges as this are entitled to know it, and are not helped by the suppression of such stories, however we may feel certain when we suppress them that there is not a word of truth in them. In other words, I believe that the sooner these things come to the light the sooner their falsity and fraud are shown.

In conclusion I want to say, Mr. President, that we do not ask for the immediate discharge of the committee. We hope that we shall find out who made these forgeries, who typed them, and who signed them, and if we can find that out we would like to be able to report that to the Senate.

Mr. NORRIS. Mr. President, before the Senator sits down I would like to ask him a question or two, if he will permit.

Mr. REED of Pennsylvania. Gladly.

Mr. NORRIS. As I understand it, Mr. Hearst, during all of this investigation, was represented before the committee by an attorney?

Mr. REED of Pennsylvania. I think at every session.

Mr. NORRIS. Am I correct in drawing the conclusion from what the Senator has said that neither Mr. Hearst nor his attorney made any attempt to have experts of their own examine these signatures and these documents until after Mr. Hearst's attorney had been informed by the committee that the com-

mittee's experts had examined them and reached the conclusion that they were all fraudulent?

Mr. REED of Pennsylvania. My recollection is that I told both of Mr. Hearst's lawyers that we had had these examined, and stated what our experts said before they made any suggestion of having their experts examine them.

Mr. NORRIS. So that no attempt was made by Hearst or any of his representatives to have these documents examined by experts, as far as the committee knows, until after they had been informed that the committee had employed experts, and that they had made an examination and reached the conclusion that they were fraudulent?

Mr. REED of Pennsylvania. So far as I know, that is correct.

Mr. NORRIS. I would like to ask the Senator another question; and inasmuch as the committee, from the chairman's statement, have not concluded their labors, I might be asking the Senator to disclose evidence not yet adduced, and if he is not perfectly willing to answer on account of the fact that there may be reasons why he does not want to give the information, if he declines to answer the questions I will not be at all offended. I presume the committee must have reached the conclusion, from the vast amount of forged evidence which has been disclosed, that some of the witnesses orally testifying before the committee have committed perjury?

Mr. REED of Pennsylvania. I can not make it as strong as that. There was a suspicious coincidence between the sample letter which we had Avila write on the typewriter, without warning and the typewriting of these letters in question, but the resemblance was not so great that I should say with conviction that Avila testified falsely. Frankly, I suspect him, but I have not enough evidence to convict him in my own mind.

Mr. NORRIS. I want to ask the Senator about the other representative of Mr. Hearst, by the name of Page. Did his testimony, and the evidence disclosing his activity, show him to have occupied a position beyond and above suspicion?

Mr. REED of Pennsylvania. No. Mr. Page made one statement in answer to questions by Senator ROBINSON and myself that I for one believed to be false. He testified that he had bought or received a letter purporting to have been written by Senator LA FOLLETTE to President Calles; that he got it from a Mexican newspaper man, whose name and appearance he has wholly forgotten, although he remembers meeting him four times in rapid succession in connection with the incident. The letter has nothing to do with this file. It was a letter which was sent up to the Public Ledger and they found it to be an obvious fake. I think—and it is only my opinion—that Page testified falsely when he said he did not remember from whom he got that so-called La Follette letter.

Mr. NORRIS. The Senator is a lawyer of ability and experience, as everybody knows, and I would like to ask him if, in his judgment, it is not apparent from other evidence known to be true in the case that in all human probability Mr. Page in that respect did commit perjury?

Mr. REED of Pennsylvania. No; I can not make it so strong as that.

Mr. NORRIS. Can the Senator conceive of a man in an important matter of that kind, which he himself said was so hot that he could not send it through the mails, getting that kind of a letter connecting up a United States Senator and the President of another country, and then going back to see that man three or four different times—

Mr. REED of Pennsylvania. Four times in all.

Mr. NORRIS. Four times in all. Does the Senator think he would forget who he was and not be able to tell his name or describe him?

Mr. REED of Pennsylvania. I did not believe it; but I do not believe you could convict him of perjury on my disbelief without any confirmatory evidence.

Mr. NORRIS. The Senator is unprejudiced, and if the Senator is convinced that the man is guilty of perjury, why would it not follow that other men, including jurymen, would feel the same way? I do not care to go into that, however.

I want to ask the Senator if there were produced in evidence the newspaper articles that were published in the Hearst papers, written by Page and published from day to day, as these forged documents were likewise published? Did the Senator examine those articles written by Mr. Page?

Mr. REED of Pennsylvania. I examined some of them. I do not remember any particular significance in them.

Mr. NORRIS. I want to ask the Senator if it is not true that if you would discard all evidence of every kind except the documents referred to by Page, and the articles written by Page, you would have to reach the conclusion that they were at

least unfair and unjust, and that his assertions from day to day were not borne out by the forged documents he was publishing from day to day?

Mr. REED of Pennsylvania. I did not pay much attention to Page's running commentary on these papers. I thought that was relatively unimportant.

Mr. NORRIS. It might be, standing alone; but it might be of considerable importance taken in connection with the other evidence. Page was the man who, prior to his employment by Hearst, in behalf of the Philadelphia Public Ledger, sent the forged letter that is supposed to have been written by a Senator to Calles?

Mr. REED of Pennsylvania. Yes.

Mr. NORRIS. I want to ask the Senator if it did not appear in evidence that Page himself, by a letter written to Senator LA FOLLETTE, admitted over his own signature that what he was sending up to the Ledger, which, at the time he sent it, he said was too hot to go through the ordinary mails, was a forgery? Was not that letter offered in evidence?

Mr. REED of Pennsylvania. I am not sure whether it was offered in evidence. It was produced at the hearing. I do not recall whether in that letter Page admits it was a forgery or not, but he admitted it elsewhere. He does not contest the fact at all.

Mr. NORRIS. That occurred before he secured the forged documents in this case from Avila?

Mr. REED of Pennsylvania. That is correct.

Mr. NORRIS. So that he had had some experience, and he had some notice that forged papers in reference to the President of Mexico and a Senator of the United States were in circulation?

Mr. REED of Pennsylvania. That is correct.

Mr. NORRIS. He knew that before he got the Hearst papers?

Mr. REED of Pennsylvania. That is correct, and it ought to have put him on warning.

Mr. NORRIS. I want to ask the Senator about the testimony of Mr. Hearst. The Senator has stated that Mr. Hearst testified that he had made diligent search, or words to that effect, to ascertain whether these signatures of the President of Mexico to these documents were genuine.

Mr. REED of Pennsylvania. Oh, no; I did not mean to say that. Mr. Hearst, so far as I understand it, made no inquiry at all. He says he directed other people to do it.

Mr. NORRIS. Yes; I am corrected; that is the way the Senator stated it. What direction did he make? Did the committee ascertain that?

Mr. REED of Pennsylvania. We found out what was done, and that is what I tried to explain to the Senate. They put Avila to work to corroborate himself.

Mr. NORRIS. Did the Senator reach the conclusion that Mr. Hearst himself, in fact, made no effort to ascertain whether these were genuine or forged documents?

Mr. REED of Pennsylvania. I think I would call it an effort to instruct his editors to verify them if they could. The Senator wants me to characterize Hearst's actions in this matter and I am perfectly frank about it and I do not hesitate to do it. I think that in dealing with the reputations of four Senators of the United States and in dealing with such terrible charges against them as these papers contain it was incumbent on Mr. Hearst to exhaust every effort to establish their genuineness before he printed them. I do not think he did exhaust every effort. He turned the matter over to two trusted editors, or managers, whom he employed, and he seems to have left the whole thing to them.

Mr. NORRIS. I would like to ask the Senator whether, as a matter of fact, from the evidence, he thinks any real effort was ever made by Hearst or any of his representatives to ascertain whether these were forgeries or not?

Mr. REED of Pennsylvania. Oh, yes. They say they took them to the American Embassy.

Mr. NORRIS. But they do not say that the American Embassy said they were genuine?

Mr. REED of Pennsylvania. They said that the counsellor of the American Embassy glanced at them and said, "They look all right to me," or words to that effect, "They look genuine to me"; but they do not pretend that he made any careful study of them.

Mr. NORRIS. Did they ever submit them to experts or any-one of that kind?

Mr. REED of Pennsylvania. Not until after we did.

Mr. NORRIS. As I have read the evidence, and the Senator is more familiar with it than I am, I am unable to find anything that Mr. Hearst ever did except give that general direction to his employees, and one of them was Page—

Mr. REED of Pennsylvania. One of them was Victor Watson and the other was Coblenz, I think. I forget his first name.

Mr. NORRIS. As a matter of fact, they have not done anything except the little things the Senator has narrated, and undoubtedly Hearst knew that they had not done anything. Did he ever make any inquiry, even of those whom he was directing to look the thing up, as to whether they had done anything or not?

Mr. REED of Pennsylvania. I do not recall whether any such inquiry was testified to by anybody. What they did, as I have said, was to put Avila to work to try to steal something from the office in New York to corroborate what he said he got in Mexico. That was all he did, so far as I know.

Mr. NORRIS. If there was some dirty work, Avila had probably done it, and in order to corroborate Avila's dirty work, they employed Avila to do some more dirty work, it seems to me.

I will ask the Senator whether any of the officials of any of the telegraph companies were subpoenaed to get copies of any telegrams which might have passed between Avila and Page, or Hearst and Avila, or Hearst and Page, or any of them?

Mr. REED of Pennsylvania. No; we made no effort to do that.

Mr. NORRIS. You made no effort to do it?

Mr. REED of Pennsylvania. No.

Mr. NORRIS. Mr. President, in this connection I desire to have printed in the RECORD an editorial appearing on Monday in the Washington Daily News, which was taken from the Los Angeles Times of January 6.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"THE CONFESSIONS OF HEARST"

Amazing as they were, the previous admissions of William Randolph Hearst of his recent reckless irresponsibility in the publication without substantiation of documents purporting to show that Mexico was plotting with other nations against the peace and safety of the United States pale into insignificance beside the confession which he has just caused to be made a part of the record of the Senate committee named to investigate his charges.

Faced with the imminent official declaration by the committee that these documents are wholesale forgeries, proven by overwhelming and irrefutable evidence, the publisher rushed before the committee with testimony of experts, only now hired by himself, to the effect that the "secret Mexican Government records" which he has so long blared to the public as unqualifiedly genuine and authentic, are in fact impudently spurious.

The annals of yellow journalism will be searched in vain for anything remotely approaching a parallel to this performance by Hearst. Beginning about the middle of November and continuing daily for more than a month, the 25 newspapers owned and directed by Hearst published daily under frantic scare heads and in whole pages of large type articles of the most inflammatory character declaring the Hearst papers to be in possession of records taken from the official Mexican archives showing that that country was engaged in sinister plots with Nicaragua, with Japan, and with Russia against the United States and against American interests in general.

Nowhere in these records, embellished with photostatic reproductions of the "records" and exploited in the most sensational fashion possible to Hearst experts in sensationalism, was there the slightest proof of the charges, no hint of any possible doubt as to their authenticity, no suggestion that investigation might disprove them, no opportunity given any of the prominent men accused to deny the allegations against them or defend themselves. On the contrary, the assertion was iterated and reiterated in the Hearst news and editorial columns that the documents were authentic and that they revealed conspiracies of the gravest possible character against the United States.

The climax came when the Hearst papers, on the strength of more "records," accused four United States Senators of being in the secret pay of the Mexican Government in furtherance of those "plots" and published documents to show that the Mexican Government had set aside an enormous sum of bribe money to be paid these Senators in return for their "services."

The United States Senate moved immediately to investigate these growing charges of infamy. A committee of Senators was named to take the evidence and Hearst was invited to submit proof of his charges.

From the beginning of the inquiry the utterly groundless character of the Hearst allegations became daily more apparent. Not a scintilla of evidence was produced from any disinterested source to establish the authenticity of the charges. Called before the committee and questioned with specific regard to his accusations against the four Senators, Hearst himself testified that he had made no investigation of the charges before publishing them in his newspapers, that he had asked none of the four Senators about it or given them any opportunity to be heard, and that he had no evidence indicating that any Senator had

received such a bribe, and that he did not believe the charge himself when he published it.

Staggering as was this admission of journalistic depravity, it was still to be outdone by Hearst himself. As the hearing proceeded and evidence piled up of the spurious character of the Hearst documents and their venal source, with no testimony whatever to support their authenticity, the outcome became so obvious as to forewarn the publisher of the impending disaster to himself and his papers through complete and official exposure of his unscrupulous attempt to embroil the United States with friendly nations.

In this desperate situation he took the only course which appeared to him possible to save something of the wreck of his journalistic reputation. He anticipated the inevitable by admitting it himself, thereby hoping for the crumb of mercy accorded to the confessor. He hired handwriting experts who, at his behest, appeared before the committee and testified that the documents were forgeries.

This investigation and confession, by and for Hearst, was made seven weeks after the Hearst papers began publication of the documents and three weeks after the last of them had been printed and the Senate committee had begun its inquiry. This despite the fact that Hearst himself admitted he had had the documents in his possession prior to their publication for a period sufficient to have had them experted by handwriting authorities ten times over. This despite the fact that during their publication their authenticity and the truth of their charges daily had been categorically denied by every official and prominent citizen whom they accused—denials so impressive as to give any honest newspaper publisher, whatever his own faith in the charges, pause in which to recheck and investigate.

It is now proven that not only was there no such recheck and investigation by Hearst papers, but there was never any check or investigation in the first place. The testimony of Hearst himself and of his editors before the Senate committee established that Hearst did not hire his handwriting experts until long after all the forged documents had been published; that at the time this testimony of the publisher and his agents was taken by the committee this experting had not been done nor was ever intended. It was not done, in fact, until Hearst was driven into a corner and forced to any expedient to try to save himself some shred of journalistic ethics.

The complete absence of anything approaching good faith even in this eleventh-hour confession of desperation is shown by the fact that on the morning of the day Hearst's handwriting experts were to appear before the committee Hearst issued signed instructions to the editors of his own newspapers to abandon all attempts to establish the authenticity of the documents—this in the face of the testimony before the committee of some of these editors and of Hearst himself that they "believed" them authentic.

On what such a "belief" could have been predicated does not appear. All the sources which the Hearst experts belatedly used in determining the fraudulence of the documents were available before their publication and with months in which to employ them. Genuine signatures of President Calles and of other Mexican officials were on file in Washington, available for the same comparison by which the Hearst agents now find to be forgeries the purported signatures of the Mexican President on the published documents. The comparisons that showed that letters purporting to have come from half a dozen different Mexican Government departments were all written on the same typewriter could have been made as readily before their publication as afterwards. There is no part of the Hearst inquiry into the genuineness of the documents he exploited which was not as practicable before as after their exploitation.

That Hearst did not want an investigation in advance of publication which would have proved the falsity of the documents and prevented their publication is obvious to the most simple-minded. That he would never have had it made, save as a final and desperate gesture of "good faith" in his extremity, is equally apparent. To those familiar with his long record of personal and journalistic animosity against Mexico and Japan and his methods of satisfying his grudges, his real motives need no explanation. That he deliberately imperiled the friendly relations of the United States with other nations with blatantly exploited uninvestigated charges of the gravest nature meant nothing to him.

It is a black record, the blackest in American journalism, the most gross abuse of the right of a free press in this or any other country's history. To call his proven fakes inflammatory is to understate their tenor. They accused a neighbor country of repeated acts of war; accused Japan of plotting against the peace of the United States; they accused the United States Senators of treason; they accused dozens of high and reputed officials and prominent citizens of the blackest of crimes against patriotism; all without investigation, equivalent, or mitigation.

Now, he appears, and facing the consequences of his wanton efforts to deceive the public and to force a grave international crisis, Hearst says he is sorry but there does not appear to have been any basis for his charges after all.

The new California plea of "not guilty because of insanity" seems to be the only one he can make under the circumstances.

Mr. ROBINSON of Arkansas. Mr. President, I do not intend at this point to attempt a discussion of the evidence which the select committee of the Senate has taken and reported to the Senate. I concur and all members of the committee concur in the report. My purpose now is to give emphasis to the statement of the chairman of the committee that there is no contradiction in the evidence upon the main conclusion that the documents are forgeries.

While I have no authority to speak for Mr. Hearst or for anyone who represents him, and do not assume to do so, I am convinced that Mr. Hearst himself and everyone who appeared before the committee representing him now feels assured that the documents, which it is said were obtained from the files of the Mexican Government in the City of Mexico and from the files of the Mexican consulate in the city of New York, are in fact clearly forged and not genuine.

The Senator from Nebraska [Mr. NORRIS] asked the chairman of the committee a question as to whether Mr. Hearst or his representatives exercised precaution to determine their genuineness before publishing the documents. I think a fair construction of the record discloses beyond a shadow of a doubt that while Mr. Hearst believed the documents to be genuine there was no such investigation made of them as their nature and the purpose to publish them if genuine required. I think the natural course to have pursued in connection with the documents, taking into consideration the facts and circumstances under which it was claimed they had been procured, was to submit them to men of experience in determining the genuineness of documents; and if that precaution had been taken, they would never have been published and this investigation would never have been made necessary.

I wish to emphasize, and I want the country as well as the Senate to know, that when a proper study of the documents was made it became clear beyond the shadow of a doubt that they were forgeries. If anyone will take the trouble to read the record, the conclusion will be reached that not only are they forgeries but that the forgeries were poorly executed.

I do not intend now to characterize the practice which has become too common in American newspapers and in some American magazines of recklessly assailing the integrity of men in public positions. This ought to be a lesson to those who quickly lend their ears to rumors assailing the character of men in office who do not agree with them. Such incidents as this are discreditable to any publicity agency.

Mr. HEFLIN. Mr. President, I wish to give notice that on next Wednesday morning, January 18, following the routine morning business, I shall address the Senate upon the subject of the Hearst scandal.

BILLS INTRODUCED

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

By Mr. SHORTRIDGE:

A bill (S. 2462) to amend the military record of John F. Walker; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 2463) to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926; to the Committee on Military Affairs.

By Mr. NORBECK:

A bill (S. 2464) granting an increase of pension to Margaret Seward (with accompanying papers); and

A bill (S. 2465) granting an increase of pension to Betsey Smith (with accompanying papers); to the Committee on Pensions.

By Mr. MAYFIELD:

A bill (S. 2466) to amend the act approved March 3, 1911, to codify, revise, and amend the laws relating to the judiciary by limiting the duration of the administration of a corporation and its property; to the Committee on the Judiciary.

By Mr. TYDINGS:

A bill (S. 2467) for the relief of William P. Flood; to the Committee on Claims.

By Mr. GEORGE:

A bill (S. 2468) for the relief of John A. Woods; to the Committee on Finance.

By Mr. McNARY:

A bill (S. 2469) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 2470) granting a pension to Anna C. Kelley; to the Committee on Pensions.

A bill (S. 2471) for the relief of the owner of the American steam tug *Charles Runyon*; and

A bill (S. 2472) for the relief of the city of New York; to the Committee on Claims.

By Mr. JONES:

A bill (S. 2473) for the relief of Will J. Allen; to the Committee on Claims.

A bill (S. 2474) amending the fifth paragraph of section 10 of the act entitled "An act to amend existing laws relating to internal revenue, and for other purposes," approved March 2, 1867; to the Committee on Finance.

A bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression; to the Committee on Commerce.

By Mr. TYSON:

A bill (S. 2476) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the La Fayette-Celina road in Clay County, Tenn.;

A bill (S. 2477) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.;

A bill (S. 2478) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Decatur-Kingston road, in Roane County, Tenn.;

A bill (S. 2479) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Jasper-Chattanooga road, in Marion County, Tenn.;

A bill (S. 2480) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road, in Knox County, Tenn.; and

A bill (S. 2481) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Lebanon-Hartsville road, in Wilson and Trousdale Counties, Tenn.; to the Committee on Commerce.

By Mr. KING:

A bill (S. 2482) for the relief of the White River, Uintah, Uncompagre, and Southern Ute Tribes or Bands of Ute Indians, in Utah, Colorado, and New Mexico; to the Committee on Indian Affairs.

By Mr. DENEEN:

A bill (S. 2483) to extend the time for the construction of a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa, at or near the city of Savanna, Ill.; to the Committee on Commerce.

A bill (S. 2484) granting an increase of pension to Ernest L. Ferren; and

A bill (S. 2485) granting a pension to Electa Johnson; to the Committee on Pensions.

A bill (S. 2486) to extend the benefits of the United States employees' compensation act of September 7, 1916, to William Horton Brown;

A bill (S. 2487) for the relief of Emory S. Hall; and

A bill (S. 2488) to authorize the Comptroller General of the United States to relieve James O. Williams, former special disbursing agent of the Bureau of the Census, in the settlement of his account; to the Committee on Claims.

By Mr. BROOKHART:

A bill (S. 2489) to amend section 4 of the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. McKELLAR:

A bill (S. 2490) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; to the Committee on Commerce.

By Mr. WAGNER:

A bill (S. 2491) granting an increase of pension to Mary Ellen May (with accompanying papers); to the Committee on Pensions.

By Mr. RANSELL:

A bill (S. 2492) granting a pension to Tom Brooks; to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 2493) to grant certain public lands to the State of Minnesota for perpetual use as a public park; to the Committee on Public Lands and Surveys.

By Mr. WARREN:

A bill (S. 2494) granting an increase of pension to Sarah E. Carver (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 2495) granting an increase of pension to Julia A. Martin (with accompanying papers); to the Committee on Pensions.

HOUSE BILL REFERRED

The bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

INVESTIGATION OF NAVAL OIL RESERVE LEASES

Mr. NORRIS. Mr. President, I have had called to my attention by the financial clerk the statute which we passed which provides that in all investigations ordered by the Senate the expenses of which are to be paid out of the contingent funds, there shall be a limitation in the resolution authorizing the investigation. In the resolution providing for a renewal of the investigation of the naval oil reserve leases and extending the original resolution there is no such limitation, and the original resolution which passed before the law to which I have referred was enacted. Therefore, in order to comply with that technicality, I ask unanimous consent to submit and have referred to the Committee to Audit and Control the Contingent Expenses of the Senate a resolution providing a limitation on the expenditure which may be incurred.

The VICE PRESIDENT. Does the Senator from Nebraska desire to have the resolution acted on at this time?

Mr. NORRIS. It will first have to go to the committee and be reported, but the committee have seen it and are ready to report it back, so it might just as well be read now.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 108), as follows:

Resolved, That the cost of continued and renewed investigation authorized by Senate Resolution No. 101, agreed to January 9, 1928, shall not exceed \$25,000.

Mr. DENEEN. Mr. President, I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably without amendment the resolution which has just been read, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was considered and agreed to.

PENAL CODE OF THE CANAL ZONE

On motion of Mr. WALSH of Montana, the bill (S. 1256) to amend the penal code of the Canal Zone was taken from the calendar and referred to the Committee on Interoceanic Canals.

SOME RAILROAD HISTORY

Mr. BLEASE. Mr. President, I have here an editorial from the Belton (S. C.) News in reference to "A little bit of railroad history," which I ask permission to have printed in the RECORD.

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

The editorial is as follows:

Two weeks ago we published on the front page in the first column and a half free of all charge the carefully prepared statement of the general counsel and first vice president, Mr. L. E. Jeffries, giving it the most prominent position in our paper.

The statement was brought to us by special messenger, who stated that it had been approved by the president of the Southern Railway Co., Mr. Fairfax Harrison, and that President Harrison had sent him to us with it.

We understand that these two officials of the Southern Railway Co. are paid something like \$50,000 per year salary by that railroad corporation, as experts learned in the law, the history of transportation, and otherwise thoroughly familiar with the entire railroad "complex," historically, theoretically, and practically.

The first and opening sentence, like every other sentence in that carefully studied and subtly concocted statement, is a tissue of falsification of railroad history in this State, and a frightful, slanderous defamation on South Carolina and her great sons, like Robert Y. Hayne, E. L. Miller, Rene Goddard, Colonel Cross, David Ernst, George McDuffie, John C. Calhoun, and all those great South Carolinians, who, in the days of the internal improvements craze of the eighteen hundred and twenties and eighteen hundred and thirties opposed the wild turnpike, plank roads, and canal schemes that simply wrecked other States, and stood out against all such projects and fought for and started steam railroad building here.

The opening sentences of the statement declares: "There were few, if any, railroads in the State of South Carolina in the eighteen thirties and eighteen forties. * * * The legislature was endeavoring to induce capital to invest its money in the State," etc. That is pure, unadulterated fiction, and for a subtle purpose. That is a slander that South Carolina newspapers should refute instead of publish and commend. The historical facts are that as early as 1821 Robert Y. Hayne advocated in the press of the State and in public speeches the building of steam railroads as the and the only solution of not only our State's but the Nation's needs, and bitterly assailed from time to time the wasting of money upon turnpikes, plank roads, canals, and the like, with the result that in 1832 South Carolina had the longest-operated steam railroad in the world, as our legislature had incorporated January 30, 1828, the Charleston & Hamburg (Augusta) Railroad Co., that gave South Carolina not only the longest steam railroad in operation but also the first railroad in the United States using steam locomotive power from the beginning.

In 1830, when there were only 23 miles of railroad in the United States, more than 12 miles of this one steam railroad in South Carolina was in operation, carrying freight, passengers, and the United States Government Post Office files show it was the first steam railroad to carry the United States mails. The road was built entirely by South Carolinians with capital and money raised in this State, and what is more, one of the engines, the "Best Friend," was the first steam locomotive ever built in the United States and was designed and assembled by Mr. E. L. Miller, of Charleston, S. C. The event of the completion of the Charleston & Hamburg Railroad to (Augusta) Hamburg, 136 miles in length, is referred to in May, 1833, in the Charleston Mercury in part as follows:

"The Charleston & Hamburg Railroad is the greatest extent of steam railway line in consecutive miles in any part of the world."

And yet modern Munchausens, like the authors of the Southern Railway statement we published and that has been mere or less published by the newspapers of this State, and who draw down salaries of \$50,000 per annum as railroad experts in railroad finance, practical operation, railway science, law, and public service, proceed to tell us that we had no railroads then and try to lead an unsuspecting and confiding public here to believe that we and our legislature induced them to bring their capital and money here to get us to market and to give us the transportation necessary to get us out of the "sticks." And a paper almost at the door of Old St. Michael's Church in Charleston proceeds to commend editorially that defamation on the State of South Carolina, and one of the greatest of Americans, Robert Y. Hayne, who gave his life for railroad promotion, and who and whose generation, when it came to writing the sum total of all this great man did for his State, his Nation, and his fellow men, even after he had been the one Member of the United States Senate, selected by his colleagues as the constitutional lawyer to successfully engage Daniel Webster in that brilliant debate on the expressed, reserved, and compromised powers of the Constitution which it took a war between the States to settle; after he had been the first mayor of Charleston; after he had been a Member of both branches of Congress and our State legislature, serving as speaker of the house in the latter; after he had been attorney general and governor of our State, he wished and his people recorded this on his pedestal now in Old St. Michael's Church as the most important lesson from his most valuable and useful life:

"His last public service was his effort to open direct railroad communication with the vast interior of our continent."

The history of our State and of our country records that Robert Young Hayne was the first man to suggest not only in South Carolina but in the United States, steam railway transportation as the solution of the Nation's need, commercially, economically, socially, and politically. As early as November 22, 1821, the Charleston Gazette published his letter, reading in part: "Mr. Editor, having seen a specimen of a patent railway, I believe the plan would be useful in this State. The season for discussing the great subject of internal improvement has arrived and this may add to the materials."

With this letter the Gazette published the "specimen" or specifications of the "patent railway," proposing not the horse-drawn tramway of Massachusetts, or the sail-horse pulled one of Maryland, or the horse-stationary engine road of Pennsylvania but steam as a locomotive power. Robert Y. Hayne and others continued to advocate steam railroads and oppose canals, plank roads, turnpikes, and the like, with the result that they raised in this State the money and built the Charleston & Hamburg Railroad, 136 miles in length, from Charleston to Hamburg (Augusta), and in 1832 had a comprehensive system of railroads planned and partly built, including a railroad through Spartanburg, Asheville, Knoxville to Cincinnati and Louisville, called the Louisville, Cincinnati & Charleston Railway Co., incorporated in 1832 by our State legislature, and of which Robert Young Hayne was president until his untimely death, in 1839, at the age of 47, in Asheville from overwork as president of this then the longest proposed railway in the world.

Robert Y. Hayne's advocacy of connecting South Carolina with the Mississippi and Ohio Valleys had in view not only winning the West

for the Nation but winning it for slavery and the South. He was not merely a railroad promoter or mere railroad builder, big as such men were and overshadowed as completely as they do some of these modern overpaid railroad lawyers and officials, who can not see beyond the pocketbook nerves of their bondholders; but he was a statesman with a vision, and he pointed out at a big railroad convention he called, and over which he presided, which was attended in Knoxville by 380 delegates from all parts of the Middle West and the South, and which resulted in Cincinnati and Ohio building, with the help of Kentucky and Tennessee, the railroad now owned by that city and leased by the Southern Railway Co., that not only would such a railroad open up the West to the South and give the West the market needed for its development and prosperity, but it would be the "means of healing the (slavery) breach so deep and wide between the South and the West." If the valleys of the Ohio and the Mississippi Rivers were linked to the Atlantic Ocean, he argued, by way of Charleston, that vast section of the United State might become friendly to slavery through the "potent influence of understanding."

In his address as presiding chairman he said nothing about slavery, but the approaching war between the States over that unsettled and compromised question in the Constitution of the United States was the "urge" back of the tremendous and successful effort he made to win the delegations for steam railroad transportation when he pictured that a railroad from Charleston to Cincinnati and Louisville would prove a "controlling and permanent influence on the peace and perpetuity of the Union by practically increasing the reciprocal dependence of the North and South, by establishing business, promoting friendships, abolishing prejudices, creating greater uniformity in political opinions, and blending the feeling of distant portions of our country into a Union of heart," as well as of commerce, agriculture, religion, culture, and transportation.

And what a pity it is in these days of the Nation's greatness, when all the world looks to us for example, that there are not at the head of the present great Southern Railway system, made possible by the constructive railroad building, public good will, and statesmanship, patriotism, and foresight of that railroad and nation builder and pioneer, Robert Young Hayne; what a pity there are not now at the head of this great railway system real men like Robert Young Hayne and all those other South Carolinians, who "in the eighteen thirties and eighteen forties" had already built and planned more steam-railway mileage and had more in operation as early as 1832 than there was in the rest of the world, to carry on that splendid work with a decent regard for the people and the public, and devoting their energies and efforts to increasing the efficiency of the great trust they hold, instead of being engaged in pettifoggery, sharp practice, and in blocking road improvement and our industrial progress, maligning the names of real railroad men like Hayne, Miller, Calhoun, and others, and defaming the fair name of this splendid State of South Carolina, which has always been first in any worthy service, whether it be railroad building, character building, or nation building.

Let us repeat, what a pity it is that there are not at the head of the great Southern Railway Co., which would have little mileage were there subtracted from its present 6,874 miles the railroads built or planned in the "eighteen thirties and eighteen forties" by men like Hayne, Calhoun, Miller, Butler, Noble, Frenau, McDuffie, Law, Murray, Taylor, Shannon, Wait, Ford, and other South Carolinians, who not only planned and built, but supplied and raised the money right here in our own State for more than their part of most of what constitutes to-day the Southern Railway system, in spite of Mr. Jefferies's allegation there were no railroads in South Carolina "in the eighteen thirties and eighteen forties," and we were begging for men and capital to come here and build railroads.

Hayne, Miller, Calhoun, McDuffie, and all his corailroad pioneers knew what it was to serve their fellow men as well as their bondholders. They would not have served certain stock gamblers now engaged in "manicuring" the Southern Railway Co., and who have within the last three years manipulated the common stock from around \$15 a share to \$150 a share, increasing tenfold the value of the \$130,000,000 worth of common stock, not one penny of which represents original railroad construction, and on which during the past three years these Wall Street gamblers have caused to be paid out of freight rates and passenger fares dividends recently increased to 8 per cent, apparently with a view to ultimately unloading their holdings, as time runs along, upon the investing public, composed largely of widows, orphans, and aged persons, pinching off in the effort to pay excessive dividends every possible penny and piece of property.

Our suggestion is that if the present "changed" policy of the heads of the Southern continues there be both a congressional and a State legislature investigation into the whole situation, covering not only the Wall Street manipulation of its common stock, the increasing of dividends from nothing to 8 per cent, but also the efforts of its present officers to beat down taxes, secure high valuation for rate basing, and otherwise take advantage of the public. Here is real opportunity for young men of courage and honest purpose to serve their State and country by getting into politics, becoming members of our legislature, making this a real live issue, and, like Portia, seeing to it that Shylock gets his pound of flesh—no more, no less, and nothing but flesh.

HENRY A. BELLOWES

Mr. DILL. Mr. President, a few days ago it was asked that the joint resolution S. J. Res. 55 be taken up for immediate consideration, it providing for the payment to Mr. Henry A. Bellows of the salary that would have been due him had he remained on the Radio Commission and been confirmed. I asked that it go over, because I wanted to ask Mr. Bellows certain questions in the hearings then being held by the Interstate Commerce Committee. I am satisfied with the replies to my questions. I would, therefore, like to ask unanimous consent to call up that joint resolution and have it passed in order that he may receive his pay.

Mr. BORAH. What is the resolution?

Mr. DILL. It is a joint resolution providing to pay to Mr. Henry A. Bellows, who formerly served on the Radio Commission and who resigned, the salary that would have been due him had he remained on the commission and been confirmed.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Senator from Washington asks unanimous consent for the present consideration of Senate Joint Resolution 55. Is there objection?

Mr. BORAH. I do not know that I exactly understood the Senator. Is this to pay the gentleman for the time he actually served?

Mr. DILL. Yes; for the time he actually served.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. COPELAND. Mr. President, what about the other commissioners? Do we make provision for their pay?

Mr. DILL. A report as to their confirmation has not yet been made by the committee.

Mr. COPELAND. And if they are confirmed they will be paid?

Mr. DILL. Oh, yes; certainly.

Mr. KING. Mr. President, may I ask the Senator whether the evidence before the committee indicates that the commissioner in whose behalf the joint resolution has been offered favored the Radio Trust in the allocation of wave lengths, or whether his conduct was fair to all the public and those seeking licenses to operate radio stations?

Mr. DILL. That is a rather difficult question to answer fully, but I want to say, in justice to Mr. Bellows, that he was one of the most industrious members of the commission. The commission had no money with which to operate. It took charge of the situation and did the best it could, and while I did not approve and do not approve some of the actions of the commission in which Mr. Bellows concurred, I believe he was honest in his efforts, and I believe that having given his time to the work, that he is entitled to his pay. As to whether or not he has favored the so-called Radio Trust is a question upon which men might differ. I may say that the commission have not granted any licenses for broadcasting to exceed 90 days, so that the radio situation is not permanently tied up in favor of the so-called Radio Trust or anybody else. The commission are still free to allocate wave lengths and to change any station and to make any disposition of wave lengths that they may see fit on the expiration of the 90-day period. That, I think, must be said in their favor, whatever may be said in criticism of their other actions.

Mr. KING. May I say to the Senator that he must be aware of the fact that numerous complaints have been received from persons residing in many parts of the United States against the conduct of the commission. Statements have been made by those persons to whom I refer that they have been discriminated against and that the Radio Trust, if there is a trust, has been favored and a policy pursued which tends to fasten the Radio Trust upon the country to the disadvantage of the public and those who seek an opportunity for legitimate broadcasting.

Mr. DILL. The term "legitimate broadcasting" is generally interpreted by every man who has a broadcasting station to suit his own needs and wishes. There has been much criticism and I myself believe that some of the criticism is justified. It does seem that the stations of the Radio Corporation, and affiliated stations, have been given more readily what they desire and other stations have been handicapped and shifted to other wave lengths and had their power cut. But I repeat that the broadcasting situation is not closed. Radio Corporation stations or any other set of stations are not in complete control of the air, and I believe these members of the commission are honestly striving to work out these problems in the interest of better radio service. If Mr. Bellows's case were up for confirmation I might discuss more in detail the policies of the commission, which I will probably do when those cases come before the Senate. But I believe that Mr. Bellows is entitled to pay for the time he served.

Mr. COPELAND. Mr. President, may I ask a further question of the Senator?

Mr. DILL. Yes.

Mr. COPELAND. Was the nomination of Mr. Bellows confirmed?

Mr. DILL. Mr. Bellows's nomination was not confirmed. Mr. Bellows served from his appointment in March until, I think, sometime in October or November—I am not certain—but he resigned from the commission, so he states, because he had no money with which to continue in his position. He was receiving no salary and he felt that he could not make any further sacrifices. He has gone back to work for the station for which he formerly worked.

Mr. McKELLAR. May I ask the Senator whether it is the purpose to continue the commission?

Mr. DILL. No proposed legislation has been reported by the Interstate Commerce Committee on that subject.

Mr. McKELLAR. Has any measure on the subject been introduced and is any such measure pending?

Mr. DILL. Bills have been introduced in both the House of Representatives and the Senate proposing to continue the commission for one year.

Mr. McKELLAR. I think the commission ought to be continued by all means, and I hope the Senator from Washington will use his expert knowledge and his great interest in the matter in getting a bill reported out of the committee for that purpose.

Mr. DILL. I may say that hearings that are now going on before the Interstate Commerce Committee have been quite informative as to the policy of the commission and as to needs for its future service, and that question will be taken up by the committee in the near future, I think, and some measure reported.

Mr. McKELLAR. The truth of the business is, it seems to me, that we ought to have a permanent commission to deal with the subject of radio. That is my own judgment about it.

Mr. DILL. That was the view of the Senate when we passed the original bill, but the present law is a compromise with the House bill.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 55) for the relief of Henry A. Bellows, which had been reported from the Committee on Interstate Commerce with an amendment on page 1, after section 2, to strike out: "The moneys appropriated for the Federal Radio Commission by the first deficiency act, fiscal year 1928, shall be available for the payment of such compensation," and in lieu thereof to insert: "The moneys made available for the fiscal year 1927 by the act of February 23, 1927, and those appropriated for the Federal Radio Commission by the first deficiency act, fiscal year 1928, shall be available for the payment of such compensation." So as to make the joint resolution read:

Resolved, etc., That notwithstanding the provisions of section 1761 of the Revised Statutes, Henry A. Bellows shall be paid compensation at the rate of \$10,000 per annum for the period during which he served as a member of the Federal Radio Commission.

SEC. 2. The money made available for the fiscal year 1927 by the act of February 23, 1927, and those appropriated for the Federal Radio Commission by the first deficiency act, fiscal year 1928, shall be available for the payment of such compensation.

The amendment was agreed to.

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

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

REHABILITATING FARM LANDS IN FLOOD AREAS

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent, out of order, for the present consideration of Order of Business No. 31, being the bill (S. 672) for the purpose of rehabilitating farm lands in the flood areas.

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

Mr. JONES. I think more than merely the title of the bill should be read, or the Senator from Arkansas might make a brief explanation of it.

Mr. ROBINSON of Arkansas. Mr. President, I shall be very glad to explain the bill. The bill authorizes a fund of \$500,000 to be used in agricultural extension work in the flooded districts. The bill has been favorably reported by the Department of Agriculture, and there is printed in the committee's report a letter from the department addressed to the chairman of the Committee on Agriculture, the Senator from Oregon [Mr.

McNARY] fully explaining the necessity for the legislation and advocating its passage. A paragraph in the report reads as follows:

In the maintenance of the cooperative extension system under the Smith-Lever Act the major portion of the expense of employing county agents is paid from county funds, the usual plan being to pay half or less than half of the salary of such agents from State and Federal funds and to pay the remainder of the salary and office and travel expenses from county or other local funds. The present financial condition of the flooded counties will make it impossible for most of them to continue their contributions to the salaries and expenses of county extension agents at a time when the services of these agents are greatly needed to assist rural people in rebuilding their homes, renovating their premises, and reestablishing themselves on a satisfactory basis. Careful estimates made by the directors of extension in the several States affected indicate that approximately \$500,000 will be needed to take over the portions of salaries now paid to county agents from county and local funds in counties seriously affected by the flood and to employ agricultural and home demonstration agents in such counties where agents are not now employed.

Mr. JONES. The proposed legislation, as I understand, applies to the present year?

Mr. ROBINSON of Arkansas. Yes; it is an emergency authorization.

Mr. JONES. I have no objection to the passage of the bill. The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas [Mr. ROBINSON] for the present consideration of the bill?

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

Be it enacted, etc., That due to the emergency existing in the lower Mississippi Valley as a result of the flood of 1927, county funds available from taxation are so impaired throughout the flood area that a continued support of the normal constructive activities of these counties, including the employment of county extension agents in agriculture and home economics, will be impossible. The Secretary of Agriculture is hereby authorized, in cooperation with the several States and local agencies within these States, to employ such county extension agents necessary to aid in quickly and adequately rehabilitating these flood-devastated farm areas.

SEC. 2. That for the purpose of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000 for the employment of county extension agents, traveling, subsistence, and other necessary expenses, to be expended by the Secretary of Agriculture under such rules and regulations as he may prescribe for the proper carrying out of the purposes of this act.

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

Mr. ROBINSON of Arkansas. I ask to have printed in the RECORD the full report of the Committee on Agriculture and Forestry upon the bill.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 32, 70th Cong., 1st sess.]

REHABILITATING FARM LAND IN THE FLOOD AREAS

Mr. CARAWAY, from the Committee on Agriculture and Forestry, submitted the following report (to accompany S. 672):

This bill is a bill to authorize the appropriation of \$500,000, to be used in accordance with the suggestion of the Department of Agriculture in the employment of county agents and home demonstration agents in the several States in which great damage was done by the floods last year. The authorization is only for the one year, at which time the Secretary of Agriculture, who strongly recommends the passage of this act, thought the counties would be able to resume the payment of the expenses herein mentioned.

The measure is an emergency measure designated for one year, and it is hoped that it may be passed speedily, as the need is great.

The letter of the Secretary of Agriculture is published herewith,

DEPARTMENT OF AGRICULTURE,
Washington, D. C., December 31, 1927.

HON. CHARLES L. McNARY,
United States Senate.

DEAR SENATOR: I have your request of December 13 for a report on S. 672, a bill for the purpose of rehabilitating farm lands in the flood areas, introduced by Senator ROBINSON of Arkansas on December 6. The bill recites the impairment of county tax funds in the lower Mississippi Valley as a result of the flood of 1927 and the consequent inability of the flood counties to continue the employment of county extension agents in agriculture and home economics; authorizes the Secretary of

Agriculture to cooperate with the States and local agencies in the employment of such county agents to aid in rehabilitation of flood devastated farm areas; and authorizes an appropriation of \$500,000 for the employment of county extension agents, travel, subsistence, and other necessary expenses.

The lower Mississippi Valley flood in the spring and summer of 1927 devastated farm areas in southeastern Missouri, southwestern Illinois, western Kentucky and Tennessee, eastern and central Arkansas, northwestern Mississippi, and eastern Louisiana. It prevented or greatly delayed and reduced crop production on several million acres of fertile farm lands, destroyed much livestock and many farm buildings, and injured business over a wide area. It caused a material reduction in local tax collections and at the same time entailed unusual expenditures from county funds for poor relief, the repair of roads and bridges, and other projects.

In the maintenance of the cooperative extension system under the Smith-Lever Act the major portion of the expense of employing county agents is paid from county funds, the usual plan being to pay half or less than half of the salary of such agents from State and Federal funds and to pay the remainder of the salary and office and travel expenses from county or other local funds. The present financial condition of the flooded counties will make it impossible for most of them to continue their contributions to the salaries and expenses of county extension agents at a time when the services of these agents are greatly needed to assist rural people in rebuilding their homes, renovating their premises, and reestablishing themselves on a satisfactory basis. Careful estimates made by the directors of extension in the several States affected indicate that approximately \$500,000 will be needed to take over the portions of salaries now paid to county agents from county and local funds in counties seriously affected by the flood and to employ agricultural and home demonstration agents in such counties where agents are not now employed. In the case of agents now employed the portion of salaries now paid from State and regular Federal appropriations would continue to be so paid, but in the case of additional agents it would be necessary to pay their entire salaries from the appropriation here proposed. It is expected that the counties would supply office quarters and provide for necessary operating expenses.

The area devastated by the flood is largely populated with negro farmers, and especially effective extension work has been done in this region by negro men and women extension agents. The appropriation authorized in this bill (S. 672) would be sufficient to employ negro extension agents in the counties in the flood area with large negro population where such agents are not now employed, and to continue the services of agents now on the rolls. In some instances an agent may serve two or more counties, in which case provision would be made for travel expenses.

It is the thought of the directors of extension in the States concerned that the additional county extension agents employed under the authorization proposed in S. 672 could be supervised with the present administrative and supervisory forces and that practically the entire amount would be available for the employment of county extension agents.

Extension agents in the flooded counties have rendered extremely valuable service in flood relief and rehabilitation, and it is very desirable to continue and extend this service during the emergency period until the rural population has had opportunity to recover to some extent from the flood. The appropriation authorized in S. 672 should be sufficient to provide for the necessary county extension agents until June 30, 1929, at which time it is expected that the counties will be ready to resume their usual proportion of expense in the maintenance of such agents.

A similar proposal was made in H. J. Res. 4, introduced by Representative ASWELL and favorably reported by the House Committee on Agriculture. A statement regarding H. J. Res. 4 prepared by me was submitted to the Bureau of the Budget and returned to the department with the statement that the proposed legislation was not in conflict with the financial program of the President.

Early and favorable action on S. 672 is strongly recommended.

Sincerely,

W. M. JARDINE, Secretary.

REIMBURSEMENT OF MONEY ADVANCED BY NEVADA

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from the preceding day, which will be read.

The resolution (S. Res. 106), submitted by Mr. PITTMAN on the 9th instant, was read, as follows:

Resolved, That the Comptroller General is hereby authorized and directed to investigate and report to the Senate the amount of money actually advanced and expended by the State of Nevada, or by the Territory of Nevada and assumed by said State, in aid of the Government of the United States during the War between the States, with such interest on the same as said State has actually paid, in accordance with the opinion of the Supreme Court in *New York v. The United States* (100 U. S. 598); together with such amounts as have been heretofore reimbursed said State by the United States.

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

Mr. PITTMAN. Mr. President, this resolution is supplemental to another resolution which is now pending before the Committee on the Judiciary, to consider which a subcommittee has been appointed. The resolution which has just been read is merely in aid of that; in other words, it does nothing except to ask for a report.

Mr. CURTIS. For the use of the committee?

Mr. PITTMAN. That is all.

Mr. CURTIS. There is no objection to it.

Mr. PITTMAN. I ask for the adoption of the resolution.

The resolution was agreed to.

CHARLES H. SEND

Mr. FLETCHER. Mr. President, there is a bill on the calendar which is intended to give relief in the case of a homestead entry. The entryman entered the land in accordance with original surveys, but there was a mistake in the surveys. The department recommends the passage of the bill in their report.

Mr. SMOOT. What is the number of the bill?

Mr. FLETCHER. Its calendar number is 49, being the bill (S. 440) for the relief of Charles H. Send. The concluding sentence of the letter of the Acting Secretary of the Department of the Interior in regard to the bill is as follows:

The amendment of the entry as proposed would be a measure of relief from the loss Send has sustained by the erroneous allowance of the entry, and I recommend that the bill be enacted.

The committee has reported the bill unanimously; it will take but a moment to consider it; and I ask unanimous consent for its immediate consideration.

Mr. CURTIS. I understood the Senator to say that the bill had been recommended by the department.

Mr. FLETCHER. Yes; it has been so recommended.

Mr. CURTIS. There is no objection to the bill.

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

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to amend the homestead entry of Charles H. Send, made March 20, 1924, so as to describe lot 3, section 14, township 4 south of range 15 west, of the Tallahassee meridian, Florida, containing 80 acres, in lieu of the subdivision now embraced therein, and to accept the commutation proof submitted by said Send on October 8, 1925, if found otherwise satisfactory, upon payment for the land at the rate of \$1.25 per acre.

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

SADIE KLAUBER

Mr. BRATTON. Mr. President, the bill (S. 434) for the relief of Sadie Klauber, being Calendar No. 36, is similar to a bill which was passed through the Senate at the last session of the Congress. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill referred to by the Senator from New Mexico?

Mr. SMOOT. Let it be read first.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Sadie Klauber, so long as she continues to suffer with tuberculosis, the sum of \$60 per month from and after April 16, 1926, as compensation for permanent physical disability resulting from disease contracted in line of duty while employed in the United States Veterans' Hospital No. 55, Fort Bayard, N. Mex. Such monthly payments shall be paid through the United States Employees' Compensation Commission.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. CURTIS. Was the bill referred to the Veterans' Bureau and recommended by them?

Mr. BRATTON. It was referred to the Veterans' Bureau and a full résumé of the case was made. General Hines concluded with this language:

It is believed that the committee will be able to judge for itself the merits of this bill and the propriety of its passage.

The Senate passed an identical bill during the last session of the Congress. A full explanation of it was then made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. SMOOT. Just a moment, Mr. President; I should like to read the report.

Mr. CURTIS. Mr. President, may we not proceed with the calendar until the Senator from Utah has had an opportunity to read the report?

The PRESIDING OFFICER. Morning business is closed, and the calendar under Rule VIII is in order.

Mr. CURTIS. Let it be understood that when the Senator from Utah has read the report that we will recur to the bill of the Senator from New Mexico. I will ask if that is satisfactory to him?

Mr. SMOOT. I see it is quite a lengthy report, but it will not take me very long to read it. If we could proceed with the calendar under Rule VIII it will afford me an opportunity to read the report.

Mr. BRATTON. Very well.

The PRESIDING OFFICER. The bill will be temporarily passed over.

THE CALENDAR

The PRESIDING OFFICER. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

CANAL ZONE PENAL CODE

The bill (S. 1256) to amend the penal code of the Canal Zone was announced as first in order.

Mr. KING. I ask that the bill may be read.

The Chief Clerk read the bill, which had been reported from the Committee on Interoceanic Canals with amendments, on page 2, line 5, after the word "exceeding" to strike out "\$1,000" and insert "\$200," and in the same line, after the word "exceeding" where it occurs the second time, to strike out "five years" and insert "one year," so as to make the bill read:

Be it enacted, etc., That chapter 5, Title 16, of the Penal Code of the Canal Zone be amended by adding to section 357 the following section:

"Sec. 357a. Any person who, without the consent of the owner, shall take, use, operate, or remove, or cause to be taken, used, operated, or removed, from a garage, stable, or other building or from any place or locality on a public or private highway, park, parkway, street, lot, field, inclosure, or space, an automobile or motor vehicle, and operate or drive, or cause the same to be operated or driven, for his own profit, use, or purpose, shall be punished by a fine not exceeding \$200 or imprisonment not exceeding one year, or both such fine and imprisonment."

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

Mr. FLETCHER. Mr. President, do I understand that the bill applies only to the Canal Zone?

The PRESIDING OFFICER. The Chair is advised from the title of the bill and its contents that it is a bill to amend the penal code of the Canal Zone.

Mr. KING. Mr. President, I do not see the particular purpose of the bill. There may be some specific reason for its passage. It seems to me the measure rather confounds larceny with some form of trespass.

Mr. BLEASE. Mr. President—

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

Mr. KING. I do.

Mr. BLEASE. I notice that the chairman of the committee is not present. I will state to the Senator from Utah that the only purpose of the bill is to reduce the amount of the fine and leave the matter to the discretion of the court.

As the law now stands, it provides for not less than \$1,000 fine. It seems that that is considered excessive, and this bill is merely to leave it to the discretion of the court; not to make any change except as to the Panama Canal Zone, and only as to the punishment.

Mr. KING. If that is the only object, I have no objection to the measure; but it does seem to me that it confounds a trespass with a larceny. As I listened to the reading of the bill I could not tell whether it was an attempt to punish for grand larceny for the asportation of a machine or the taking of a machine unless there was a felonious intent; and the bill is silent as to whether there must be a felonious intent, whether they are to treat the taking of a machine as a mere trespass not amounting to a larceny.

I do not know the statute which exists in the Panama Canal Zone dealing with this subject; but if what the Senator has said is true, that it merely reduces the punishment from a peremptory fine of a thousand dollars and leaves it discretionary, I shall not object to its consideration.

Mr. BLAINE. Mr. President, I will state to the Senator from Utah that the War Department, as I understand, communicated with the chairman of the committee, stating that the present law in the Panama Canal Zone with reference to the taking of an automobile without the owner's consent provided for a penalty of only \$25 and constituted an offense only of disorderly conduct. The department therefore proposed the bill that is before the Senate, providing for a fine of \$1,000 and imprisonment for five years.

This is new legislation. This is not amending any present penal statute with reference to the Panama Canal Zone. Upon my suggestion the fine was reduced to \$200 by amendment and the imprisonment to not exceeding one year, so that, whatever the offense may be, it would not be a felony.

Personally I have some doubts with respect to the advisability of passing the bill at all; but I understand that many of the States have similar provisions penalizing the taking of an automobile without the owner's consent quite without regard to whether or not it is a felonious or willful taking in a criminal sense.

I think, Mr. President, and I have often so stated, that those who are out of jail owe some duty to those who may go to jail. It is a very simple thing to have a safety device or lock on an automobile. Every automobile manufactured within the last year or two has such a device; and where that device is employed it prevents the taking of an automobile without the owner's consent in most cases. The War Department referred particularly to "joy riders," particularly those who might pick up a car upon the street, or even parked in a yard, and drive out into the country or about a village, with no intention to steal the automobile, but merely for the purpose of recreation, as they might consider it, "joy riding."

I doubt very much whether we ought to dignify that sort of a trespass as an offense by making it a felony, and for that reason I suggested the reduction of the penalty so that it would be regarded only as a misdemeanor.

In the absence of the chairman of the committee I do not like to suggest that this matter be pressed at this time. Perhaps it ought to go over. I think, however, in conformity with the laws of the States generally, that there might well be some legislation upon this question. Perhaps the penalties imposed in the bill are too harsh. That, of course, is a question for every Senator to determine.

Mr. WALSH of Montana. Mr. President, I have had the same misgivings expressed by the Senator from Wisconsin [Mr. BLAINE] and the Senator from Utah [Mr. KING] with respect to this bill. As indicated by both Senators, it does penalize the taking of an automobile without the consent of the owner, whether that taking is felonious or criminal in its intent or not. I believe that the bill might very properly have the further consideration of the committee, and I move that it be recommended to the Committee on Inter-oceanic Canals.

The PRESIDING OFFICER. The Senator from Montana moves that the bill under consideration, being Senate bill 1256, be referred to the Committee on Inter-oceanic Canals.

The motion was agreed to.

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

BILL PASSED OVER

The bill (S. 1946) relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. Upon objection, the bill will be passed over.

KATE MATHEWS

The bill (S. 3) for the relief of Kate Mathews was considered in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "\$10,000" and to insert "\$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Mathews, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 as compensation for injuries received and expenses incurred by reason of having been struck by a United States Army automobile in San Antonio, Tex., on the 30th day of September, 1920, the automobile being driven at the time she was struck by First Lieut. Roscoe S. O'Hara, Air Service, United States Army.

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

Mr. KING. Mr. President, is there a report accompanying the bill?

Mr. SHEPPARD. Mr. President, let me say to the Senator from Utah that this bill passed the Senate at the last session. It is one of the usual cases where a civilian was injured by collision with a vehicle operated by an officer of the United States Army or by some one in the service of the United States.

Mr. KING. What was the extent of the injury?

Mr. SHEPPARD. The lady was a school-teacher, advanced in years. She was laid up for several months and has been permanently crippled by this injury. The amount is the amount usually allowed in such cases. Her case is especially deserving on account of the fact that she has been disabled for life.

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

The amendment was agreed to.

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

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

SADIE KLAUBER

Mr. BRATTON. Mr. President, the Senator from Utah has completed his investigation of Senate bill 434, Order of Business No. 36. I ask unanimous consent that we return to that number now.

The PRESIDING OFFICER. The Senator from New Mexico asks unanimous consent to return to Order of Business No. 36, Senate bill 434. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 434) for the relief of Sadie Klauber, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sadie Klauber, so long as she continues to suffer with tuberculosis, the sum of \$60 per month from and after April 16, 1926, as compensation for permanent physical disability resulting from disease contracted in line of duty while employed in the United States Veterans' Hospital No. 55, Fort Bayard, N. Mex. Such monthly payments shall be paid through the United States Employees' Compensation Commission.

Mr. SMOOT. Mr. President, I shall offer no objection to the passage of the bill at this time; but it is a very, very close question whether the bill ought to pass or not. So far as I am concerned, I shall give the benefit of the doubt to the woman. In doing so, we shall have to take the position that the woman was married to a soldier and had never been living with him for five years, although they were both in the same hospital. Of course, if she did not live with him, there is a reason for granting the pension, and it ought to be granted to her. If she did live with him, she has no right to it.

So far as I am personally concerned, I am going to give the woman the benefit of the doubt.

Mr. KING. Mr. President, I should like to ask the Senator from New Mexico a question. If this measure is passed and becomes a precedent which we shall follow, will not every employee of the Government who receives an injury or who becomes ill, and that illness is protracted, or is of short duration for that matter, have a valid claim upon the Government?

Mr. BRATTON. No; Mr. President. This case presents an unusual state of facts, and, in my judgment, has an unusual amount of merit. For the benefit of the Senator from Utah, I shall state the facts.

Mrs. Klauber married her husband at New York April 14, 1921. The very next day he left New York for Fort Bayard, and became a patient in the tubercular hospital there. She went thereto two months later; and in July, 1921, she became a nurse in the hospital, and was assigned to the treatment of tubercular patients, being ex-service men, her duties being principally to spray their noses and throats. She continued in that employment for nearly four years, when she was stricken with pulmonary tuberculosis contracted in line of duty.

The report of the committee is supported by statements from six doctors that, in all probability, she contracted tuberculosis from her treatment of these patients. She makes an affidavit, her husband makes an affidavit, and four ex-service men at Fort Bayard make affidavits that during that four-year period she lived with the female employees of the hospital, while her husband lived in the hospital with the men. They lived apart. The Employees' Compensation Commission denied her claim for benefit under the law, on the theory that she probably contracted the disease from her husband. I repeat that she testified that during all that period of time she and her husband lived apart. He testified to the same thing. Four ex-service men in the fort make affidavits to the same facts.

Six doctors say that in their judgment probably she contracted the disease in line of duty.

Mr. KING. Will the Senator permit me to inquire what would be the compensation allowed under the law were she to come within the terms of that act?

Mr. BRATTON. I understand it would be the same amount as that fixed by the bill.

On these facts I am convinced that the bill has abundant merit, and should pass.

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

BILL PASSED OVER

The bill (S. 19) for the relief of Frank Topping and others was announced as next in order, and was read.

Mr. KING. Let the report be read.

The PRESIDING OFFICER. The Secretary will read the report.

Mr. SMOOT. There is no report accompanying this bill.

Mr. CAPPER. Let it go over.

Mr. SMOOT. The author of the bill asks that it may go over.

Mr. CAPPER. I suggest that we pass over the bill.

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

CLARA E. NICHOLS

The bill (S. 120) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Clara E. Nichols, a former employee of the education and recreation division, Adjutant General's office, War Department, Los Angeles, Calif., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

Mr. KING. Let the report be read.

The PRESIDING OFFICER. The Secretary will read the report.

The Chief Clerk read the report (No. 21), submitted by Mr. BAYARD on the 9th instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 120) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in Senate Report No. 75, Sixty-ninth Congress, first session, which is appended hereto and made a part of this report.

[S. Rept. No. 75, 69th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (S. 2096) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in Senate Report No. 989, Sixty-eighth Congress, second session, which is appended hereto and made a part of this report.

[S. Rept. No. 989, 68th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (S. 3618) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to waive the statute of limitations in the application filed by Clara E. Nichols, a former employee of the education and recreation division, Adjutant General's Office, War Department, Los Angeles, Calif., the provision of an act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, in order that she may receive the same consideration as though she had applied within the specified time required by law."

STATEMENT OF FACTS

Clara E. Nichols, a woman of about 30 years of age, without relatives, kin, or means upon which to depend, June 4, 1917, entered the Government service as a first-grade clerk, under civil-service classification, in the property section of the Ordnance Office, War Department, under Chief Clerk Hugh M. Purcell. She worked during the flu epidemic of 1917 and also of 1918, and in addition to her official duties as clerk was assigned to and did welfare work among the sick employees of the Government. In doing this welfare work she came in contact with many suffering with the flu, some of whom later died.

All of the evidence submitted by affidavit shows that the conditions under which the Government employees worked at Seventh and J Streets, and also at the Hoge Building, and also at the Ford Building on Pennsylvania Avenue, were very bad, dangerous to health, and many employees suffered from these conditions.

November 11, 1918, she was transferred to the office of the director of civilian marksmanship at 1115 Woodward Building, Maj. Richard D. La Garde in charge.

Early in January, 1919, the claimant suffered an attack of Spanish flu.

December, 1919, shortly after Christmas, the claimant had a second attack of the flu.

January 24, 1920, the claimant had a hemorrhage.

March 11, 1920, she had an X-ray examination, which disclosed pulmonary tuberculosis.

Major La Garde, in the interest of the other employees in his division, refused to let the claimant come back into the office for work, and she was transferred to the Militia Bureau.

April 21, 1920, the claimant took up work in the Militia Bureau and continued there until September 11, 1920.

September 11, 1920, the claimant had a second X-ray examination to see what progress she had made in fighting the tuberculosis ravages, and, much to her surprise, found that the area involved had doubled since her former examination, and she immediately made efforts for a transfer to California, where the climate would be more conducive to her recovery.

October 24, 1920, she assumed her duties as bookkeeper in the United States Army motion-picture service at Los Angeles, Calif.

May 20, 1921, the Los Angeles office was closed and the work consolidated with the work at the San Francisco office, and the claimant was transferred to San Francisco to continue her work.

In August, 1921, claimant's voice gave out, and she was unable to speak above a whisper until the following year while in New Mexico.

December 3, 1921, the work was finished at San Francisco and the office closed.

Since December 3, 1921, the claimant has been unable to work in any position.

June 23, 1922, claimant left San Francisco for Los Angeles to rest and recover sufficiently to go on to New Mexico, where her physicians advised the climate would be better and more conducive to her recovery.

August 1, 1922, she left Los Angeles for Albuquerque, N. Mex., in which vicinity she has since remained and now is.

January 20, 1924, the claimant, for the first time, learned of the existence of the United States Employees' Compensation Commission.

January 21, 1924, she wrote to the commission for blanks, after which she secured, by correspondence with her various chiefs and associates, affidavits in support of the application she desired to file with the compensation commission, and these were secured from all over the United States, and one from the Canal Zone.

July 25, 1924, the claimant filed her application, supported by the affidavits, doctors' certificates, and other evidence required for compensation.

The claimant, having used all of her available income and means to effect a cure while she was still working, found herself, at the conclusion of her services in San Francisco (December 3, 1921), entirely without funds and unable to follow any employment.

Since that time she has borrowed from month to month for her needs, hoping for a restoration of health and return to work that she may earn, live, and repay the loans various friends have kindly made her.

The aggregate amount of borrowed money is somewhere near \$2,500. Her physical condition, although somewhat improved, is retarded, and the effect largely overcome by reason of the mental worry over her helpless financial condition.

The United States Employees' Compensation Commission was obliged to reject her claim for the reason that it was not filed until August 7, 1924, while her disability was complete from and after December 3, 1921, and the law under which this commission is created and operates provides a limitation of one year from date of disability within which claim of compensation may be made, leaving the commission without discretion.

December 9, 1924, Senator Bursum, of New Mexico, introduced S. 3618 for the relief of the claimant, and this bill, in its effect, merely waives the statutory limitation written into the act creating the com-

mission, leaving it entirely to the commission to act in a judicial capacity upon the evidence submitted by this claimant.

The director of ordnance welfare, under date of November 5, makes the following report on claimant's service and condition:

"I have been in touch with Miss Nichols for the past four years and our welfare board has rendered substantial financial assistance during this period and knows her distressing condition intimately.

"In 1917 during the epidemic of influenza she contracted this disease and, because of inadequate nursing facilities at this time and the overcrowded housing conditions, it left her in a tubercular condition. She was soon after this transferred to San Francisco with the hope that the change of climate would at least arrest the disease, but her condition seemed too far advanced. In January, 1920, she had quite a severe hemorrhage and since that time she has steadily grown worse, and for the past two years she has not been able to perform work of any kind.

"Miss Nichols has no living relatives, and, aside from what funds her friends and associates have contributed, she has no money to make her at least comfortable for the short period of time it is felt she will live. Her physician here, Dr. Everett M. Ellison, of 1720 M Street NW., told me he was surprised to hear that she is still living.

"She has presented her case to the compensation commission, together with letters from her physician and people with whom she has worked in the departments. I feel that Miss Nichols is just as much entitled to compensation as one of our soldier boys, since her condition was contracted in line of duty.

"The ordnance welfare board sincerely hopes that her case will receive favorable action at the earliest possible date.

"Very respectfully,

"Mrs. L. H. PRINTUP,
"Director of Ordnance Welfare."

CONCLUSIONS

The act creating the United States Employees' Compensation Commission, effective September 7, 1916, is merely an act to authorize the Federal Government as an employer, to do those humane things which the considerate private employer does voluntarily.

The section limiting the time within which claims may be presented for the consideration of this commission is a wholesome provision intended to compel the presentation of claims within a reasonable time after the disability while the evidence to defend a fraudulent claim is available to the Government.

It is probably wise to withhold authority from the commission to exercise discretion with reference to this time limit.

The power to create this act, which is vested in Congress, should also, through Congress, waive the limit written into the act whenever the facts presented disclose that justice will be meted out by the waiver of such limit.

The facts as presented by Clara E. Nichols, claimant under this bill, and supported by the affidavits of reputable officials under whom she worked or by whom she was employed and treated, clearly presents a case where justice can only be meted out by waiving the time limit for presentation of her claim.

In addition to this, the claimant also makes a showing that she did not have knowledge of the existence of the Employees' Compensation Commission until the day before she wrote for blanks upon which to file her claim.

Ignorance of law is said to be no excuse, and as a legal maxim this is true, but in everyday life and in the dealings between men it is not true and should not be, and even in course of law and equity ignorance of the law is considered by "tempering justice with mercy."

It must always be remembered that until recently the Comptroller General of the United States uniformly held that the United States Employees' Compensation Committee could not pay claims for disability resulting from illness incurred in the service, but only for accident, and therefore Miss Nichols's claim would have been rejected by the commission for this reason even if she had filed it within the statutory limit.

The claimant is helpless, physically and financially, and is fast becoming a mental wreck because of these disabilities.

She evidently gave faithful service to her Government during the period of her several employments, and in rendering that service contracted the vicious, destructive disease that is sapping her life away.

It is just such cases as these that the compensation act of September 7, 1916, was made to meet.

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

GEORGE B. BOOKER CO.

The bill (S. 342) for the relief of George B. Booker Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George B. Booker Co., of Wilmington, Del., out of any money in the Treasury not otherwise ap-

propriated, the sum of \$102.60, said sum being due George B. Booker Co. for merchandise furnished to the Reedy Island Naval Station mess during the year 1918.

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

R. H. KING

The bill (S. 1766) for the relief of R. H. King was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

Mr. SMOOT. Mr. President, I notice that the Postmaster General says:

The report shows that the postmaster was lax in the manner of handling the post-office accounts and cash. I am therefore of the opinion that this case does not merit legislative relief.

I therefore object.

Mr. SHEPPARD. Mr. President, let me state to the Senator that the postmaster was found by the inspectors to have been guilty of no dishonest conduct. He is over 60 years of age. He paid the amount of the loss out of his own funds, and he was in such severe financial straits that he was compelled to use his life insurance to pay it. In view of the fact that there was no dishonesty on his part, the committee felt that the amount should be made good to him. The bill passed the Senate at the last session, and there are numerous precedents.

Mr. SMOOT. That may be true; but I would not want to vote for a bill where the Postmaster General says that the Government is not responsible. There are no mitigating circumstances that would justify payment.

Mr. SHEPPARD. Would the Senator condemn this man for this loss? It is my judgment that he took every reasonable precaution.

Mr. SMOOT. If it was his own fault, he ought to be condemned.

Mr. SHEPPARD. Congress has on a number of occasions indemnified other people under circumstances like this.

Mr. SMOOT. I hardly think it has where there was such a report as in this case. If we allow a bill like this to become a law it simply is tantamount to saying to every postmaster in the country, "You can lay money around anywhere, and if it is lost you can get a refund."

Mr. KING. Or any employee of the Government.

Mr. SMOOT. Yes; any employee of the Government. The time will come, and I hope it will not be long in coming, when there will be some kind of protection to the Government, by bond or otherwise, so that in cases like this, and others that happen and come to this body so often, the Government of the United States is not going to lose money. When a postmaster is appointed he is supposed to use diligence, and he is responsible for the money that comes into his hands. In this case the Postmaster General says that this man was lax in his duty, and for that reason lost this money.

Mr. SHEPPARD. Let me ask the Senator this question: If money has been lost under other postmasters under similar circumstances, should not relief be granted here. The Senator knows that the Congress has passed a number of measures like this.

Mr. SMOOT. No; not like this. Wherever there is a burglary, and a safe is broken open, Congress has never failed to refund the money that was stolen, or credit the postmaster.

Mr. SHEPPARD. In this case war savings stamps were stolen from the bank in which the postmaster had deposited them.

Mr. SMOOT. Certainly they were stolen, but they were stolen because the postmaster was lax in his duty. I would like to have the bill go over, and I will talk with the Senator.

The PRESIDING OFFICER. The bill will go over, under objection.

ESTATE OF JOHN STEWART

The bill (S. 1622) for the relief of the estate of John Stewart, deceased, was announced as next in order.

Mr. KING. Let the report be read.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk proceeded to read the report (No. 18) submitted by Mr. STEPHENS from the Committee on Claims on the 9th instant.

THE TARIFF AND AGRICULTURAL RELIEF

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

The Senate resumed the consideration of the resolution (S. Res. 52) submitted by Mr. McMASTER, favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress.

TAX REDUCTION

Mr. WALSH of Massachusetts. Mr. President, for three days we have been discussing the question of modifying or changing our tariff laws. The discussion has been very interesting and perhaps helpful, but can result in no definite action. The country is interested in a question that can be settled without delay, and that we ought to be now considering.

I call attention to the fact that before this Congress convened it was heralded far and wide that the chief and immediate business of this session was to be tax reduction. The country was promised early consideration and early enactment of a tax reduction law. The House of Representatives passed a new revenue bill which came into the Senate on December 17. Since that time no action has been taken in the Senate. There has been no meeting of the Finance Committee to consider this important measure. No statement explanatory of this delay has been made upon the floor of the Senate. Statements have been made from time to time in the press to the effect that consideration of the bill had been postponed or was to be postponed until March. I believe it was also asserted in the press that a majority of the members of the Finance Committee favored such postponement. There is now an apparent purpose to keep this measure buried in the Finance Committee.

Mr. President, I want to suggest to the Senator from Utah that the people of the country are vitally interested in the matter of tax reduction. Many business interests of the country that at present are far from prosperous are very anxious to have the Congress carry out the promise which was made, that they would be given tax relief without delay. I now ask the Senator from Utah why some action has not been taken? What is the reason for the delay? Why has there been a change of attitude? Is it politics? Why has not the promise been kept to act promptly to relieve the tax burdens of all classes of taxpayers, the one thing which the majority party repeatedly promised the people of this country they would do?

Evidently there has been some change of mind, some change of policy. It has been intimated that it was for political reasons. I think the country and the Members of the Senate are entitled to know officially, and not through the press, what is the attitude of the chairman of the Finance Committee and what is the attitude of the majority members of the Finance Committee. I would like to have the Senator make any statement that he cares to make in that connection.

I repeat, I do not know of any public question in which the people of the country are more interested to-day than tax reduction. There is a general demand upon all sides for it, and I hope the Senator from Utah, who is in charge of the bill in the Finance Committee, will hasten consideration of the measure in order that we may give the relief which the country has been asking for and which it is expecting.

Mr. SMOOT. Mr. President, I desire to say to the Senator from Massachusetts that I intended to call a meeting of the Finance Committee during the past week, but on account of the illness of the senior Senator from North Carolina [Mr. SIMMONS], the ranking Democratic member of the committee, I have not called a meeting of the committee. When he left here for the Christmas holiday recess he expected to be back on the Friday following the opening of the session.

Mr. WALSH of Massachusetts. Aside from that, has not the Senator made the statement that the matter was postponed because—

Mr. SMOOT. I will cover the question if the Senator will allow me to do so. For that reason there has been no meeting of the committee. That is in answer to one of the questions the Senator asked.

As to the early consideration of the revenue bill, I wish to give my views. The committee has not met, but I have every reason to believe, from what I have heard from members of the committee, that their views coincide with mine as to the time to report the bill.

It is true that the American people have been promised a reduction in taxation. No one is more anxious to bring that about than myself. I doubt whether there is a Member of the Senate who would even question the wisdom of such action. There is, however, a situation which I myself believe ought to be taken into consideration before the passage of a revenue bill at this session of Congress. In the first place, if appropriations are made in response to all of the demands which will be forced upon Congress, appropriations sufficient to cover them all, the situation will be quite different as to how much reduction we should make in taxes. By the postponement of the

consideration of the bill until after March 15 no taxpayer will lose anything.

Mr. WALSH of Massachusetts. How will we, after March 15, know any more about what appropriation bills will be passed than we know now?

Mr. SMOOT. I think a number of them will be agreed to by that time, either defeated or passed.

Mr. WALSH of Massachusetts. But the session will not adjourn on March 15? Bills involving appropriations will be under consideration until the very end of the session.

Mr. SMOOT. But we will know what the regular appropriations will be. We have a good idea now as to what they will be, just the same as we would have in any session of the Congress. But in addition there are appropriations demanded for the Boulder Dam, for flood relief, for farm relief, for the canal—

Mr. WALSH of Massachusetts. If we wait for all of those matters, it may be next June before we consider the tax bill, instead of after March 15.

Mr. SMOOT. No. If the House pass upon them, as they think they will be able to do, some of them will be over here very soon. I as chairman of the Finance Committee, and I believe the Senator would take the identical position as a member of that committee, believe that it would be unwise to pass a revenue bill which would result in a deficit at the end of the fiscal year.

Mr. WALSH of Massachusetts. But that has not been the practice in the past. We have gone ahead and had hearings on revenue bills without considering other pending legislation.

Mr. SMOOT. Yes; when we knew we would have ample money to meet every obligation on the part of the Government. But things now are quite different than they have been in the past, with all these great projects proposed, and from what I understand from expressions I received from other Senators some of those measures are going to pass.

Mr. FLETCHER. Mr. President, the Senator will recall that a great many taxpayers are entitled to relief in the matter of the taxes due March 15.

Mr. SMOOT. But that is not hurting any of the business of the country.

Mr. FLETCHER. The Senator said that would not interfere with the payment of taxes.

Mr. SMOOT. It will affect the theaters, perhaps, and a few others paying an excise tax, but that is all. They collect the amount of the tax imposed now from their patrons. If the bill passes after the 15th of March, whatever the bill may provide by way of reduction in taxes for the year 1928 can be refunded if paid by the taxpayer. If he pays the whole tax on March 15, which many do where it is in a small amount, then whatever reduction is made will be refunded to him. If he pays the quarterly payment that is assessed against him under the existing law on March 15—and there is no change in the law until that time—from the second payment on the 15th of June he can deduct whatever he is entitled to deduct by reason of the reductions which Congress at this session may provide. So the taxpayers will lose nothing and the Government itself will be absolutely safe and sure of having sufficient money to meet all its requirements, both the ordinary requirements which we have and the special ones that are bound to be created at this session of Congress.

Mr. WALSH of Massachusetts. But the taxpayer on March 15 must make his return based on existing law.

Mr. SMOOT. Certainly.

Mr. WALSH of Massachusetts. The Senator thinks if the bill is enacted later, as it will be in view of his plan—

Mr. SMOOT. I have not any doubt about it.

Mr. WALSH of Massachusetts. That refund payments can be made to those taxpayers who pay under the present tax law?

Mr. SMOOT. We did that once before, and there was no trouble about it.

Mr. WALSH of Massachusetts. So the Senator expects to make the legislation retroactive?

Mr. SMOOT. Absolutely. There is no question about it, I will say to the Senator, and no taxpayer will lose anything at all.

On March 25, 10 days after the returns are in, we will know what taxes we are going to receive from the business of 1927. There is no question to-day about the expenses of 1928. We have to look at this matter as applying to the business of 1929, and the only safe way, the only businesslike way in my opinion—and I expect the Senator to agree to it—is to be absolutely safe. The only way we can be safe in this matter is to wait and find out and know positively what taxes we are going to receive from the business of 1927. It is claimed by some that the business of 1927 is just as good as for 1926. The volume is good, but I know that in the last three months

the manufacturers and the merchants have been crowding sales, and I know that the prices they have asked for goods are not as great as they were during the nine months preceding.

Mr. WALSH of Massachusetts. There has been a curtailment of prosperity then?

Mr. SMOOT. It is not as great prosperity to the man who is selling his goods, but it is prosperity to the men and women who buy them.

Mr. WALSH of Massachusetts. The Senator expects a falling off in income-tax receipts on March 15?

Mr. SMOOT. Taking the whole year, it may be that the gain in the United States may be less than we expect, but if it is not less, then we will know what sort of a bill to pass, and there will be no chances to assume whatever.

Mr. WALSH of Massachusetts. I do not care to prolong the discussion.

Mr. NEELY. Mr. President, will the Senator yield to me before the Senator from Utah takes his seat?

Mr. WALSH of Massachusetts. I yield to the Senator from West Virginia.

Mr. NEELY. The Senator from Utah has referred to the Boulder Dam bill and the farm relief bill.

Mr. SMOOT. I can mention three or four others, so far as that is concerned.

Mr. NEELY. Does the Senator believe that the Boulder Dam bill and the farm relief bill will be disposed of by the 15th of March?

Mr. SMOOT. I will say to the Senator from Massachusetts [Mr. WALSH] and also to the Senator from West Virginia [Mr. NEELY] that after the 25th day of March, or perhaps a little later than that, we shall know what the income from the business of 1927 will be. Then we shall be able to judge as to what bills that shall then not have been passed upon by Congress may be enacted, and take up the revenue bill for consideration.

Mr. WALSH of Massachusetts. Then there will have to be several weeks of discussion in committee and several weeks of discussion on the floor here, and it may be far into the summer before the revenue bill shall be passed.

Mr. SMOOT. I expect Congress will have concluded its work by June 15, and I am quite sure that the revenue bill will have been passed before that date.

Mr. WALSH of Massachusetts. So far as I am concerned, I want to close the colloquy. I thank the Senator for answering my inquiries and for the information and assurances which he has given to the Senate, I believe for the first time. Tax reduction is considered by the people of this country to be the most important question before the Senate and the House of Representatives. I think they are disappointed at the dilatory methods we have pursued in delaying action upon this measure, and I, as an humble Member of the Senate and of the Committee on Finance, want to protest against further delay and urge upon the Senator, for whose ability and whose capacity I have great regard, the importance of getting down to the one constructive, helpful thing that we can now do, namely, help business and the taxpayers in general by reducing taxes immediately. I fear, however, this delay may ultimately mean the possibility of no tax reduction.

Mr. BORAH obtained the floor.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SMOOT. Mr. President, I wish to say that if my mail is any criterion as to the attitude of the taxpayers of this country, they are almost unanimously in favor of waiting until after March, and then to have Congress pass a tax reduction bill which we know will provide sufficient revenue to meet the requirements of the Government.

Mr. BORAH. Mr. President, I am not a member of the Finance Committee and, therefore, I do not speak ex cathedra; neither am I in the confidence of the administration with reference to the tax-reduction measure; but the Senator from Utah [Mr. SMOOT] and the Senator from Massachusetts [Mr. WALSH] may well take into consideration that there are Senators in this body who are not in favor of tax reduction at all, and particularly so, even if it should be in midsummer, until we know something about the obligations which we will have to meet in the future.

I am not nearly so much interested in tax reduction as I am interested in whose taxes are going to be reduced. If we continue the program which we have pursued for the last 10 years we are going to reach a situation in this country pretty soon where we shall have a public debt of some \$18,000,000,000, upon which we will be paying interest of some \$700,000,000, and an annual Budget of three and a half billion dollars, with other tremendous expenses, and the entire burden loaded onto the

average taxpayer. It has been systematically brought about that those who are most able to meet the great burdens which came out of the World War are being constantly relieved of the duty to pay in accordance with their ability to pay, while the vast burden of the Government is being left upon the average taxpayer.

There is no concealing the fact, Mr. President, that we can not make the appropriations which Senators here in good faith are urging and have any tax reduction at this session which will be anything else than a mere subterfuge, because while taxes may be reduced temporarily, if we proceed making appropriations as we now propose to do, the taxes will necessarily have to be placed back upon somebody. There is a proposal of some \$300,000,000 for farm relief, and of from \$400,000,000 to \$600,000,000 for flood relief.

Let me digress to say that I trust we are not going back in providing adequate flood relief to the old practice of cheese paring and political appropriations. Flood control is a task which we have to perform, which the National Government must take care of, and which it ought not to be embarrassed to take care of when the time comes to take care of it by reason of Congress having passed tax reduction bills which we ought not to pass.

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

Mr. BORAH. Yes.

Mr. COPELAND. Does the Senator from Idaho contemplate that the vast expenditure necessary for flood control is to be paid out of current funds?

Mr. BORAH. Does the Senator mean that bonds should be issued? Most assuredly I am opposed to issuing bonds under any circumstances or conditions. That involves another attempt to reduce taxes upon those who can pay. To issue bonds will mean finally to put their payment and the interest charges upon the average taxpayer.

Mr. COPELAND. If an expenditure of a billion dollars should be required—and I should not be surprised if the cost of flood control should rise to that point—does the Senator believe that we should make provision out of the current funds for the payment of that vast sum?

Mr. BORAH. I do not contemplate that we shall expend the entire sum immediately, but I contemplate that such an obligation will be incurred and that it will have to be met. I also contemplate that it will be met out of current funds by the National Government.

Mr. COPELAND. Does not the Senator consider, however, that that is a project that has to do with the welfare of the people of the Mississippi Valley for years and generations to come, and that we might well distribute the cost of it over a long period instead of having the present generation pay for it?

Mr. BORAH. I do not know how we are going to distribute it over a long period unless it is proposed that the States of the Mississippi Valley shall issue bonds and take care of some of its aspects in that way. Is that what the Senator favors?

Mr. COPELAND. Certainly not. I think it is a national problem and should be taken care of by the National Government, but I can see no reason why we should pay an enormous sum out of the Treasury this year or next year or for two or three years when we are paying for a project which is going to take care of the people for hundreds of years to come.

Mr. BORAH. Mr. President, we ought to have a program with reference to flood control which will embody a complete plan and provide for a complete work when it is finished, and whatever obligation that may impose upon the National Treasury the National Treasury ought to be prepared to take care of it.

I myself am not in favor of unloading this work upon the States in the valley nor in any way shirking the real responsibility which rests upon us.

Then we have Boulder Dam and housing of our Army.

With reference to the Boulder Dam project, it is my judgment that if we longer continue doing nothing in regard to that situation we are conniving at a disaster which will be only less serious than that which has been suffered in the valley of the Mississippi. We should turn our attention to the building up of the internal resources and the internal improvements of the country, and take care of them regardless of the politics which is involved in a proposed tax reduction.

In addition to that, Mr. President, we now have the indorsement of a program to begin what is practically a naval race which, it is already estimated in the beginning, will cost \$800,000,000 and if the real figures were given, the cost of the program which is now proposed would be over a billion dollars.

So, Mr. President, while we are talking about tax reduction Congress is being urged, and will be urged, to make appropriations for projects and enterprises which make it absolutely im-

possible to consider any tax reduction of real and permanent value, and, so far as I am individually concerned, I am opposed to tax reduction under the present circumstances. I am opposed to it for the reason, in the first place, that I do not believe it will help those who ought to be helped; I do not believe it will relieve the burden where it ought to be relieved; and, secondly, because we have these obligations to meet and should meet them. If any way can be found to meet these expenditures and at the same time reduce taxes, I should listen with interest to the scheme.

THE TARIFF AND AGRICULTURAL RELIEF

Mr. COPELAND. Mr. President, I inquire what is the business before the Senate?

The VICE PRESIDENT. The resolution of the Senator from South Dakota [Mr. McMASTER] is before the Senate.

Mr. COPELAND. May I inquire, has this resolution been modified by the Senator from South Dakota?

The VICE PRESIDENT. There is an amendment pending which has been offered by the Senator from Oregon [Mr. McNARY].

Mr. COPELAND. But the Senator from South Dakota himself has not offered any amendment, as I understand?

The VICE PRESIDENT. The Senator from South Dakota has not modified his resolution.

Mr. COPELAND. Mr. President, I desire to address myself to the resolution which has been offered by the Senator from South Dakota. Although in its present form I could not vote for it, I assume that before we are called upon to vote there will be some modification. As I understand the real purpose of the resolution, it is intended to call the attention of the country to the fact that "there must be protection for all or protection for none." This is a warning to the Congress that the farmers of America will no longer tolerate a situation where the great industrial and manufacturing concerns are highly protected and made prosperous by reason of protection while the farmer is given no measure of protection.

I am interested in the welfare of the farmer in spite of the fact that I come from the great metropolis of New York. I wish to call attention to the fact that New York State is one of the great farming States of America. My State stands eleventh in the value of farm products. The only States in which the value of farm products exceeds the value of farm products of my State are Texas, because of its cotton; California, by reason of its fruit; Iowa and Illinois, because of their corn; and then New York stands shoulder to shoulder with Kansas, Minnesota, North Carolina, Oklahoma, Wisconsin, and Ohio. In not one of the last-mentioned group of States does the farm value of its products exceed the farm value of the products of my State by more than \$25,000,000 a year.

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

Mr. COPELAND. Certainly.

Mr. SHEPPARD. Has the Senator the figures as to the money value of crop production in the various States?

Mr. COPELAND. I do not have the exact figures, I may say to the Senator.

Mr. SHEPPARD. I notice that the Senator named Texas first.

Mr. COPELAND. Yes.

Mr. SHEPPARD. I wish to call especial attention to the fact that Texas leads the Nation in the value of its farm crops.

Mr. COPELAND. I may say to the Senator that the order in which I named these various States is the order of the value of the products.

Mr. SHEPPARD. I am very glad to have that brought out.

Mr. COPELAND. Texas comes first; next comes California; then Iowa and Illinois; then, as I have said, Kansas, Minnesota, North Carolina, Oklahoma, Wisconsin, Ohio, and then New York. Therefore, Mr. President, anything having to do with the welfare of the farmer is a matter of great concern to any Senator from the State of New York.

I was much interested in the statement of the President in his message. He said—I quote from President Coolidge's last message:

It is often stated that a reduction of tariff rates on industry would benefit agriculture. It would be interesting to know to what commodities it is thought this could be applied. Everything the farmer uses in farming is already on the free list.

Mr. President, they must have a different way of farming in Vermont than they do in New York, because there are many things used in farming which are not on the free list. I want to call attention to some of these things, because the

farmer has consistently voted the Republican ticket. I have no reason to believe he will stop voting that ticket.

The farmer representatives on the other side of the aisle are very much excited about this situation. They have not hesitated to blame the Republican Party, but when it comes time to vote next fall they will vote the Republican ticket just the same. However, I think the farmers of America ought to know how the protective-tariff system affects them, and how much they have benefited and how much they have been harmed by that system.

I want to say in discussing this matter—and that is the reason why I said in the beginning that I could not support this resolution in its present form—that I believe in the protective-tariff system. I think it is tremendously important to this country that we should have a scientifically applied tariff. I think it is important to my State that there should be such a tariff. We are great manufacturers of cuffs and collars and shirts and paints and paintbrushes and a thousand other things where if we had no protective tariff the workmen and the manufacturers of my State would come in competition with the peasant labor of Europe, and these manufactories would be stifled. But there can be no doubt that this tariff was written in the interest of several great manufacturing concerns, and the farmer was not thought of or his welfare considered when this tariff bill was written.

The history of the protective-tariff system is interesting. In the early history of our country the hatters in Danbury found themselves in competition with the men who made hats in Hartford; and in order that that competition, which lessened the profits, might be done away with, they formed combinations, or what we call to-day trusts. In due time these combinations gained political strength and they were able to control legislation.

It was not long, however, before these combinations found that while they had benefited temporarily, they were in competition with the manufacturers of Europe; and so the question arose, "How are we going to do away with this competition?" Then these powerful organizations came to Washington, and out of it came the protective-tariff system.

The farmer is the victim, because, in spite of the optimism of the President, it is not true that everything the farmer uses is on the free list.

There is another matter which is of vital interest to the farmer.

Mr. McKELLAR. Mr. President, will the Senator yield before he leaves that subject?

Mr. COPELAND. I shall be glad to yield.

Mr. McKELLAR. As I understood the Senator, he said that he regarded the protective tariff as a scientific tax system. Did I correctly understand him?

Mr. COPELAND. No; the Senator did not understand me correctly. I said that I am in favor of a scientifically applied tariff system; but certainly the present tariff law of 1922 is not such a system.

Mr. McKELLAR. Does the Senator think that a tariff law by which \$605,000,000 is raised by the Government annually, and the American consumer is taxed not only in that sum but in \$4,000,000,000, speaking in round numbers, for the benefit of favored classes, can be made into a scientific system?

Mr. COPELAND. No; not the way that we write tariffs. It never can be done in that way; and there is no more glaring example of what the Senator has in mind than the tariff on sugar.

It is costing the housewives of this country \$250,000,000 a year by reason of the increased price put upon sugar, growing out of this tariff.

Mr. BROUSSARD. Mr. President, may I ask the Senator from New York a question or two?

Mr. COPELAND. Certainly.

Mr. BROUSSARD. How many pounds of sugar are consumed in the household at the table annually?

Mr. COPELAND. Suppose the Senator gives me those figures. I assume he has them.

Mr. BROUSSARD. About 30 pounds. The rest of it is used in the manufacture of condensed milk, candy, gums, tobacco, and various other articles where the duty on sugar cuts no figure at all in determining the price. So when it is charged that the American household is being mulcted to the tune of \$240,000,000, that figure ought to be cut in two three or four times.

Mr. COPELAND. In view of what the Senator from Louisiana has said, I will change the statement that the housewives are paying \$250,000,000 and say that the householders of this country are paying it.

Mr. SMOOT. And if they did not we would have to collect the taxes from some other source.

Mr. BROUSSARD. Mr. President, will the Senator permit another interruption?

Mr. COPELAND. Certainly.

Mr. BROUSSARD. Does the Senator think the duty on sugar affects the price of gum or candy or condensed milk or tobacco or thousands of other articles in the manufacture of which sugar is used?

Mr. COPELAND. Certainly I do.

Mr. BROUSSARD. Does the Senator think that if the duty on sugar were lessened or taken off entirely it would be possible to buy candy for less than \$1 a pound?

Mr. COPELAND. Not the dollar-a-pound kind, no; but candy would be sold for less money.

Mr. BROUSSARD. What about the price of chewing gum? Would that be lessened?

Mr. COPELAND. I assume it would. I am not well informed on that subject.

Mr. BROUSSARD. In other words, the Senator believes that if the duty of 1.76 on sugar was removed there would be a reduction all the way down the line, even on chewing tobacco?

Mr. COPELAND. Let me say to the Senator from Louisiana that I do not believe he heard what I said a little while ago. I would not have all the tariff taken off sugar, any more than I would take it off a lot of other things.

I honor the Senator from Louisiana because he is here to protect the interests of his State; and I want to pass word on to his constituents that he is always doing it well.

Mr. BROUSSARD. May I be permitted to say that my people believe that this duty is not high enough.

Mr. McLEAN. Mr. President—

Mr. COPELAND. I yield to the Senator from Connecticut.

Mr. McLEAN. I am surprised that the Senator from Louisiana does not ask the Senator from New York what he thinks the price of sugar would be if there were no protective tariff on it, and, as a result, the beet-sugar men and the cane-sugar men in this country were driven out of business, and we were at the mercy of the foreign producers. I wonder if he knows what the price of sugar would be then.

Mr. SMOOT. You can judge that from war times, when they raised it to 24 and 25 cents a pound.

Mr. McLEAN. It went to 30 cents a pound to the wholesalers.

Mr. COPELAND. Mr. President, I deliberately brought in this reference to sugar because I knew it would "stir up the animals." If we were to take off the tariff on sugar and pay a bounty, we could save \$100,000,000 a year.

Mr. SMOOT. May I ask the Senator where he would get that \$100,000,000 from? He has to have it from some source to pay the expenses of the Government. Where would the Senator place that burden, then?

Mr. COPELAND. Mr. President, I am frank to say that I could not get it, because the watch dog of the Treasury here would prevent it.

Mr. SMOOT. But if you could, and if the watch dog should say, "Yes; we will take it off," where would you place that burden of \$100,000,000?

Mr. COPELAND. Of course, Mr. President, as the Senator well knows, I am not anticipating that that is going to happen; but I do know that if I may trust at all the word of those engaged in the sugar business in my section of the world, the tariff on cane sugar—as it involves cane sugar—could be materially reduced.

Mr. SMOOT. Mr. President, I think sugar is about the only product raised on the farm the price of which is less now than it was before the war. I want to say to the Senator that as far as the industry is concerned under existing conditions, with overproduction of sugar in Java and Cuba and different sections of the world, the stock of the sugar companies is almost worthless. Not only that, but I wish to say to the Senator—

Mr. COPELAND. Just one moment. The Senator spoke about Cuba.

Mr. SMOOT. Just a moment; I want to finish this. Here are the Philippine Islands, which have a free market for sugar into the United States. They can raise sugar for less money than it can be raised for in Cuba. I have a copy of the interview between the junior Senator from Montana [Mr. WHEELER] and the largest sugar producer in the Philippines, in which he admitted to the Senator that he had made approximately 50 per cent on his capital stock that year. Not only that, but when the Senator from Montana asked him, "What wages are you paying your men in the sugar fields of the Philip-

piners?" his answer was, "Forty cents a day"; and yet that flood of sugar coming into this country, that was limited to 300,000 tons before the act of 1913, has no limitation now.

This body was told that it was impossible to produce at any time more than 300,000 tons of sugar in the Philippines, but last year they produced more than double that amount, and all of the American market here was open free to them. Not only that, but I want to call the Senator's attention to Porto Rico. We imposed a small duty of 80 cents or a dollar upon sugar cane, and what are the Porto Ricans doing now? They are shipping sugar cane from San Domingo into Porto Rico and making it into sugar, and then from Porto Rico bringing the sugar into the United States free of duty. All these things you have to take into consideration when you are discussing the question; and it is a big question at that.

Mr. McLEAN. What has been the average price of sugar since the enactment of the tariff law of 1922?

Mr. SMOOT. As I have said, it is the only farm product I know of that has not advanced in price. The Senator could have gone down the street several months ago and bought sugar at retail for 5 cents a pound. Not only that, but as far as the beet grower is concerned the farmer gets his \$7.50 a ton for his beets, no matter what the price of sugar is, and if there is anything made he gets half of the profit. Can farmers object to that? They are not objecting to it; and I will say to the Senator that there is not a commodity raised on the farm that is cheaper to-day than it was before the war with the exception of sugar.

Mr. COPELAND. Mr. President, the Senator from Utah lives up to the high reputation I give him in all the speeches I make in the State of New York. I say up there, and I say now, that he is the ablest defender of the sugar tariff on the face of the earth. Now, I want to ask him a question. Does the tariff on sugar increase its price in this country?

Mr. SMOOT. Of course it increases the price.

Mr. COPELAND. What is the aggregate amount?

Mr. SMOOT. One dollar and seventy-six cents a hundred.

Mr. COPELAND. But how much do the housewives, or, let me say, how much do American citizens pay for sugar in excess of what they would pay if it were not for this tariff?

Mr. SMOOT. I do not think they pay anything in excess. If you place the sugar in the hands of five or six refiners in the United States, I tell you that there would be no reduction, in my opinion, in sugar. Take all the beet sugar off the market and see how quickly the New York refiners and Philadelphia refiners will raise the price of sugar. I have had charts here showing exactly what changes were made, and the exact dates, when there was no domestic sugar to sell. They put on whatever price they wanted to. It is one commodity, handled by about seven concerns of the United States.

Mr. COPELAND. That is, if we did not have the scarlet fever, we would have the measles.

Mr. SMOOT. I think you would have both scarlet fever and measles with no local production of sugar.

Mr. COPELAND. Let me ask the Senator another question. One dollar and seventy-six cents a hundred is the figure?

Mr. SMOOT. Yes.

Mr. COPELAND. Does the imposition of that duty add anything to the cost of sugar when we buy it?

Mr. SMOOT. When who buys it?

Mr. COPELAND. When an American citizen buys it.

Mr. SMOOT. The consumer?

Mr. COPELAND. Yes.

Mr. SMOOT. I think it does.

Mr. COPELAND. How much does that add in the course of a year—the aggregate amount?

Mr. SMOOT. Do you mean what duty is paid?

Mr. COPELAND. What is the added sugar bill of the Nation by reason of the duty?

Mr. SMOOT. Nobody could tell that.

Mr. COPELAND. Two hundred and fifty million dollars, probably.

Mr. SMOOT. The Senator says "probably."

Mr. COPELAND. Yes. Is not that about right?

Mr. SMOOT. I should think it would be the amount of the duty collected, whatever it was.

Mr. COPELAND. Let us say \$200,000,000. Is that right?

Mr. SMOOT. I have not looked up the latest figures. It is a large amount.

Mr. COPELAND. The Senator says it is a large amount. Let me say for the comfort of the Senator from Utah that I am with him for a reasonable tariff on sugar, but I am attempting to point out what is the fact, and the thing which he has admitted, that by reason of this tariff the people of this country pay a tremendous amount of money which they would not pay without it.

Mr. SMOOT. The Senator goes too far there. If there were no such duty, the people would have to raise that amount of money from some other source, and they would pay it. The tax that is raised from the sugar imported into this country goes a long way toward paying the expenses of the Government; that is, to the extent of about \$200,000,000. If sugar came in free, the American people would have to make up what is now collected as duty. There is no doubt about that. So it is a question whether the duty shall be on a commodity produced in the United States, with United States capital, United States labor, paying the farmer the highest price that has been paid for years.

Mr. COPELAND. That is, for sugar beets?

Mr. SMOOT. Yes.

Mr. COPELAND. Will the Senator tell the Senate and the country how much revenue the country receives from the sugar made from sugar beets?

Mr. SMOOT. There is no tax upon it, and that is a very little part of what they consume.

Mr. COPELAND. Then, in order that we may protect this very little part, we put a tariff of \$1.76 a hundred, to increase the price 2 or 3 cents a pound on every pound of sugar purchased in the United States?

Mr. SMOOT. That is not so, Mr. President. There is no 2 or 3 cents a pound.

Mr. COPELAND. One dollar and seventy-six cents a hundred is 1.76 cents?

Mr. SMOOT. Yes; but it is not 2 or 3 cents.

Mr. COPELAND. When the consumer goes to buy, how much is it, then? It is pyramided, is it not?

Mr. SMOOT. No. That is one commodity sold in the United States with hardly a cent of profit in it. It is almost like changing dollars.

Mr. BROUSSARD. Mr. President, if the Senator from New York will be kind enough to yield to me, I would like to make the explanation a little clearer.

Mr. COPELAND. Certainly.

Mr. BROUSSARD. The consumption of sugar per capita in the United States is about 200 pounds. Of that, 30 pounds is bought directly as sugar by the consumer for human consumption. One hundred and seventy pounds enter into the manufacture of thousands of articles, where the duty plays no part in the fixing of the price. So that when you come here to demonstrate the case you are trying to make, you base it on 30 pounds per capita. Then, if it is found that the consumer pays all of that tariff on 30 pounds, the total is that multiplied by the people of the United States.

No one would assert that when he buys a plug of tobacco or when he buys a ham or smoked meat or ice cream or candy or sugar or other articles, where sugar is merely incidental, that the tariff on that sugar at the rate of \$1.76 per hundred pounds enters into the cost to the consumer.

Mr. COPELAND. Does the tariff on tobacco enter into it?

Mr. BROUSSARD. Of course it does; very much more so.

Mr. COPELAND. Because there is more tobacco than there is sugar?

Mr. BROUSSARD. Yes. The quantity of sugar is so small there that you can not estimate it. You go and buy a stick of gum for 5 cents. If there were no sugar in that gum, it would still cost you 5 cents, or if there were twice as much sugar in it, it would still cost you 5 cents. If you cut it in half, you would have to pay the same price. It is so infinitesimal that it plays no part.

Mr. COPELAND. The Senator from Louisiana seems to be at cross purposes with the Senator from Utah. The Senator from Utah has just confessed that by reason of this tariff on sugar we are paying \$200,000,000 more for sugar than we would otherwise.

Mr. SMOOT. On the importation.

Mr. COPELAND. However, the fact remains, whether we call it \$250,000,000, or \$200,000,000, or \$100,000,000, or \$50,000,000, that the tariff on sugar causes the farmer to pay more for sugar than he otherwise would pay.

Mr. President, there is another matter that enters into the welfare of the farmer. Whenever any one of us favors a farm relief bill, we are told that such a bill is violative of economic law, that it violates the law of supply and demand, and therefore that we must not pass any such unscientific thing because it is uneconomic.

Can anything be more uneconomic, any more violative of the law of supply and demand, than a protective tariff? That is the purpose of the tariff. The main purpose of the protective tariff is not to raise revenue; the main purpose is to protect American industry, and in order that there may be protection of industry, the tariff is set up to raise the threshold and make

it impossible for foreigners to compete with our home-made products.

Therefore, when these farm Senators come here and talk to us about the necessity of the one-crop farmer, why do we raise the cry against them, "This is uneconomic, this is violative of the law of supply and demand"? It is no more uneconomic and no more violative of natural law than the protective tariff system is.

Mr. McMASTER. Mr. President, will the Senator yield for a moment?

Mr. COPELAND. I am glad to yield to the Senator.

Mr. McMASTER. I desire to modify and perfect Senate Resolution 52, which is now pending for consideration before the Senate. I desire to strike out all after the first word, "Resolved," and substitute in lieu thereof the following language, so that the resolution then would read:

Resolved, That many of the rates in the existing tariff schedules are excessive, that the Senate favors immediate revision downward of such schedules, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all; be it further

Resolved, That such tariff revision should be considered and enacted during the present session of Congress; be it further

Resolved, That a copy of this resolution be transmitted to the House of Representatives.

Mr. SHORTRIDGE. Mr. President, if the Senator will yield, will not the Senator further perfect or modify—I think it would be perfecting the resolution—by setting forth that whereas certain of the rates of duty now imposed under existing law are too low, not adequately protective, they should be raised so as to give effective protection to the vast variety of agricultural products?

Mr. McMASTER. Mr. President, if the distinguished Senator from California will carefully read this resolution he will discover that it contains exactly that provision, stating that it is to the end that there shall be established a closer parity between agriculture and industry.

Mr. SHORTRIDGE. I have heard that phrase very often and the more frequently I hear it the less I understand it. But the Senator has, within his rights, I take it, proposed to amend his original proposed resolution, and he has recited that whereas certain rates are too high, and so forth. Now, I am asking him whether he does not agree with me that many of them are too low and should be raised. If his resolution is amended to cover that proposition some now opposed might join him and vote for its passage.

Mr. McMASTER. I have not any doubt, Mr. President, that if I should revise the resolution so as to provide that there should be a revision and a revision upward, we would get the solid vote of this side of the Chamber excepting the votes of those who favor agriculture. I have no question about that at all.

Mr. SHORTRIDGE. I hope the Senator is right in his statement.

Mr. McMASTER. I think that if any Senator who is interested in agriculture will carefully read the resolution he will decide that he can vote for it, for if that resolution is passed and is ultimately translated into law agriculture in this country will receive a distinct benefit, and furthermore, under the resolution if there is any tariff schedule on agricultural products that should be raised, it can be raised, and I believe there are agricultural schedules which should be raised.

Mr. SHORTRIDGE. Mr. President, will the Senator further yield?

Mr. COPELAND. I am very glad to yield, because I like to see a row on the other side of the Chamber.

Mr. SHORTRIDGE. It is not a row, nor a riot, nor a Democratic gathering.

Mr. COPELAND. I would recognize the last one, being familiar with it.

Mr. SHORTRIDGE. I was prompted by the Senator's courtesy to make the inquiry of my friend from South Dakota, because I think there are many items in the tariff law which should be further protected by the raising of duties imposed. I could cite a number. I think there are some products in South Dakota which need further tariff protection. I know of a very considerable number of agricultural products of California which need further protection. I further know that there is not a Democratic farmer in California who does not heartily join with his Republican neighbor in sustaining what I say and who will not sustain what I say. So, with all seriousness and not to delay the discussion further, I am hopeful still, for I am a very hopeful man, that the resolution may in terms refer to the inadequately low rates as well as to the alleged inadequately high rates.

Mr. McMASTER. If the resolution should be modified so that it would meet with the requirements of the Senator, namely, that he is desirous of raising the rates on agricultural products and that he wants to lower a number of rates on industrial products, would he vote for the resolution?

Mr. SHORTRIDGE. I would not at this time.

Mr. McMASTER. And so it goes with all those who are opposed to the resolution. It does not make any difference what language is put in the resolution, they will vote against it. They simply try to throw dust and cloud the issue, misconstrue its meaning, and find fault in general.

Mr. SHORTRIDGE. I have no right to pursue the matter longer; but what good would be accomplished by the passage of the resolution?

Mr. COPELAND. Do not let me at all interfere with the discussion. Now, may we have the clerk report the resolution as modified, and then I will resume?

The PRESIDING OFFICER (Mr. WATERMAN in the chair). The resolution as modified will be read.

The legislative clerk read the modified resolution, as follows:

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such schedules, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all; be it further

Resolved, That such tariff revision should be considered and enacted during the present session of Congress; and be it further

Resolved, That a copy of this resolution be transmitted to the House of Representatives.

Mr. COPELAND. I assume the Senator from South Dakota intends to point out that there are certain schedules which are too high and that such schedules should be lowered?

Mr. McMASTER. I think that is in the resolution.

Mr. COPELAND. Is that the intention of the Senator?

Mr. McMASTER. I have gone into my interpretation of the import and the meaning of the former resolution, and the modified resolution has been explained many times on the floor of the Senate. I think there are many, many industrial schedules which are exorbitant, which are excessive, which are outrageous, and that those schedules ought to be lowered.

Mr. COPELAND. Mr. President, before this interesting colloquy on the other side of the aisle this situation which shows the fraternal love existing across the aisle, I had stated that in my judgment any tariff law violates economic laws.

Mr. BORAH. Mr. President, speaking about fraternal love, possibly after the Jackson Day dinner we will know more about it.

Mr. COPELAND. May I say to the Senator that I am praying all the time that we may have such a harmonious meeting as the interests of the country demand we should have, and that out of that will grow a situation which will make possible the election of a Democratic President, which will benefit the country materially.

Mr. BORAH. I agree with the Senator that there should be such a meeting as will help the country.

Mr. COPELAND. We are as one in that matter. Are there any other comments at this moment across the aisle?

Mr. FESS. "The prayer of the wicked availeth nothing," is the only comment I wish to make at this time. [Laughter.]

Mr. COPELAND. But the prayer of the righteous availeth much.

Mr. SHORTRIDGE. Will the Senator have the goodness now to tell us the name of the nominee?

Mr. COPELAND. Certainly. I shall be glad to name the nominee. The governor of my State, Alfred E. Smith, will sweep the country, and if he is nominated for President it does not make any difference what the gentlemen across the aisle do, he will be elected. [Laughter.] Is that all?

Mr. BORAH. No; that is not all. What is the position of Governor Smith on the eighteenth amendment?

Mr. COPELAND. Has the Senator from Idaho forgotten how to read the English language?

Mr. BORAH. No; but I was unable to construe it to my satisfaction. I am asking the Senator from New York now, who speaks for Governor Smith, what is his position?

Mr. COPELAND. I have no right to say I speak for Governor Smith. I do not speak for Governor Smith. Governor Smith at no time has announced himself to be a candidate for this high office. But I know enough about Governor Smith to know how he feels about the eighteenth amendment. He has said that the eighteenth amendment prohibits the manufacture and sale of intoxicating liquors, but the Volstead Act prohibits not only the sale of intoxicating liquors but it prohibits the sale of nonintoxicating liquors. I conclude that he believes,

as I do, that the Volstead Act goes far beyond the spirit and letter of the amendment.

Mr. BORAH. Then I understand the position of Governor Smith is that he is in favor of the eighteenth amendment but opposed to the Volstead Act.

Mr. COPELAND. Mr. Smith has said time and time again that the Volstead Act should be modified to permit a beverage of higher alcoholic content, but within the limits of the eighteenth amendment. Regardless of whether Mr. Smith believes the Volstead Act is a proper act, Mr. Smith believes that that law and every other law while upon the statute books must be strictly enforced. The enforcement in my State has been by the State police under Governor Smith.

Mr. BORAH. As I understand the position of Governor Smith as interpreted by the Senator from New York, it is that he is in favor of the eighteenth amendment.

Mr. COPELAND. I will say that Governor Smith at no time has said that the eighteenth amendment should not be enforced.

Mr. BORAH. Am I to understand he is in favor of it?

Mr. COPELAND. I could not answer for Governor Smith in that particular matter.

Mr. BORAH. He is in favor of a strict enforcement of it, however?

Mr. COPELAND. He certainly is.

Mr. BORAH. Does the Senator know whether or not he favors leaving to the States the proposition of determining what is the alcoholic content under the Constitution?

Mr. COPELAND. Yes. I quote from the 1927 message of Governor Smith to the New York Legislature:

I believe that the duty now rests upon the legislature to pass suitable resolutions conveying in a formal manner the result of that vote to the Congress of the United States and memorializing it on behalf of the State of New York to enact at the earliest possible moment a sane, sensible, reasonable definition of what constitutes an intoxicant under the eighteenth amendment, so that harmless beverages which our people have enjoyed for more than a century may be restored to them.

In the meantime, however, it must be borne in mind that until such modification is effective the Federal statute and the eighteenth amendment are just as much the law of this State as any of our own State statutes. This has been definitely settled by a decision of the United States Supreme Court. I again warn sheriffs and peace officers generally that it is their sworn duty to enforce these laws. Failure to perform this duty I will consider as serious an offense as a failure to obey the State statutes, and when laid before me, substantiated by proper and competent testimony, I will exercise without fear or favor the power of removal wherever it is vested in me.

Mr. BORAH. Precisely; but the governor is in favor of each State determining for itself what the alcoholic content shall be?

Mr. COPELAND. The governor, as I interpret his view, is in favor of having Congress determine what is the alcoholic content which is the limit of nonintoxication and that the State, by affirmative vote of its own citizens, shall determine whether it prefers its liquor of an alcoholic content above one-half of 1 per cent but not in excess of that which is determined by Congress.

Mr. BORAH. Then I understand the governor is in favor of Congress, and not the States, fixing the alcoholic content?

Mr. COPELAND. Yes; within the limits of the modified act, is his position, as I understand it.

Mr. BORAH. Is the Senator sure about that?

Mr. COPELAND. I think I am right about it.

Mr. BORAH. Then I have misread his record.

Mr. COPELAND. Of course the Senator has misread his message, and many other Senators have misread his message; and many citizens of this country and many Democrats, even, in the country fail to understand Mr. Smith's attitude. If Mr. Smith is elected President of the United States, as I believe he will be, there will never have been in that office a man who has more strictly and thoroughly and unflinchingly insisted upon law enforcement than Alfred E. Smith.

Mr. BORAH. Then in order that I may understand, because I am seeking information, let me inquire further. Since the Senator raised the question about Governor Smith being a candidate, I became interested, of course, and especially after he stated he would be elected. I understand the position of Governor Smith is that he is thoroughly in favor of enforcement of the eighteenth amendment.

Mr. COPELAND. Yes, sir.

Mr. BORAH. That as Chief Executive he will exert all the powers in his control to enforce the eighteenth amendment?

Mr. COPELAND. Absolutely.

Mr. BORAH. That he is not in favor of the States fixing the alcoholic content but that he is in favor of Congress fixing the content?

Mr. COPELAND. Yes; as I interpret his views.

Mr. BORAH. Then what is the difference between his position and the position which we now occupy under those two laws? Congress has already fixed the alcoholic content.

Mr. COPELAND. Which is—

Mr. BORAH. I know what it is, but the Senator said the governor is in favor of Congress fixing it, and if that is true he must accept what Congress fixes.

Mr. COPELAND. And he has accepted it.

Mr. BORAH. Then if he is in favor of Congress fixing it and Congress fixes it at what it is now, would the governor stand for what Congress does?

Mr. COPELAND. He certainly would—that is his sworn duty.

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

Mr. COPELAND. And under no circumstances and at no time has he said that he wished to violate or nullify the law enacted by Congress.

Mr. BORAH. I am not charging anything against Governor Smith at all. I have a very fine riding horse which bears his name and I am made to think of him every morning. I am not attacking, but seeking information.

Mr. COPELAND. And the more the Senator is with his horse the better he thinks of humanity.

Mr. BORAH. Sometimes that is true; but I understood the governor to be in favor of each State fixing the alcoholic content, and that is the reason why he supported a referendum in New York. The referendum in New York provided that the alcoholic content was to be in accordance with the declaration or position taken by each State. Governor Smith signed it and supported it. Do I understand that he has receded from that position?

Mr. COPELAND. No; he has not changed his position. I have no reason to doubt that he holds to the opinion he expressed at the time of the Mullan-Gage repeal. I quote:

It seems to me that common sense, backed up by good medical opinion, can find a more scientific definition of what constitutes an intoxicating beverage. Such a definition should be adopted by Congress as a proper and reasonable amendment of the Volstead Act and a maximum alcoholic content should be prescribed by Congress which would limit all States to the traffic in liquors which are, in fact, nonintoxicating within the meaning of the eighteenth amendment.

Subject to that limitation each State should therefore be left free to determine for itself what should constitute an intoxicating beverage. States which then wish to limit traffic to beverages containing not more than one-half of 1 per cent of alcohol would be free to do so and those which desire to extend the traffic to the maximum limitation allowed by Federal statute would be equally free to do so.

Mr. BORAH. Then he still holds to the doctrine which was announced in the New York referendum?

Mr. COPELAND. May I state once more for the benefit of the Senator that in common with many other citizens, and I am one of them, the governor of my State believes that when the Volstead Act was passed it fixed an alcoholic content far below an alcoholic content which is truly intoxicating. I have heard eminent citizens, Members of this body—

Mr. BORAH. Let us stop right there.

Mr. COPELAND. All right.

Mr. BORAH. The Congress did fix that alcoholic content.

Mr. COPELAND. Yes; it did.

Mr. BORAH. And the governor, the Senator said, is in favor of Congress fixing the alcoholic content?

Mr. COPELAND. Yes.

Mr. BORAH. Then, why is he not satisfied with what Congress did?

Mr. COPELAND. The governor, in a very recent statement, said that if a citizen or any group of citizens became dissatisfied with the law that citizen or that group of citizens would have a perfect right to find fault with it.

Mr. BORAH. Of course.

Mr. COPELAND. And that is what he has done.

Mr. BORAH. Then he is not in favor of the alcoholic content as fixed by the Congress.

Mr. COPELAND. Does the Senator mean Governor Smith indorses an alcoholic content which is intoxicating?

Mr. BORAH. I think that it is important whether we are in favor of Congress fixing the alcoholic content, or in favor of each State fixing it, as the New York referendum provided. To be candid, I understand Governor Smith's position to be that each State should fix the alcoholic content to suit itself. But the Senator states that his understanding is that Governor Smith is in favor of Congress fixing the alcoholic content. If that be true, he must be satisfied with what Congress did, and Congress has fixed the alcoholic content that is found in the Volstead Act.

Mr. COPELAND. When the Senator said he is satisfied, does that mean that he must never under any circumstances find fault with it or seek to modify the law?

Mr. BORAH. He could not modify the proposition as to whether or not Congress was to fix it. He might ask Congress to fix it higher or lower. But the question is, Who is to fix the content—Congress or the States?

Mr. COPELAND. That is what he is asking for.

Mr. BORAH. But does he propose to leave it to Congress ultimately to fix the alcoholic content?

Mr. COPELAND. I so understand.

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

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

Mr. COPELAND. Yes.

Mr. NEELY. The distinguished Senator from Idaho has asked the able Senator from New York to state the attitude of an alleged candidate for President on the Democratic ticket toward the eighteenth amendment. I ask the wise and courageous Republican Senator from Idaho to state the position of his party's President on the eighteenth amendment?

Mr. BORAH. Mr. President, if anybody ever announces his candidacy for the Republican nomination, I am going to ask him. [Laughter.]

Mr. NEELY. Does the Senator believe that he could obtain a responsive answer from the present incumbent?

Mr. BORAH. The present occupant of the chair?

Mr. NEELY. No; the present occupant of the White House.

Mr. BORAH. If I should ask him what?

Mr. NEELY. If the Senator should ask him about his position on the eighteenth amendment, does he believe that he would receive a responsive answer?

Mr. BORAH. Yes; I think so.

Mr. CARAWAY. What would that answer be?

Mr. BORAH. I do not know.

Mr. CARAWAY. The Senator has no idea?

Mr. BORAH. I have no idea.

Mr. CARAWAY. Then, what causes the Senator to have so much faith that he would ever get an answer? Nobody else has been able to get one out of him.

Mr. BORAH. I think the President would answer it if I should ask the question, but I do not know what his answer would be.

Mr. CARAWAY. The country has asked him that question over and over again, and if the Senator has so much more influence than all the rest of the country, why did he not come to the country's relief and ask the President?

Mr. BORAH. I did not know the country had asked the President that question.

Mr. CARAWAY. The Senator did not know the country had asked the President that question? Practically every group in the country has asked it; has asked whether he was going to enforce the law or not enforce it.

Mr. BORAH. My observation has been that organizations which purport particularly to speak for the eighteenth amendment have almost universally supposed that they understood the President's position.

Mr. CARAWAY. What was that position?

Mr. BORAH. For the enforcement of the eighteenth amendment.

Mr. NEELY. For enforcement under Mr. Mellon?

Mr. CARAWAY. They appeared to be satisfied with it, did they?

Mr. BORAH. I did not say they had been satisfied.

Mr. CARAWAY. Who has been satisfied; I am curious to know.

Mr. BORAH. I assume that all these organizations have been satisfied, because they have passed resolutions indorsing the President's attitude.

Mr. CARAWAY. I have read the newspapers very carefully, but I did not know that.

Mr. BORAH. I happened to be present at one of the meetings where they passed resolutions indorsing his position.

Mr. CARAWAY. Were they unanimously passed?

Mr. BORAH. They were unanimously passed.

Mr. CARAWAY. The Senator, then, concurred in them?

Mr. BORAH. No; I did not.

Mr. CARAWAY. The Senator was present and he says the action was unanimous.

Mr. BORAH. I was speaking before the organization; I was not a member of it.

Mr. CARAWAY. Oh, the Senator was merely the voice of the organization, and not a member of it.

Mr. BORAH. I was speaking my own views.

Mr. CARAWAY. And the organization did not agree with the Senator?

Mr. BORAH. I do not know whether they did or not.
Mr. CARAWAY. And the Senator did not agree with the organization?

Mr. BORAH. They did not indorse me. [Laughter.]
Mr. NEELY. Mr. President, does the Senator from Idaho know the position of Mr. Hoover or Mr. Lowden on the eighteenth amendment?

Mr. BORAH. Mr. President, I do not know the position of a single candidate for the Republican nomination for the Presidency on this question.

Mr. CARAWAY. The Senator knows the position of the Senator from Ohio [Mr. WILLIS], does he not?

Mr. BORAH. No; I do not; but if I live and keep my health and by respectful inquiry can ascertain before the next Republican convention, I shall ascertain what their positions are.

Mr. COPELAND. And then, if the candidate does not give a satisfactory reply, since the Senator knows what Governor Smith stands for, he will vote for him?

Mr. BORAH. For Smith?
Mr. COPELAND. Yes.

Mr. BORAH. If I have no better success in finding out from Governor Smith what his position is than I have had in finding out from the Senator from New York what his position is, I shall not be able to vote for him. [Laughter.]

Mr. NEELY. The Senator from Idaho has inquired about a possible Democratic candidate's position on the eighteenth amendment. Why does he not submit a similar inquiry to some of the many prospective Republican candidates—particularly to the distinguished senior Senator from Kansas [Mr. CURTIS], who now sits within 8 feet of the Senator from Idaho, and to the stalwart Senator from Ohio who usually sits only a little farther away?

Mr. CARAWAY. Which Senator from Ohio?
Mr. NEELY. I refer to the one who is supposed to be a candidate for President [Mr. WILLIS].

Mr. CARAWAY. There is a candidate sitting right back of the Senator from Idaho. If he can not find out his sentiments, he can at least ask him.

The Senator from Idaho said he did not know the position of any candidate.

Mr. BORAH. I do not even know who the candidates are.
Mr. CARAWAY. Then let us take a day off and name some of them. [Laughter.]

Mr. BORAH. The Senator from New York stated on the floor that the Governor of New York would be the nominee of the Democratic ticket and that he would be elected. I rose in my place within a few minutes after that announcement and asked the question which I will ask of every Republican candidate when the same thing takes place. There have been a number of Senators on the Republican side, practically half of the Senate, whose names have been mentioned in connection with the presidential nomination, but there has been no announcement of their candidacy so far as I know. Whenever, however, there is such an announcement, upon this floor or elsewhere, I propose to ask the question.

Mr. CARAWAY. I hope the Senator will read the newspapers, because at least two Senators sitting on his side of the Chamber have had their hats in the ring and advertised the fact that they had put them in the ring some weeks ago. They ought to be at least recognized as candidates by Members of the Senate. [Laughter.]

Mr. BORAH. The Senator can be assured that these questions will be asked of them.

Mr. CARAWAY. Let us ask them right now. There are at least two of them present. [Laughter.]

Mr. BORAH. There is no better interrogator in the Senate than is the Senator from Arkansas.

Mr. CARAWAY. I do not pretend to speak for the Republican side because I never have been able to know exactly what the Republican Party stood for. I never dreamed that anybody knew where the present administration stood upon the question of prohibition. The Senator has assured me for the first time that some group of which he was the spokesman or before whom he spoke had actually declared that they were satisfied with what the President was doing on the question of prohibition, but I have never seen any reference to that action.

Mr. BORAH. I will bring it to the Senator to-morrow.
Mr. CARAWAY. I do not question the Senator's word, but it got so little publicity that I did not see it.

Mr. BORAH. No; it did not get a little publicity; it got entirely too much publicity, it seemed to me.

Mr. CARAWAY. I really had thought that the present administration was proceeding upon the theory that the "drys" had all the law they wanted and the "wets" had all the liquor they wanted. That has been my understanding of the present administration's attitude.

Mr. COPELAND. Mr. President—
Mr. NEELY. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. NEELY. For instance, if the very dearly beloved Senator from Kansas [Mr. CURTIS] or if Mr. Hoover should become the Republican nominee for President, and the Senator should receive an answer to his inquiry about such nominee's position on the eighteenth amendment will he not be good enough also to ask the candidate if, in the event of his election, he purposes to appoint an ex-distiller or an ex-brewer Secretary of the Treasury, to supervise the enforcement of the prohibition amendment?

Mr. BORAH. That will be a very pertinent question, and I am glad the Senator from West Virginia has suggested it; I shall remember it.

Mr. COPELAND. Now, Mr. President, I want to ask a question of the Senator from Idaho. I attempted to give him an answer and an honest answer to his question. He is not satisfied with my answer. He has said, however, that no matter who may be nominated by the Republicans he is going to ask this question of him: "Where do you stand on the eighteenth amendment and where do you stand on the Volstead Act?"

Mr. BORAH. Who is going to ask that question—I?

Mr. COPELAND. The Senator from Idaho is going to ask the nominee of his party that question. The Senator from Idaho will say to the nominee of the Republican Party, "Where do you stand on the eighteenth amendment? Where do you stand on the Volstead Act? Would you under any circumstances believe in its modification?" Suppose the answer is not a satisfactory one, will the Senator from Idaho refuse to support that man for election as the Republican candidate of his party?

Mr. BORAH. Mr. President, if the Republican Party shall nominate a man for the Presidency of the United States who is not in favor of enforcing the eighteenth amendment and of standing by the Constitution as it is written, I am not going to support him.

Mr. COPELAND. Then in that case the Senator can support the candidate I have mentioned, because he is in favor of enforcing the eighteenth amendment and of the Constitution of the United States.

Mr. BORAH. Well, I do not want to commit myself to the interpretation which has been placed upon his views by the Senator from New York.

Mr. COPELAND. I assume that the Senator from Idaho will put his own interpretation upon any answer given by the Republican nominee.

Mr. BORAH. Since the Senator from New York has raised that question, I will say that I recall that when Mr. Smith became Governor of New York there was upon the statute books of the State of New York a law enacted for the purpose of carrying into effect the eighteenth amendment and the Volstead Act, which committed the State of New York to cooperation with the National Government for the purpose of enforcing the eighteenth amendment. I undertake to say that the eighteenth amendment can not be enforced in any State where the State itself through its officials does not cooperate with the National Government for its enforcement. There is not any intelligent man who does not know that the law can not be maintained and enforced without the aid of the States.

The State of New York repealed that law; the Governor of New York signed the repeal, and thereby took away the support of the State of New York from the Constitution of the United States, in this particular.

Mr. COPELAND. Mr. President, I wish to deny in set terms that that is the situation, and I do so with all respect to the Senator from Idaho. I remember that the Senator from Idaho and I had a colloquy on this subject last year or the year before, and I shall now repeat in effect what I then said.

In the first place, I want to say that the State enforcement act, the Mullan-Gage Act, could never have been repealed except by Republican votes.

Mr. BORAH. Mr. President, I perfectly agree to that statement, but if Governor Smith had vetoed that repeal the law would have now been on the statute books.

Mr. COPELAND. Very well; I concede that, and I told the Senator from Idaho last year or the year before what Governor Smith believed about it and what he said about it when he filed his approval of that repeal. He filed with it a memorandum, and any man who reads the English language can understand it. He said he favored the repeal because it created that un-American situation which we call "double jeopardy"; but at the time that he filed that memorandum, in it, in words as plain as man could write, he said:

Let me say what the repeal of the Mullan-Gage law will not do. Its repeal will not make legal a single act which was illegal during the period of the existence of the statute.

Many communications I have received and arguments that have been made to me indicate a belief that its repeal will make possible the manufacture, sale, and distribution of light wines and beer. So far as that is concerned it will still be under the control it is to-day, subject to the provisions of the Volstead Act. Repeal of the Mullan-Gage law will not bring back light wines and beer.

The Supreme Court of the United States said:

"The Constitution, laws, and treaties of the United States are as much the part of the law of every State as its own local laws and constitution."

That means that after repeal there will still rest upon the peace officers of this State the sacred responsibility of sustaining the Volstead Act with as much force and as much vigor as they would enforce any State law or local ordinance, and I shall expect the discharge of that duty in the fullest measure by every peace officer in the State. The only difference after repeal is that to-day the police officer may take the offender for prosecution to the State court, to the Federal court, or to both. After the repeal of the Mullan-Gage law the prosecution must be where it belongs—in the Federal court. In law and in fact there is no more lawlessness in repealing the Mullan-Gage law than there is in the failure of the State to pass statutes making it a State crime to violate any other Federal penal statute.

Let it be understood at once and for all that this repeal does not in the slightest degree lessen the obligation of peace officers of the State to enforce in its strictest letter the Volstead Act and warning to that effect is herein contained as coming from the chief executive of the State of New York.

At this point, with all the earnestness that I am able to bring to my command, let me assure the thousands of people who wrote to me on this subject, and the citizens of the State generally, that the repeal of the Mullan-Gage law will not and can not by any possible stretch of the imagination bring back into existence the saloon, which is and ought to be a defunct institution in this country, and any attempt at its reestablishment by a misconstruction of the executive attitude on this bill will be forcefully and vigorously suppressed.

Let me now say what the repeal of the Mullan-Gage law will do.

Its repeal will do away entirely with the possibility of double jeopardy for violation of the laws enforcing the eighteenth amendment. By that we mean that no citizen shall be twice punished for the one offense. Under the United States Supreme Court decision in the Lanza case a citizen is to-day subjected to double trial and even to double punishment for a single offense, because such alleged offense is a violation of both the State and the Federal law. This is an unwarranted and indefensible exception to the fundamental constitutional guaranty contained in both the Federal and State Constitutions that no person shall be twice tried or punished for the same offense.

Mr. President, to repeat what I said a few months ago, practically the only effective control of the liquor business in the State of New York, either before the repeal of the Mullan-Gage Act or since, has been by the State officials. The seizure of plants, of stills, of bootleggers, has been to a great extent the work of the State police. It is not fair by direct word or by implication to accuse Mr. Smith of any lack of zeal in the enforcement of the Volstead Act, in the enforcement of the eighteenth amendment, or in the enforcement of the Constitution of the United States.

Those of us who know Mr. Smith know how devoted he is to the enforcement of law, how consistent he has been in his upholding of the Constitution. Therefore I say it is not fair, either by direct statement or by implication, to accuse this great governor, who is beloved by the people of my State, and I think equally beloved by the people of the United States. While we got into this discussion facetiously in the first place, in my judgment when the people of the United States come to understand this man there is not any question about what will happen when he is nominated for the Presidency, and I believe he will be elected President of the United States.

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

Mr. COPELAND. I am glad to yield to the Senator from Wisconsin.

Mr. BLAINE. I observe that the subject of the eighteenth amendment has been introduced. I assume it is meant by "the eighteenth amendment" to imply that that means prohibition.

I did not know that there was anyone so innocent as to entertain the opinion that there is any such thing as prohibition in fact; nor do I know that there is anyone who entertains the opinion that the eighteenth amendment has any effective enforcement anywhere outside of those who conscientiously believe in abstaining from the use of intoxicating liquors. So this talk about Governor Smith's position on the eighteenth amendment raises the direct question, How can any State in the Union cooperate with a Federal Prohibition Department that has been

corrupt, that has been rotten to the core, many members of which have served or are serving terms in penitentiaries for the violation of the very law they have taken their oath to support?

When a prominent member of the Federal Prohibition Department only recently—I think it was Mr. Lowman—said that in the Prohibition Department corruption and graft still exist, how can any self-respecting State or governor offer cooperation to an organization that has been and is to-day honeycombed with graft and corruption?

I believe the discussion of this so-called prohibition question is beside the mark and outside of the question under discussion. Therefore I want to ask the Senator from New York, What is Governor Smith's position upon the tariff question with respect to relieving the farmers of this country, who, because of their economic enslavement, are leaving the farms by the hundreds of thousands each year? Will the Senator kindly inform us?

Mr. COPELAND. Mr. President, I thank the Senator from Wisconsin. Perhaps we have gone far enough with this prohibition discussion. The Senator from Wisconsin has just retired from the governorship of a Republican State—a Republican State where, I believe, they have an enforcement law. He says prohibition can not be enforced. There are other States governed by Republicans, and, so far as my observation goes, there is not any State in the Union where prohibition is being enforced. It is not fair to say that it is due to this man or that man, and probably it is not fair to say of the President of the United States that it is his fault.

Now, however, the Senator from Wisconsin has asked me a question about the attitude of the governor of my State regarding agriculture. I should like to quote from the governor in one of his recent messages. This is what he said:

Any conception of the State as serving the people which omitted consideration for our basic industry of agriculture, and the great public works which will contribute to the solution of our problems of transportation and cost of living, would be unsound.

Then on another occasion he said in another message:

The present condition of agriculture in our State is such that it requires relief at the earliest possible moment. Since the harvest of 1920 conditions have grown steadily worse, until from every section of the State reports are coming that farmers by the hundred are giving up farming and many are selling out and flocking to the industrial centers, already overcrowded.

I am glad to say that the governor of my State has a very vivid realization of the necessity of some form of farm relief.

To go back to the main discussion, I had spoken of the tariff law as violative of economic law. It is unsound, economically considered, from the standpoint of the science of economics; and the farmer is largely the victim of it, because the farmer is a large consumer.

Where do you think the manufactured steel of this country is used? In 1926 the United States Steel Corporation made a profit of \$199,000,000, and the other steel corporations made large sums. The total profits on steel last year were over \$300,000,000. Where did the steel go? Who bought it?

Over half the steel used in the United States is sold on the farm in the form of agricultural implements, fence wire, plowshares, hammers, axes, chains, crowbars, harness buckles, and so forth. You know the multitude of things used on the farm that are made from steel. Over half the steel consumed in this country is consumed on the farm. If you impair the buying power of the farmer, every manufacturing industry in this country is bound to suffer.

Not only is the farmer the victim of the uneconomic tariff law, and required to pay tremendous increases over real values by reason of the tariff law, but he is the victim of another violation of economic law. I refer now to the labor union; and I say of that, as I did of the tariff, that I would not have the labor union destroyed. When I was a boy the workmen on the railroad section in my village got a dollar a day. That is all they had, and they worked 12 hours. Laborers started out in early life and at the end of a short career they were still laborers; and the children of laborers were laborers.

It was not until the labor union came along, and these men were able to deal with their problem collectively, that they had any relief; and I would not for a moment do one thing to impair the usefulness or the vitality of the labor unions. But out of their organization has grown the fixing of prices for labor. The carpenter, the plumber, the mason, and all others engaged in the crafts have practically a fixed price; and, Mr. President, who can doubt that that is violative of economic law, of the law of supply and demand? The farmer, when he wants to hire somebody to work on the farm, has to compete with the high prices of the near-by village or city. His boys are attracted by the high prices of the crafts, and they go into

the city. So the farmer is the victim of the fixing of prices there. Why should not the farmer, too, have some part in the benefits of protection?

Mr. President, we have been detained so long that I do not like to go into the details that I wanted to present. I think the discussion perhaps has been much more profitable by reason of the course it did take this afternoon. I think even the Senator from Idaho [Mr. BORAH] is converted, and will vote the Democratic ticket next year; but I do want to refer to at least one item in this "tariff of abominations."

In order to save time, I send to the desk a letter and ask that it be printed in my remarks at this point. It is a letter from an independent manufacturer of aluminum, pointing out that by reason of the tariff upon aluminum it is only the great Aluminum Trust that can hope to make utensils and other products of aluminum. I had intended to comment upon that, but time does not permit.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

NEW YORK, December 15, 1927.

The Hon. ROYAL S. COPELAND,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I duly received your letter of December 3 in regard to the aluminum tariff.

I am glad to see that you appreciate the necessity of protecting the fabricators of aluminum ware, who require this protection and I might say that there are any number of independent fabricators who by reason of low labor costs on the other side need a certain amount of protection. On the other hand, the raw material as I wrote you is too highly protected, for which there is no necessity under prevailing conditions. The aluminum metal can probably be produced as cheaply in this country as anywhere else, which is further proven by the fact that the domestic producer has gone to Canada and Norway for additional water power and is producing metal in those countries.

Under the Wilson administration the rates of duty were as follows:

	Cents per pound
Crude aluminum	2
Semimanufactured forms	3½

The present tariff act contains the following provision under paragraph No. 374:

"Aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, 5 cents per pound; in coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares, 9 cents per pound."

As you see, therefore, there has been an increase from 2 cents to 5 cents on the raw material, and an increase from 3½ cents to 9 cents on semimanufactured forms, which is prohibitive.

The raw material is still being brought in, but, as a 5-cent duty has to be added to the importer's price, the fabricator in this country is penalized to that extent.

In importing raw materials from the other side it is customary to insert a duty clause in the contract, so that if there is a change either up or down, it is for buyer's account; thus if the duty was reduced the buyer would immediately get the benefit. I believe that the time has come to take off the duty altogether, and that therefore—

"Aluminum, aluminum scrap, and alloys of all kinds in which aluminum is the component material of chief value in crude form" should come in free.

On this basis semimanufactured forms, including—

"Coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares" might be assessed 2 cents per pound.

If it is impossible at this time to put this proposition through, the very least that should be done is the reinstating of the rates under the Wilson administration of 2 cents and 3½ cents, respectively; but I still maintain that with the changes which have taken place as to production methods, coupled with the fact that the home industry has gone abroad for a large part of its production should fully justify the free listing of the raw material, as mentioned above.

I repeat again that the many independent foundries making parts of automobiles, washing machines, vacuum cleaners, and other household appliances; also the many makers of kitchen utensils would be distinctly benefited by a lower cost on this raw material, which is the chief metal used in their production, and the saving which would immediately follow should promptly be passed on to the public in its purchases of the many articles into which aluminum is fabricated.

If I can be of any further assistance, or if you require any additional information, I shall be very glad to furnish it.

Mr. COPELAND. When we discuss aluminum, however, I want to call the attention of Senators to paragraph 339 of the tariff act of 1922, found on page 25. This says that table, household, kitchen, and hospital utensils and hollow or flatware not specially provided for, composed wholly or in chief part of aluminum, shall be taxed 11 cents per pound and 55 per cent ad valorem.

Sometimes a homely illustration will bring home the significance of one of the dry paragraphs of this tariff act, and perhaps make more impressive what the law means to the average citizen.

A couple of years ago Mrs. Copeland desired to make some preserves at our house on the farm. She did not have a preserving pot big enough to accomplish what she had in mind. So she went down to the village and came back with a great, big, shiny aluminum drum. To me it looked like a very expensive and formidable utensil. I inquired from her how much she paid for it. Her reply was \$4.55.

I said, "Just for fun let's find out how much you paid for the aluminum pot, and how much you paid to Mr. Mellon." So we took this aluminum utensil to the scales where she weighs herself every morning to see if she has gained any, and we found that it weighed 3 pounds. Aluminum being very light, you can see that that was quite a formidable outfit.

We looked up this paragraph 339 to find out what the tariff is on such a piece of kitchen hardware, and found that the tariff is 11 cents a pound. The pot weighed 3 pounds. Three times 11 is 33 cents. Then there was a duty of 55 per cent ad valorem, 55 per cent on the value.

We will suppose that instead of being \$4.55 the price was only \$3.55. Fifty-five per cent of that would be \$1.95. One dollar and ninety-five cents was the ad valorem duty. Three pounds at 11 was 33 cents, which added to \$1.95 makes \$2.28. The pot cost \$4.55. That was \$2.27 for the pot and \$2.28 for the jackpot, and Mr. Mellon won!

Every time a housewife, every time the wife on the farm, buys an aluminum pot or pan, pie plate, or milk pan, half the price she pays for it is added to the real value. This is an abomination made possible by reason of the protective tariff system.

I want every farm wife in America to understand that the effect of this tariff act is practically to double the prices of utensils used in the kitchen, and that extra amount is not any contribution to the Government. It is money put in the pocket of the aluminum trust, a contribution made possible by the passage of this act. And the same evil runs all through everything bought by the farmer. The Senator from South Dakota the other day gave an extensive list of the added expenses incident to the passage of that tariff act.

What are we going to do about it? We can not blame the farmers for the feeling they have. The situation is a very serious one. I spoke the other day to a farmer back in Michigan, where I was born.

Mr. BORAH. How long ago?

Mr. COPELAND. At a time when the mind of man runneth not to the contrary.

Mr. BORAH. The Senator does not look it.

Mr. COPELAND. The Senator is very kind. This man had gone away from his farm to manage one of the cooperative associations.

I asked him how the farmers were getting along. He said, "I will tell you how they are getting along. You know my farm." He has a farm of 160 acres of land. He said, "I left that farm 17 years ago. The taxes on my farm the year I left were \$63. To-day they are \$242."

I do not want to contend that that is due to the tariff act, or anything we could deal with; but last year the Congress levied \$4,000,000,000 in taxes, the States added a billion to the taxes, and the localities five billions. Last year the taxes levied in this country amounted to \$10,000,000,000, and the productive earnings of our people, the combined earnings, were only ninety billions. One-ninth of the income of the people of this country was paid in taxes.

That is not all with which the farmer has to contend. The other day the Senator from Maryland [Mr. Bruce]—and I am sorry he is not here—spoke about farm implements, and stated that the prices of farm implements were not increased by the tariff. I remember that the Senator from Wisconsin [Mr. BLAINE] brought in a statement showing how small proportionately the importations of farm implements were to the total number consumed. Does the Senator happen to have those figures in his mind now?

Mr. BLAINE. The importations run about \$2,300,000, and the production in the United States of the same farm machinery was a little over \$350,000,000, as I remember, or something like that.

Mr. COPELAND. That is it; that is to say, the farmer in the United States bought less than \$360,000,000 worth of farm machinery, but of that amount \$350,000,000 was manufactured in this country.

The Senator from Maryland brought out this construction of the facts, that the farmer is not affected by those tariff

schedules, so far as implements are concerned, and that may be true. But the same elements that have gone into the increase of cost of manufacture of other things, meaning increased labor, increased labor affecting raw materials used in agricultural implements, and so on, have had their effect upon the prices of farm implements. So what has happened in 17 years to bring the matter to the case of this farmer friend of mine in Michigan about whom I spoke?

I insert at this point the following table showing what modern conditions have done to the prices of the implements the farmer must buy:

Implements	1914	1927
Hand corn sheller.....	\$8.00	\$17.50
Walking cultivator.....	18.00	38.00
Riding cultivator.....	25.00	62.00
1-row lister.....	36.00	89.50
Sulky plow.....	40.00	75.00
3-section harrow.....	18.00	41.00
Corn planter.....	50.00	83.50
Mowing machine.....	45.00	95.00
Self-dump hayrake.....	28.00	55.00
Wagon box.....	16.00	36.00
Farm wagon.....	85.00	150.00
Grain drill.....	85.00	165.00
2-row stalk cutter.....	45.00	110.00
Grain binder.....	150.00	225.00
2-row corn disks.....	38.00	95.00
Walking plow, 14-inch.....	14.00	28.00
Harness, per set.....	46.00	75.00

Is the farmer getting any more from the farm than he did? He is not. The farmer to-day gets no more revenue from his farm than he did 17 years ago. His production is bound to pay less because the fertility of the soil is decreasing all the time. Everything the farmer buys is doubled or trebled in price. His taxes have been multiplied four times.

Do you wonder, Mr. President, that the farmers of America are coming here and demanding relief?

I am glad that they have made this attack upon the protective tariff system, not because the attack is going to be effective in actually lowering the tariff schedules, because it probably will not be. There will be a white flag pretty soon. Those who are standing for excessive tariffs will run up the white flag. They will want to have a conference and see what they can do to fix it up. But unless the farmers of this country can find some means of relief, unless there is afforded some way for them to handle their crops, and particularly their surplus, just as sure as that the sun rises and sets there will come a Congress that will tear down the protective tariff system and destroy it utterly.

Mr. President, I do not want that to happen. I come from a great manufacturing State, not alone leading in agricultural products but toward the top, of course, in manufactured products. Perhaps many regard the city of New York as a great financial city. Almost every day somebody makes an attack upon Wall Street. You would think that the only thought of the New Yorker has to do with finance. How many times do you think of New York as a great manufacturing center?

Let me tell you something about New York City. In bulk and value the manufactured products of New York City exceed the combined products of Pittsburgh, Cincinnati, St. Louis, Milwaukee, Cleveland, Detroit, Buffalo, and Boston. That is what we turn out from the city of New York.

It would be a disaster to us to have the protective tariff destroyed. But there is a greater disaster that can come to us, and that is to have the buying power of the people of this country lowered to such a level that they are not able to buy. We do not use these products we manufacture in New York. They are sold largely to the farmers of the West. The farmers of the West are the great purchasers, as I have said with reference to manufactured steel.

There can be no prosperity in any city of America, or any State of this Union, unless there is prosperity upon the farm. So I honor the Senator from South Dakota for having brought so vividly before the Congress what will happen if there is a real attack made upon the protective tariff system. I congratulate him further because I believe that out of this strategy will come a determination on the part of this Congress to enact some measure of relief for the farmer in order that his buying power may be restored. Agriculture is our basic industry, and unless there is prosperity upon the farm there can be no continued prosperity in any section of this country. We must find some practical means of relieving the distress of the farm people of America.

Mr. SHEPPARD. Mr. President, the tariff record of the Republican Party since its return to control in 1921 demonstrates anew its subservience to privileged wealth and con-

solidated power. Apparently it gives no heed to the voice of progress or the warnings of history. Apparently it attaches no significance to its reverses of the last decade, and is as indifferent to the lessons of those upheavals as were the Stuarts to the commonwealth or the Bourbons to the first French Republic.

The tariff partnership between the Republican Party and predatory wealth is freighted with infinite peril to this Republic. Our tariff history since the Civil War shows how remorselessly the sheltered interests have controlled the Republican Party. Time after time the American people have cried out for relief from exorbitant tariff taxes. Time after time pretended Republican revisions have occurred, but always with the result that the outrageous Republican tariff rates have substantially remained.

In 1867 Congress directed the Secretary of the Treasury to submit a plan for the reduction of the war tariff. He appointed a widely known expert who prepared a substantial modification of the war duties after careful study both at home and abroad. This modification was indorsed by the Secretary of the Treasury and submitted to Congress in December, 1869. It was rejected by the Republican Congress and the war tariff remained.

In 1870 another simulated revision was made. On noncompeting imports, such as coffee, tea, and spices, rates were reduced, but of competing imports only one was reduced in duty—pig iron. All the war rates with these exceptions were retained.

In 1872 it was found necessary to make another effort to quiet public clamor against the Republican tariff system. The rates on tea and coffee were removed altogether and a horizontal reduction of 10 per cent was made on the other articles. Three years later, however, this small reduction was repealed and the war duties were restored.

In 1882 the popular demand was such that another fraudulent performance was deemed essential. A commission was named to prepare and recommend a scheme of tariff revision, a commission composed of high protectionists. The farce was consummated when the act based on the work of the commission—the tariff act of 1883—was put into operation, an act which kept the tariff virtually at the war level 18 years after hostilities had ceased.

In 1890 the McKinley Tariff Act not only perpetuated the war rates but increased them from 18 to 50 per cent. Unheeded of the overthrow which followed at the polls in the fall of 1890, the protest embodied in the election of a Democratic President in 1892 and of a Democratic House and Senate for the first time since the period preceding the Civil War, taking advantage of the action of the United States Supreme Court in declaring the income-tax section of the Democratic tariff unconstitutional and thereby destroying its fundamental revenue features, the Republican Party, returning to ascendancy, not on the tariff issue but on the issue of the monetary standard, passed in 1897 the Dingley Tariff Act with the tariff duties higher than those of the McKinley tariff law.

Then for 12 years the Republican Party, dominated by the stand-pat philosophy, resisted the mounting tide of public anger against this continuous tariff oppression.

Forced at last to feign another revision, the Republican Party enacted the Payne-Aldrich Tariff Act of 1909, which flouted the general desire for tariff reform and left the tariff taxes at a higher general level than they had yet known.

Then followed the loss of the House to the Republicans in 1910, the greater losses of 1912, 1914, and in 1916, the Democratic tariff act, the Underwood-Simmons law of 1913 materially reducing the oppressive duties of 1909, establishing the income tax for the first time as a permanent element of Government revenue, bringing distinct relief to the people yet injuring no legitimate enterprise.

Returning to power in 1918 and 1920 on issues not in any sense connected with the tariff, the Republican Party, ignoring the most evident facts of history, the basic change in America's economic position as a result of the World War, again fell before its idols—the interests it had fondled and nourished at the people's expense for 50 years—and enacted a tariff law, the Fordney-McCumber Act of 1922, imposing tariff rates equaling and in many instances exceeding those of any previous Republican tariff act, a law enabling favored interests to exact from the American people outrageous charges on many of the things they must possess to maintain a decent standard of living, charges falling with merciless weight on every household in the United States, falling with exceptional severity on the farmers, who must buy most of what they need in an extravagantly protected domestic market and must sell the products of their toil—the great staples of the farm—in competition with the world.

The Republican tariff leopard never changes its spots.

The Democratic Party stands for a tariff law just and fair to all concerned. History demonstrates that the people have always turned to the Democratic Party for proper readjustments in tariff legislation.

During the 67 years from 1861 to 1927 the Democratic Party has had full control of the Government for two short periods—for two years from 1893 to 1895, for six years from 1913 to 1919. In both these periods it adjusted the tariff in such way as to bring relief from excessive rates, and in the latter period, which furnished its first real opportunity in 60 years, it produced a body of legislation that marks the Democratic Party as the chief creative force to which the people must look for the maintenance of the common good. If the tariff is to be satisfactorily readjusted and revised the Democratic Party must be returned to national control.

RUSSELL & TUCKER AND OTHERS

Mr. MAYFIELD. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 620) for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas.

Mr. WILLIS. Mr. President, I ask that the bill be read so that we may know what it is.

Mr. MAYFIELD. I am going to explain what the bill is. It is a bill which confers authority upon certain citizens of Texas to bring suit against the Government for damages sustained by the dipping of certain cattle. A similar bill passed unanimously at the last session.

Mr. WILLIS. Where is the bill now?

Mr. MAYFIELD. It is on the calendar.

Mr. WILLIS. What is the calendar number?

Mr. MAYFIELD. Calendar No. 37. A similar bill passed the Senate unanimously at the last session of Congress.

Mr. WILLIS. I would like to have an opportunity to look at the bill.

Mr. MAYFIELD. It simply confers the right on certain citizens to enter suit and have the matter determined by the Federal district court.

Mr. WILLIS. Let us have the bill read.

Mr. McMASTER. Mr. President, just a moment.

Mr. MAYFIELD. If the measure is going to be objected to I am sorry. We could pass it in half a minute. The bill passed the Senate unanimously at the last session of Congress.

The VICE PRESIDENT. The clerk will read the bill.

The legislative clerk proceeded to read the bill.

Mr. MAYFIELD. Do I understand the reading of the bill was asked for? The measure was referred to the Department of Agriculture and received the approval of the department.

Mr. WILLIS. I am perfectly willing to hear a statement from the Senator in lieu of the reading. I call his attention, however—

Mr. MAYFIELD. It is the same kind of a bill that is usually passed by the Senate conferring the right on citizens to enter suit in the courts against the Government for claims like this one.

Mr. WILLIS. I would like to ask the Senator a question. I notice in the report from the Acting Secretary of War that certain amendments are suggested.

Mr. MAYFIELD. They are included in the bill. This is a new bill. The report was made last year on the old bill and when the bill was redrafted and introduced this year it was written to conform with the suggestion of the Department of Agriculture. All of those suggested amendments are in the present bill.

Mr. WILLIS. Let me invite the attention of the Senator to another matter. I do not know that I shall ultimately object, but I want some information. I note in the report this statement:

Referred to the Bureau of the Budget, as required by Circular No. 49 of that bureau, and the department under date of April 26 is advised by the Director of the Bureau of the Budget that the legislation contained in S. 4017 and S. 4030, even if amended as suggested in the foregoing, would be in conflict with the financial program of the President.

It seems, therefore, that the matter does not have the full approval of the department. I wish the Senator would let the bill go over temporarily until we have had time to look into it. I probably shall not ultimately object, but I should like to study it a little.

The VICE PRESIDENT. Under objection, the bill will go over.

THE TARIFF AND AGRICULTURAL RELIEF

The Senate resumed the consideration of the resolution (S. Res. 52) submitted by Mr. McMASTER, favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress.

Mr. McKELLAR. Mr. President, I am very heartily in favor of the resolution proposed by the Senator from South Dakota [Mr. McMASTER], and I want for just a few moments to give my reasons for voting for the resolution.

In my judgment a tariff law such as we now have is the most unscientific method of taxation known to the taxing laws of government. For the first 125 years of our history practically all of our revenues, or the greater portion of our revenues, were raised, as we all know, by tariff duties, or duties placed on articles imported into our country. Without tariff duties we probably could not have run the Government under our Constitution and laws. It was very early found, however, that the tariff laws affected industry in the country to a tremendous degree, and a system of protection very shortly grew up. Duties were levied for the purpose of helping so-called infant industries, and from small beginnings the system grew and grew until now the levying of duties is not so much for the purpose of raising revenues as it is for the purpose of giving favored interests in our country the protection of bounties or privileges or benefits or bonuses to special interests.

My recollection is that the first tariff law was put into effect in 1789. Its principal purpose at that time was to raise revenue. It was very soon found, however, that it had a tremendous effect upon industry, and it was soon used not only for the purpose of raising revenue but for the purpose of protecting what were then known as infant industries. At first the rates of duty were small, but as the years have gone by since these infant industries have cried out for aid and have continued to receive it at the hands of the Congress.

I said, Mr. President, it was the most unscientific method of taxation known to the Government. I think that can be easily demonstrated. Under the present tariff law, which was enacted in 1922, we have been raising annually—I am using round numbers—from about \$500,000,000 to \$605,000,000 from customs duties. The actual cost of collecting that money is about the same as the cost of collecting the income taxes which have been levied in accordance with the income tax amendment and the law; but while the two have cost the Government about the same sum to collect, let us see what it has cost the American consuming public to collect the revenue derived from the tariff.

We secure from the customs duties under the tariff laws \$605,000,000, but in order to secure that amount of revenue we place an enormous tax burden of \$4,000,000,000 upon the American consumer, which goes not to the Government but to favored private interests. The sum of \$4,000,000,000—and I am still speaking in round numbers—goes to the favored industries of the country in order to collect only \$605,000,000 of revenue for the Government. Can there be imagined, Mr. President, a more unscientific, a more unsatisfactory, a more unjust, a more unfair, a more partial system of taxation than that? Think of it! The Government wants \$605,000,000 of revenue, and in order to get that sum has to tax the American consumers \$4,000,000,000 more for the benefit of private industry.

Suppose every time a dollar was collected from individual income tax the consuming public had to pay a like bonus to certain interests. In such event it would cost more than five billions of dollars. And suppose every time a dollar of corporation income tax was collected the consuming public had to pay an additional \$6 to the favored interests it would cost them over seven billions of dollars. As a matter of fact, the corporate income tax is largely paid by the consumer anyway, but happily for this country the consumer does not have to pay to private interests six or seven times the amount of the tax as in the case of customs duties. A moment's thought indicates that the customs duty is the most unfair of taxes.

Mr. President, so long as it was necessary for our Government to raise that amount of revenue by means of tariff duties, of course, there was an excuse for giving these tremendous bounties, but I want to call the attention of Senators to the fact that since the adoption of the income tax amendment it is no longer necessary to raise revenues by means of customs duties. With the immense revenue that we have to-day from other sources, if we repeal every sign of a tariff law the Government could run just as well as it is now run. Without increasing corporation income taxes or individual income taxes at all we would probably have ample revenue to meet all the needs of the Government, economically administered, with the tariff laws entirely repealed. My purpose in bringing this suggestion to the attention of the Senate at this time is to say to my protectionist friends that those who want to legislate money into pockets of the favored industries by reason of the tariff law had better go a little slow about it; they had better be reasonable about it.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator from Tennessee a question?

Mr. McKELLAR. I shall yield in just one moment. They had better be reasonable about it; they had better be willing to take reasonable rates, to accept a tariff that is not so high as to crush the American consumer. They had better be willing to let the present law be modified and revised downward, because the time may arrive when the American people may come to the conclusion, which would seem to be a most natural conclusion, that such a tariff law as we now have is wholly at variance with common sense, wholly unscientific, and wholly at variance with what is right and what is just. It may not be done all at once, but the people may come to the conclusion that it is necessary to do away with these customs duties to the extent of so much a year for a period of years until they are all done away with, so that a fairer and juster method of taxation, such as the income tax law, may be resorted to instead of the antiquated, unfair, and burdensome system of customs duties for the purpose of raising revenue for the Government.

We raise nearly \$900,000,000 from individual income taxes. In order to obtain that revenue we do not have to pay six or seven times that amount to favored interests. All we have to do is to impose income taxes; they are collected; nobody is injured, and no special interests are benefited. The income tax is a proper one; but when tariff duties are imposed to raise revenue for the Government it is necessary to go further and impose six or seven times the amount of the duty collected for the Government to be paid to favored interests. This subsidy has constantly grown and grown to such an extent that the time will come, in my judgment, unless the Republican majority are more reasonable than they seem to be now, when they will wish they had been reasonable in imposing customs duties. The people will not stand for such high taxes. We now impose taxes in the form of protective duties for the benefit of private interests in amount of about \$4,000,000,000, an amount just about equal to the entire Federal revenues of the Nation.

I now yield to my friend from California.

Mr. SHORTRIDGE. The Senator speaks of favorite or favored interests.

Mr. McKELLAR. Yes.

Mr. SHORTRIDGE. Does he regard the agriculturists of this country—the farmers, the viticulturists, the horticulturists—as among the favorite or favored interests?

Mr. McKELLAR. Of course not, Mr. President.

Mr. SHORTRIDGE. Very well.

Mr. McKELLAR. Everybody who is informed knows that a protective tariff does not materially help the farmer of this country. A tax of 42 cents a bushel has been imposed on wheat. Is it helping the wheat farmer? Substantially it is not helping him at all. One of the announced purposes of the farm bill, the McNary-Haugen bill, against which the Senator voted was to make the tariff law on wheat effective; but the Senator voted against that bill which was designed to apply to the farmers of the country.

Mr. SHORTRIDGE. Mr. President, is the Senator addressing that remark to me, when he says I voted against some measure?

Mr. McKELLAR. The Senator voted against the McNary-Haugen bill, did he not?

Mr. SHORTRIDGE. Certainly; of course I did.

Mr. McKELLAR. That is all I asserted.

Mr. SHORTRIDGE. And the President of the United States in his veto utterly annihilated it.

Mr. McKELLAR. It may be that he annihilated it for a time, but he may have to annihilate it again.

Mr. SHORTRIDGE. Oh, he annihilated it for all time.

Mr. McKELLAR. Probably not.

Mr. CARAWAY. Mr. President, I ask to what portion of the President's veto does the Senator from California refer, because there were five different reasons given, if they may be called reasons?

Mr. McKELLAR. I do not know. The Senator from California says the President annihilated it; and the President did annihilate it for a time, as he had a right to do. But it is still before the Congress and will most likely pass again.

Mr. SHORTRIDGE. He vetoed the measure on the ground that it was unconstitutional. That was one of the reasons, and that was a sufficient reason.

Mr. CARAWAY. And the next reason he said was because it did not include all the farmers. If it was unconstitutional, why did he want to have the remainder of the farmers brought under it?

Mr. SHORTRIDGE. That was true of the bill. I think the viticulturist and the horticulturist are farmers.

Mr. CARAWAY. The President maintained that it was unconstitutional because it did not extend its provisions to all classes of farmers.

Mr. SHORTRIDGE. I answer, he wanted to give abundant reasons for vetoing the bill, and therefore, he gave more than one reason.

Mr. CARAWAY. There are enough of them, if that is what the Senator means by "abundant."

Mr. McKELLAR. Just one moment, and then I will yield further to the Senator from Arkansas. Referring to the Senator from California, I will say that I doubt if the farmers of his State or of the country at large will appreciate his attempted defense of them, for the reason that having voted against them every chance he got in connection with measures which they favored, I doubt very much whether they are going to pay a great deal of attention to "Greeks bearing gifts," and my handsome and distinguished friend is one of the Greeks bearing gifts in this connection.

Mr. SHORTRIDGE. Will the Senator permit me to say—and the country, I trust, will excuse me for saying it—

Mr. McKELLAR. I am sure it will. I have already done it.

Mr. SHORTRIDGE. That I was elected by the largest majority of any Senator of the United States who was a candidate at the last election.

Mr. McKELLAR. I congratulate the Senator upon his large majority.

Mr. SHORTRIDGE. And there was not one farmer or agricultural association in the State of California that protested against my vote against the bill to which reference has been made.

Mr. NEELY. Mr. President, will the Senator from Tennessee yield to me?

Mr. McKELLAR. I yield.

Mr. NEELY. In view of what the Senator from California has said, I think we ought to apologize and bring the marines from Nicaragua and invite Nicaragua to come to California to supervise the elections there. [Laughter.]

Mr. SHORTRIDGE. I will state why I received such a vote. It was because there were so many splendid men and women from West Virginia and from Tennessee who moved to California and became Republicans and voted for me.

Mr. McKELLAR. It is strange how some folk will go wrong.

Mr. CARAWAY. I did not know that people of either State voted in California.

Mr. McKELLAR. If any Tennesseans and West Virginians went out there and voted, they might have swelled the majority of the Senator, but perhaps they did not have the right to vote there.

Mr. SHORTRIDGE. There were some splendid citizens from Arkansas also, let me add, who approved of my record and voted for me.

Mr. CARAWAY. Mr. President, why not settle this one question? I notice my friend from California seems to think that nobody ever was good until he turned Republican. Of course, that is a case of concealing one's virtue. However, I was not intending to speak of that. What I wanted to call attention to was the fact, if the Senator from Tennessee will pardon me further, that I have discovered upon the other side of the Chamber, led by the distinguished Senator from California, that they are in favor of the farmer having anything that he does not want and that will not help him.

Mr. McKELLAR. I think so.

Mr. CARAWAY. But if he wants it, or if it will help him, they are opposed to him having it. That sums up rather accurately their position, does it not?

Mr. McKELLAR. I am going to see whether it does, because I am going to ask the Senator from California this question: Is he in favor of revising the farm schedules of the tariff in such a way as to benefit the farmer?

Mr. SHORTRIDGE. I think there are quite a number of farm products now partly protected under the law as to which the rates should be increased.

Mr. McKELLAR. Will the Senator vote for the resolution now pending so as to help the farmers, who everybody, even the President of the United States, who vetoed the measure for their relief, agrees should be helped in some way? Is the Senator willing to vote for the resolution of the Senator from South Dakota, so that the schedules may be revised in the interest of the farmers of the United States?

Mr. SHORTRIDGE. Mr. President—

Mr. McMASTER. Mr. President, will the Senator from Tennessee allow me to make a brief statement so as to make the situation plain?

Mr. SHORTRIDGE. Very well; make it plain to me. [Laughter.]

Mr. McMASTER. I will endeavor to make it plain to the Senator.

Mr. McKELLAR. Go ahead; I will be glad to have the interruption.

Mr. McMASTER. I wish to say to the Senator from Tennessee and to the Senator from California that under the revised language of the pending resolution, if it should be adopted and action should be taken in accordance with its expression, we can then raise the agricultural schedules; there can be no question about that; and if the Senator from California desires to raise those schedules to help the farmer he can vote for this resolution.

Mr. SHORTRIDGE. Mr. President—

Mr. McKELLAR. Mr. President, will the Senator from California excuse me, so that I may submit to him a revised question? Under the statement made by the Senator from South Dakota, the author of the resolution, that under his amended resolution the rates can be revised, and revised upward, so as to aid the farmer, in his opinion—and I imagine in the opinion of the Senator from California—will the Senator from California vote for the resolution now? If not, why not?

Mr. SHORTRIDGE. I answer that question categorically "no"; and I can give, I think, many good reasons why this resolution should not pass, why it is unnecessarily taking up the time of the Senate; why, if passed, it would be unavailing; why it is not opportune.

Mr. McKELLAR. Mr. President, I understood the Senator to say that these rates could be revised so as to aid the farmer, and that he wanted that done.

Mr. SHORTRIDGE. Certainly.

Mr. McKELLAR. Then it is not unavailing. It would be availing. So I ask the Senator, now that he sees the opportunity under the wording of the resolution to have these rates raised so as to help the farmers whose friend he says he is, and all of whom voted for him in his State, is he not willing to do the right thing by the farmers and vote for this resolution, so that that they can have some measure of relief?

Mr. SHORTRIDGE. My answer has already been given; but, since the question is again propounded, I further reply that I think this resolution is very inopportune presented. I do not think it would be effective. It would not avail anything. Moreover, I think the Senator from Tennessee would do everything in his power to prevent the raising of any rate. If I understand correctly, he is opposed to the whole protective tariff system, and particularly would have all the rates on agricultural products removed; but I answer that I shall oppose this resolution in its present form or its modified form.

Let me ask a question, however.

Mr. McKELLAR. One moment. The Senator would oppose this resolution in any form, would he not?

Mr. SHORTRIDGE. As of now; yes—as of now, and originating here in the Senate. This is no place for it. We could not even introduce a bill on the subject.

Mr. McKELLAR. We could not originate it anywhere else.

Mr. SHORTRIDGE. It seems to me it is no great tribute to our intelligence, it is no great tribute to the Senate, to waste its time in this manner; and that I say prostrating myself in apology before the Senator from South Dakota. But let me ask the Senator, is he in favor now of repealing or lowering the duties on any one agricultural product?

Mr. McKELLAR. Mr. President, so far as the duties on agricultural products are concerned, I have very different notions from those of the Senator from California on that subject. I doubt very much whether any rates on farm products are effective. I doubt if they can be made effective. Apparently they are not effective now. If we are to have tariff duties, however, some scheme or method must be devised by which they can be made effective for the farmer just as they are now effective for industry. So, under those circumstances, I am very much in favor of our revising the schedules, taking them up and discussing them, and if they can be changed in some wise that will benefit the farmers of the country I shall be very happy to see them benefited, because I am one of those who believe that the farmers of the country are being discriminated against by Federal law. I believe that the farming industry should be equalized with the other industries of the country, and for that reason, among many others, I would welcome the opportunity to revise the tariff at this time.

Of course, I think the present tariff duties are entirely too high. They are the highest ever imposed. I think the schedule of rates now imposed under the Fordney-McCumber Act is entirely too high and should be revised, and revised downward, for the benefit of the farmers and for the benefit of the consumers and of all the people of the United States.

Mr. SHORTRIDGE. But the Senator does not answer my question. To make it a little more specific, is the Senator in favor of reducing the rate, for example, on oranges, on lemons,

on grapefruit, on rice, on walnuts, on almonds, on wheat? Is he in favor of reducing those or any of those rates?

Mr. McKELLAR. I do not know, and I shall not know until we have the matter considered. It ought to be considered in committee; it ought to be considered and debated here, and when so considered we should vote upon it; and when it is I expect to vote on it as my best judgment dictates. I know that the present rates now do not do the farmers any real good. I know that the rates we now impose generally are entirely too high. I am in favor of their revision downward at the earliest possible moment. I do not think we ought to wait until after an election, or wait until any other time. I think it ought to be done now. Therefore, I expect to vote for the resolution of the Senator from South Dakota; and I think he deserves the commendation of all right-thinking people in the country for introducing the measure at this time.

Mr. CARAWAY. Mr. President, will the Senator explain what he means by "right-thinking people"? Does he exclude the Senators on the other side?

Mr. McKELLAR. No; I do not exclude anyone. I hope there are right-thinking people on both sides.

Mr. President, before the income tax amendment was passed customs duties, however unfair they were, could not be dispensed with because it was necessary by that means to raise money to carry on the Government. No such necessity arises now. The Government can be carried on by individual and corporation income taxes without much additional burden; so that I wish again to say to my high protectionist friends that in seeking to maintain the high rates of the Fordney-McCumber tariff law they may be playing with fire. Some day, no doubt, customs duties will be largely done away with. The commercial world is to-day too close together long to permit artificial barriers. If customs duties were a good thing, it would have been provided that they should be collected at every State line, but manifestly that would be a ruinous policy; and so the time is coming, I hope, when the entire high protective tariff policy of this country may be changed. It probably will be necessary that the change shall be brought about by successive steps. That would be the best way. That such an unfair and burdensome method of taxation should not exist for all time ought to be clear almost to any well-ordered mind. As long as it was necessary to obtain revenues for the Government in that way tariff duties were bound to be imposed; but, as I have stated before, there is no longer any absolute necessity for raising money by customs duties and our protectionist friends had better be very careful how they fight reasonable reductions of the present high tariff burdens.

Mr. President, this resolution ought to pass. I hope the House will soon pass and send over to us a tariff revision bill, and that we can speedily enact it into law.

FLOOD RELIEF

Mr. SACKETT. Mr. President, in view of the wide discussion of flood relief, the fact that bills on the subject have been introduced and are coming before the various committees of Congress, and in view especially of the feeling of those Members who have gone down into the Mississippi Valley and have seen the financial conditions of the counties there, I desire not to make a speech on the subject of flood relief but to read a communication which has been sent out to the Members of this body, in order that it may be made a part of the RECORD and be available to the committees as they are discussing this question of flood relief. It is addressed:

To all Members of Congress:

I have the honor to place before you the tabulated vote on a referendum on Mississippi flood control conducted by the Chamber of Commerce of the United States, which closed on December 15, 1927. Through this vote of the membership the Chamber of Commerce of the United States is committed in favor of the following proposals:

First. That the Federal Government should hereafter pay the entire cost of constructing and maintaining works necessary to control floods of the lower Mississippi River (2,131 votes in favor and 512 votes opposed).

Second. That the Federal Government should assume the sole responsibility for locating, constructing, and maintaining such works (2,581 votes in favor and 240 votes opposed).

Third. That there should be an adequate appropriation to insure efficient, continuous, and economic work, the funds to be available as needed (2,657½ votes in favor and 156½ votes opposed).

Fourth. That flood control of the Mississippi River should be dealt with in legislation and administration upon its own merits, separate and distinct from any other undertaking (2,629½ votes in favor and 231½ votes opposed).

These conclusions are based upon votes cast by 1,053 chambers of commerce and trade associations in every State in America. We hope

that this expression of the sentiment of American business organizations will be helpful to you in reaching conclusions as to legislation dealing with this urgent national problem.

Yours sincerely,

LEWIS E. PIERSON, *President.*

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Thursday, January 12, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 11, 1928

FOREIGN SERVICE OFFICER OF CLASS 3

John K. Davis, of Ohio, now a Foreign Service officer of class 4 to be a Foreign Service officer of class 3 of the United States of America.

INTERSTATE COMMERCE COMMISSIONER

Claude R. Porter, of Iowa, to be an Interstate Commerce Commissioner for a term expiring December 31, 1928, vice Henry C. Hall, resigned.

SUPERVISING INSPECTOR, STEAMBOAT INSPECTION SERVICE

Alexander O. Calcott, of Virginia, to be supervising inspector, third district, Steamboat Inspection Service, vice George W. Harney, deceased.

COLLECTOR OF CUSTOMS

Harvey P. Bissell, of Ridgefield, Conn., to be collector of customs, collection district No. 6, with headquarters at Bridgeport, Conn. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate January 11, 1928

ASSISTANT SECRETARY OF WAR

Charles Burton Robbins to be Assistant Secretary of War.

UNITED STATES ATTORNEYS

Edwin L. Gavin to be United States attorney, middle district of North Carolina.

Thomas J. Harkins to be United States attorney, western district of North Carolina.

UNITED STATES MARSHALS

Joseph John Jenkins to be United States marshal, middle district of North Carolina.

Harry A. Weiss to be United States marshal, northern district of West Virginia.

APPOINTMENTS IN THE ARMY

Charles Lawrence Driscoll to be second lieutenant, Medical Administrative Corps.

Michael Ambrose Hally to be chaplain with the rank of first lieutenant.

APPOINTMENTS BY TRANSFER IN THE ARMY

Sumner McBee Williams to be major, Quartermaster Corps.
Richard Head Trippe, to be first lieutenant, Finance Department.

PROMOTIONS IN THE ARMY

Walton Goodwin, jr., to be lieutenant colonel.

Winchell Ivan Razor to be major.

Thomas Reed Holmes to be captain.

Nicholas Dodge Woodward to be captain.

Edgar William King to be captain.

Riley Edward McGarragh to be captain.

Allan Preston Bruner to be captain.

Egbert Frank Bullene to be captain.

Mark Gerald Brislawn to be captain.

Carleton Burgess to be captain.

John Wesley Warren to be first lieutenant.

Isidore Sass to be first lieutenant.

Einar Bernard Gjelsteen to be first lieutenant.

William Elgie Carraway to be first lieutenant.

John Mark Pesek to be first lieutenant.

Herbert Bronson Enderton to be first lieutenant.

John Battle Horton to be first lieutenant.

Joseph Leander Hardin to be first lieutenant.

Carter Bowie Magruder to be first lieutenant.
William Joseph D'Espinosa to be first lieutenant.
James Reid Shand to be lieutenant colonel, Veterinary Corps.

APPOINTMENTS BY PROMOTION IN THE ARMY

Albert Urmy Faulkner to be colonel.

Frank Scott Long to be colonel.

Samuel Grant Sharile to be colonel.

Arthur Winton Brown to be colonel.

John De Camp Hall to be colonel.

Wilson Bryant Burt to be colonel.

Philip Bradley Peyton to be lieutenant colonel.

Karl Truesdell to be lieutenant colonel.

Mark Lorin Ireland to be lieutenant colonel.

Charles Avery Dravo to be lieutenant colonel.

Charles Roberts Pettis to be lieutenant colonel.

William Dandridge Alexander Anderson to be lieutenant colonel.

Ralph Talbot Ward to be lieutenant colonel.

John Jennings Kingman to be lieutenant colonel.

Robert Philip Howell to be lieutenant colonel.

Thomas Matthews Robins to be lieutenant colonel.

Oliver Irey Holman to be major.

POSTMASTERS

ALABAMA

Sarah A. Shedd, Adamsville.

Gus L. Camp, Arab.

Frances R. Gresham, Autaugaville.

Maude A. Bosarge, Bayou Labatre.

Wert W. James, Brent.

Lawrence L. Mallette, Dozier.

Samuel F. Rickman, Ethelsville.

John H. Dixon, Goshen.

Sylvanus L. Sherrill, Hartselle.

Jake E. Wallace, Maplesville.

James Alexander, Marion Junction.

Bessie L. Glasscock, Siluria.

ALASKA

George W. Robbins, Valdez.

ARIZONA

J. Lee Conrad, Scottsdale.

ARKANSAS

Louis Reitzammer, Arkansas City.

Reuben P. Allen, Smackover.

CALIFORNIA

James H. Whitaker, Anaheim.

Walter L. Haley, Associated.

Theodore Rueger, Benicia.

Clifford M. Barnes, Big Creek.

George Cunningham, Boulder Creek.

James B. Fugate, Chino.

Ruth E. Powell, Claremont.

Robert E. Thomas, Clovis.

Presentation M. Soto, Concord.

William P. Nye, Covina.

Lela P. Meday, El Segundo.

Maude H. Parsons, Gerber.

Corinne Dolcini, Guadalupe.

Daniel McCloskey, Hollister.

Charles F. Riedle, Los Banos.

Ira B. Jones, Los Molinos.

Homer T. Riddle, Loyalton.

Thomas P. Cosgrave, Madera.

Edmund V. Wahlberg, Manhattan Beach.

Fred Lewis, Mayfield.

Raymond A. Rigor, McCloud.

Claude D. Richardson, McFarland.

Fred F. Darcy, Montebello.

Charles G. Barnes, Morgan Hill.

John H. Tittle, Needles.

George W. Archer, Norwalk.

Presley E. Berger, Ontario.

Frederick S. Lowden, Orland.

Sula D. Abbott, Placentia.

William Henson, Riverdale.

Ellery M. Murray, St. Helena.

George G. Hughes, San Bruno.

Harrie C. Caldwell, San Fernando.

Ferris F. Kelly, San Juan Capistrano.

Pastor A. H. Arata, San Luis Obispo.

Terry E. Stephenson, Santa Ana.

Grace E. Tooker, Santa Monica.

Algera M. Rumsey, Saugus.

Patrick C. Mulqueeny, Sawtelle.

Peder P. Hornsyld, Solvang.
 Ruby Vinten, Terminal Island.
 Wade J. Williams, Tranquillity.
 Mary E. Rozier, Tuolumne.
 Henry F. Stahl, Vallejo.
 Ernest D. Gibson, Van Nuys.
 Marshall N. Johnson, Windsor.
 William J. Murray, Yucaipa.

FLORIDA

Gabriel I. Daurelle, Bowling Green.
 Copers S. Weathersbee, jr., Branford.
 James L. Ambrose, Bunnell.
 Walter C. Gholson, Chattahoochee.
 Curtis W. Swindle, Chipley.
 Elisba D. Wightman, Fruitland Park.
 Ernest B. Wells, Lawtey.
 Eugene D. Rosenberger, Micanopy.
 Samuel J. Yoder, Moore Haven.
 Pearl Beeler, Nokomis.
 Lola Miller, Palm Beach.
 William E. Burch, Palmetto.
 Lydia E. Ware, St. Andrew.
 Joseph P. Hall, Sanford.

GEORGIA

J. Arthur Westbrook, Powder Springs.
 Mrs. Hubert H. Berry, Sparta.

HAWAII

Edward K. Ayau, Aiea.

INDIANA

Hugh Horn, Bicknell.
 Elizabeth Hatfield, Centerville.
 Harry M. Weliever, Darlington.
 Albert J. Baumgartner, Elkhart.
 Edmond M. Wright, North Salem.
 Edmund H. Imes, Westville.
 Austin Palin, Wingate.

KANSAS

Frank B. Myers, Americus.
 Lewis B. Blachly, Haven.
 Clarence Haughawout, Onaga.

KENTUCKY

John Eversole, London.

MAINE

Doris C. Sanborn, Dryden.

MASSACHUSETTS

Samuel L. Porter, Amesbury.
 Frederick H. Green, Ashburnham.
 Harry F. Bingham, Ashby.
 John D. Quigley, Ashland.
 Albert L. Porter, Avon.
 John J. Downey, Blackstone.
 Lewis R. Holden, Bondsville.
 Lawrence T. Briggs, Brockton.
 Maynard N. Wetherell, Chartley.
 William H. Lilley, Chicopee.
 William Davidson, Chicopee Falls.
 Walter L. Tower, Dalton.
 Fred A. Campbell, Dedham.
 Gilbert W. O'Neil, Gloucester.
 Charles H. Slocomb, Greenfield.
 Leroy E. Johnson, Groton.
 Albert F. Newell, Holden.

MICHIGAN

Russell W. Swhier, St. Clair Shores.
 Muri H. De Foe, Charlotte.

MISSISSIPPI

Mary Norwood, Belzoni.
 Isaac J. Morris, Coahoma.
 Emma M. Therrell, Florence.
 David F. Fondren, Fondren.

NEBRASKA

Elmer V. Barger, Benkelman.
 Dollie W. Hyndshaw, Thedford.

NORTH DAKOTA

Arthur Nelson, Courtenay.
 Bernhard C. Hjelle, Mercer.

PENNSYLVANIA

J. Beaver Gearhart, Danville.
 William E. Henry, Nazareth.
 William E. Marsden, Nesquehoning.

Raymond A. Kistler, Palmerton.
 George B. Wilcox, Portland.
 Thomas Y. Tarlton, Summithill.

RHODE ISLAND

Almira B. Lewis, Ashaway.
 S. Martin Rose, Block Island.
 Mary V. Nichols, Bradford.
 George W. Warren, Bristol.
 George T. Lund, Greystone.
 Hartzell R. Birch, Kingston.
 Thatcher T. Bowler, Newport.
 Catherine M. Green, Portsmouth.
 Edwin S. Babcock, Saunterstown.
 Frank A. Rixford, Woonsocket.

SOUTH DAKOTA

John D. Evans, Alpena.
 John V. Drips, Belvidere.
 Leroy A. Gage, Bryant.
 Leonard J. Walker, Carthage.
 William W. Sour, Castlewood.
 Winfred E. Whittemore, Estelline.
 Lee E. Buck, Flandreau.
 Henry Rohrer, Madison.
 John Larson, Pukwana.
 Gust M. Eggen, Vienna.
 Victor M. Dalthorp, Volga.
 Guy M. King, Wessington.
 Volney T. Warner, Woonsocket.
 John W. Woods, Worthing.

TENNESSEE

John F. Gaines, Gainesboro.
 Harry K. Dodson, Kenton.
 Hugh G. Haworth, New Market.
 William E. Hudgins, Union City.

TEXAS

Anderson J. Hixson, Abbott.
 Henrietta Fricke, Brenham.
 John C. Flanagan, Crystal City.
 Arno L. Wahrmund, Eagle Lake.
 William D. Hawthorn, Elkhart.
 Vivian B. Boone, Fabens.
 William N. Moore, Fort Worth.
 Andrew J. Harrison, Goldthwaite.
 James M. Cottle, Moran.
 Sadie M. Boulware, San Angelo.
 William A. Farek, Schulenburg.
 Grover C. Stephens, Sierra Blanca.

UTAH

Ezra P. Jensen, Garland.
 Maranda Smith, Heber.
 Norman G. Allan, Wellsville.

WASHINGTON

Gertrude Keys, Manson.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 11, 1928*

The House met at 12 o'clock noon.

APPOINTMENT OF SPEAKER PRO TEMPORE FOR THE DAY

The CLERK. The Clerk will read a letter from the Speaker.

THE SPEAKER'S ROOMS,
 HOUSE OF REPRESENTATIVES,
 Washington, D. C., January 11, 1928.

I hereby designate Hon. JOHN Q. TILSON to act as Speaker pro tempore to-day.

NICHOLAS LONGWORTH.

Mr. TILSON assumed the chair as Speaker pro tempore.

PRAYER

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

O Thou who has taught us to say, "Our Father," teach us to say, "Thy will be done." It is the foundation of our usefulness, hope, and redemption. Inspire us with the knowledge that the issues of life are not from without but from within. Do Thou lift up the standard of truth and wisdom before us, and may it gleam on our way. Give us the blessedness of the man whose delight is in the law of the Lord and who can tell of Thy statutes rejoicing the heart. May failure never set its cloud upon our labors. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, the consideration of the pending appropriation bill has taken longer than was expected and, therefore, we have not had an opportunity to consider bills on the Private Calendar. I ask unanimous consent that Calendar Wednesday business be dispensed with to-day and that after the completion of the pending appropriation bill it may be in order to take up bills on the Private Calendar unobjected to for the balance of the day.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that upon the disposition of the appropriation bill now pending Calendar Wednesday business be dispensed with, and that the House proceed to consider bills on the Private Calendar unobjected to in the House as in Committee of the Whole. Is there objection?

Mr. KVALE. Mr. Speaker, reserving the right to object, what effect will that have in postponing indefinitely the consideration of the Norris amendment to abolish lame-duck sessions?

Mr. SNELL. I do not think it will have a particle of effect one way or the other.

Mr. KVALE. To dispense with Calendar Wednesday?

Mr. SNELL. It will dispense with Calendar Wednesday to-day, but the matter to which the gentleman refers is not ready to be considered to-day, so that this action will not affect the consideration of it in any way whatever.

Mr. BANKHEAD. Mr. Speaker, further reserving the right to object, are there no committees having bills to present for the consideration of the House?

Mr. SNELL. I understand there is only one bill on the calendar at the present time, and that is on the Consent Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON, from the Committee on Appropriations, by direction of that committee, submitted a privileged report on the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, which was read and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS. Mr. Speaker, I reserve all points of order on the bill.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and referred to the appropriate committee as indicated below:

S. 1968. An act to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bleber Building, 1358 B Street SW., Washington, D. C., and for other purposes; to the Committee on Public Buildings and Grounds.

CALL OF THE HOUSE

Mr. JOHNSON of Washington. Mr. Speaker, I make the point of order that a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 11]

Aldrich	Deal	Haugen	Schneider
Anthony	Dempsey	Irwin	Selvig
Aswell	Dickstein	Johnson, Okla.	Spearing
Ayres	Douglas, Ariz.	Kendall	Stodman
Beck, Pa.	Doyle	Kent	Strong, Pa.
Beedy	Drewry	Kindred	Strother
Bell	Evans, Calif.	Kunz	Sullivan
Boles	Fitzgerald, R. G.	Larsen	Swank
Britten	Fulmer	Leatherwood	Taylor, Colo.
Browning	Furlow	Lech	Tillman
Bushong	Gallivan	Linthicum	Tinkham
Canfield	Garrott, Tex.	McLaughlin	Tucker
Carew	Graham	McLeod	Wainwright
Clancy	Green, Iowa	Michaelson	Whitehead
Connally, Tex.	Greenwood	Mooney	Wilson, La.
Crisp	Hall, N. Dak.	Prall	Wilson, Miss.
Crosser	Hammer	Purnell	Wingo
Davenport	Hancock	Reed, N. Y.	Wood
Davey	Hardy	Sabath	Zihman

The SPEAKER pro tempore. Three hundred and fifty-seven Members have answered to their names; a quorum.

On motion of Mr. SNELL, further proceedings under the call were dispensed with.

WILL ROGERS

Mr. HOWARD of Nebraska. Mr. Speaker—
The SPEAKER pro tempore. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD of Nebraska. For the purpose of stating a question of the highest personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his question of privilege.

Mr. HOWARD of Nebraska. The personal privilege is in behalf of a brother Member of this House who happens to bear my own name.

It seems that a few days ago my colleague the gentleman from Oklahoma of my name delivered a talk here on the floor to the ear of the House and the country proposing for President of the United States a man who during the past year has preached more honest-to-goodness, progressive Democratic gospel than any other man whose name has been mentioned for the Presidency on either side, with the possible exception of Al Smith. [Laughter and applause.]

Mr. MADDEN. Is the gentleman seconding now the motion nominating this man?

Mr. HOWARD of Nebraska. Pretty soon—not yet. [Laughter.]

It so happens that the greatest cartoonist in the world, Mr. Berryman [applause], got his lines mixed just a little bit and last evening he drew and presented in the Evening Star what has been said by my prejudiced friends to be a very beautiful picture of me [laughter], putting me in the attitude of presenting the name of Will Rogers for the Democratic nomination for the Presidency.

The personal privilege I state is this: A Member of this House, by a cartoonist, here within the shadow of the Capitol, has been deprived of the honor which belongs to him; and it was a great honor, Mr. Speaker, for my colleague [Mr. HOWARD of Oklahoma] to be privileged to first present the name of Will Rogers for the Democratic presidential nomination. Why? Because Will Rogers is the only man of any party in the United States who has had the stomachical courage to ask a great question—"Why are we in Nicaragua, and what the hell are we doing there?" [Laughter and applause.]

Now, Mr. Speaker, I have a right to plead for fairness in the name and in the behalf of a Howard. It is a wonderful name. Perhaps you, Mr. Speaker, and others might be interested in the origin of that name. [Laughter.] It seems that long ago, under one of the Irish kings, when my own forefathers and the forebears of the Oklahoma Howards and of Sir Esme Howard, the most erudite and humane ambassador ever sent from St. James to Washington, were mostly hiding in the brush, for reasons not here to be stated, it was the custom of the monarchs to appoint wardens of the king's hounds, wardens of the horse, and wardens of the hogs. Well, my people were of the hog wardens [laughter], but finally, as has happened in our own language here in this country, the people began to corrupt it, and instead of calling us hog wardens they called us hogwards, and one day there was a harelipped young man who could not pronounce things very well and he just dropped the "g." So we have been Howards ever since. [Laughter and applause.] That is all. [Applause.]

UNVEILING OF A MONUMENT AT BLACK WOLF, VA.

Mr. PEERY. Mr. Speaker, on June 14, 1927, Hon. Wells Goodykoontz, a former Member of this House, delivered a notable address of historic interest at the unveiling of a monument erected by the Col. Andrew Donally Chapter of the Daughters of the American Revolution, at Black Wolf, McDowell County, W. Va., and I ask unanimous consent to extend my remarks by printing the same in the RECORD.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The address is as follows:

THE OBJECT OF THE MEETING

Mr. GOODYKOONTZ. Under the providence of God and in this fair country of ordered government we are assembled on this beautiful summer afternoon at an historic place to establish a monument whereon is a record to perpetuate the memory of three brave men who here fought with the Indians on what was then the frontier of the settlement.

THE DAUGHTERS OF THE AMERICAN REVOLUTION

The erection of this monument, with its tablet, is to be credited to the tireless and unselfish labors of the officers and members of the Col. Andrew Donally Chapter of the Daughters of the American Revolution, of the county of McDowell.

The primary purpose of this society is the preservation of historic places, objects, and records pertaining to the American Revolution, and the erection of monuments on historic sites.

The founding of this actively patriotic organization marked a new era in American history and has caused an increased, fervent glow of patriotism.

In proving eligibility to membership ancient court records are searched, old Bibles with their priceless family records recovered, histories examined, traditions run down, and lineage to a worthy ancestor connected with the struggle for independence thereby established.

This work of investigation, and the production of proof sufficient to authenticate lineal descent from an American ancestor who rendered a military or other public service to the Colonies in their successful effort to throw off the yoke of tyranny imposed by the British monarch, has served to increase and widely diffuse a greater knowledge of history, an appreciation and pride of ancestry, a love for the beautiful in art, a veneration for things made sacred by reason of antiquity, a continuing regard for the memory of the noble pioneers—men and women—who endured hardship amid peril to the end that others might dwell in contentment, peace, and happiness, and, above all else, a profound reverence for the things that are sacred to every lover of liberty—the Declaration, the Constitution, the flag, and Lincoln's Gettysburg Address—these accomplishments, among others, have come as the ennobling result of the work of the Daughters of the Revolution.

In erecting memorials to others they are, in reality—although oblivious of the fact—rearing a lofty and enduring monument to themselves.

ONE OR TWO BLACK SHEEP IN THE FAMILY

We are met to do honor to three members of the Harman family, but, before proceeding to the main subject, there is a matter that I wish first to dispose of.

Although somewhat reluctant, publicly, to make the statement, yet, conformable to a strict regard for truth and candor, and agreeable to the principle of law that an exception proves the rule, I am forced to admit that there is one black sheep in the Harman family. It were not necessary to mention the name of this unruly member, for his identity and reputation are well known throughout this entire region—in fact, his reputation is known to the people of two States, Virginia and West Virginia. I would not thus dare to speak so plainly of Mr. J. N. Harman, jr., of the Welch bar, did I not know whereof I speak. The fact is, I, myself, have run around quite a bit with "Newt."

Doctor Jaeger once said of himself that he was an illustrious son of a degenerate sire. Our friend "Newt" may labor under the same delusion, but if so, and for a satisfactory reason, he keeps his thought unto himself.

Perhaps I should have said, there were two "black sheep" in the Harman family, for am I not related, if not by affinity, then by consanguinity, unto that family? The Harmans may, or may not recognize the relationship. A bright friend of mine once said to me, his experience had taught him, that kinfolk were of little advantage. He said, that if they were poor and of no account, he would have nothing to do with them; and if, to the contrary, they were rich and influential, they would have nothing to do with him.

ANCESTRY AND BIRTH OF HENRY HARMAN

A Teutonic family name signifies something more than a mere name. In German the letter "e" is generally pronounced the same as "a" in our own language.

The transition of the Germanic name, Hermann, to the Americanized Harman was, therefore, an easy and quite natural evolution.

While our spelling of the name differs from the original, the sound remains the same.

Hermann, we are told, implies honor. Definitively, it means—according to Rupp—one who subdues; a master man; a warrior.

Henry Harman, therefore, was not improperly named. Senator John Newton Harman, sr., has written not only a history of Tazewell County, Va., in two volumes, but also a genealogy of the Harman family. Only one who has carried the burden of such a task can appreciate the cost to body and mind involved. Every member of that numerous and widely scattered family should rise up and call him blessed.

We are indebted to this painstaking investigator and historian for a record of the life and career of Heinrich Adam Hermann, the father of Henry, and it was the exploit of the latter, acting in conjunction with his two sons, George and Mathias, that has moved the daughters to perpetuate their heroic action.

Henry was the second son of Heinrich Adam Hermann, who was born in southern Germany, near the common source of the Danube and the Rhine.

The author aforementioned, in one of his volumes, has transcribed and translated from the priceless old German Lutheran Bible of Heinrich Adam Hermann the following:

"I, Heinrich Adam Hermann, married Louisa Katrina October 8, 1723, and have together begotten 11 children, and have lived in matri-

mony as true married folks should up to the year 1749, when my dear wife died March 18, and was buried the 21st, which fell on a Monday.

"The blood of Jesus Christ cleanses us of all our sins. Amen.

"Lord Jesus, for you I lived. Yours I am in death."

"And," he continues, "my wife, Louisa Katrina" (he does not specify her family name), "her last meditation was this: 'I know that my Savior lives and will support me when leaving the earth * * * and in my flesh will see God the same evening, and my eyes will perceive him.'"

Realizing that she must soon quit the scenes of this life, that grand old mother in Zion—as divined and set down by her husband—further said:

"All men must die, and I must leave."

And then the record tells us—

* * * "They sang for her the last song, 'My Earthly Travels are O'er.'"

The hymn having been concluded, with the old man and the children standing around the death bed, she said: "Goodnight, all my loved ones," and died 9 o'clock, 25 minutes.

GERMAN MIGRATION TO AMERICA

The Germans in migrating to America usually began their long journey by traveling in river boats to the mouth of the Rhine. The trip down usually required from four to six weeks, the travelers being held up by the petty officials of every little principality demanding customs duty, and purposely delayed in order that shop and innkeepers might profit from their scanty means.

The emigrant ships, commanded by English masters, sailed from Goeree, a port on the North Sea near Rotterdam. These were sailing boats that crossed the ocean. The vessels of the larger size were 99 feet in length, 26 feet in breadth, and of 311 tons capacity.

Some of the ships' lists as of that day show as many as 480 passengers. How a ship so small could accommodate so many passengers we can not very well understand.

Ships sailing from Rotterdam for America usually touched at Cowes or the Isle of Man, where they took on supplies and went through certain formalities required by the maritime and immigration laws of England. The time required for the voyage across the ocean varied from two to six months, depending on wind and weather. The boats that successfully weathered the storms landed at the port of Philadelphia. Some that sailed went down at sea.

The reason for leaving the Palatinate—southern Germany—was due, in large measure, to the "thirty years' war." The effect of this war upon Germany was vastly destructive of her population as well as her property. According to Myers (General History, sec. 791), "the Duchy of Wurtemberg had one-half million of inhabitants at the commencement of the war; at its close had barely 50,000," or only one out of ten. This authority further says that on every hand were the charred remains of the hovels of the peasants and the palaces of the nobility. Vast districts lay waste without an inhabitant. The very soil in many regions had reverted to its primitive wildness.

Later, France conducted another war in southern Germany, known as the "war of the Palatinate." Louis, the French monarch, ordered that the country should again be laid waste. According to Myers, all tangible improvements, even the fruit trees, vines, and crops, were destroyed. It is, therefore, not surprising that Adam Harman, together with many thousands of his fellow countrymen, should have bid farewell to that troubled land and sailed for the New World, in the Western Hemisphere.

PENNSYLVANIA

Emigrants to Pennsylvania, the forests of William Penn, were attracted there by Penn; who prepared and circulated a prospectus stating his plan of government, the price he would charge for the land, and the wonderful advantages and opportunities afforded the settler. The price he asked for the land was less than 10 cents per acre, and the purchaser was to have a voice in the making of the laws that would govern the Province.

Penn made a favorable treaty with the Indians under the famous elm tree at Shack-a-Maxon, whereby the Indians promised to "live in love with William Penn and his children as long as the sun and moon give light." It is said that this was the only Indian treaty ever made and never broken.

Many of the emigrants who purchased land from Penn were able to dispose of the same at a nice profit, and some having done this moved down into the Shenandoah Valley or elsewhere in Virginia and into North Carolina, where they were able to buy good land at a very low price and thus increase the area of their holdings.

GOOD FAMILY STOCK

In recent years I have observed upon the part of some in whose veins flow blood of German extraction a disposition to deny their racial origin, and to claim that they are descended from Dutch or Huguenot ancestry.

As for myself I would not alter the fact, if I could, that the birth of three of my grandparents was recorded in German Bibles, no less than I would deny the further fact that my forbears, in company with the Harmans, helped to fight the battles of the Revolution.

The German regiments of Pennsylvania, the one organized in the Shenandoah Valley, and the soldiers of German origin under other commands did their work well and faithfully. They made their own guns and manufactured their own powder. Moreover, they were good marksmen, for history records that they could place an ounce ball within a 4-inch circle at a distance of 300 yards.

This contingent of Colonial citizenship, being free of the Tory element, put their whole heart and soul in the fight for freedom, and when liberty had been won, with characteristic industry and economy assiduously went forward with their fellow citizens in the work of building the Nation.

When danger approached or there was a difficult task to be performed, the Harmans led the way. They were natural fighters and took the lead in all the combats with the Indians, as witness the battles of Tug River, Little River, and Warfield; and in the rescue of Mary Ingles, and, on another occasion, Jennie Wiley, each of whom had been captured by the Indians.

These forbears were characterized not only by fortitude and a supreme courage, but by a Christian faith and an upright walk in life that was truly commendable.

Should there be grounds for wonder that later generations of that truly remarkable family should have attained undue success and distinction?

The men and women bearing the honored name of Harman may well "point with pride" to their noble ancestry. These come from good stock, and blood counts in men and women no less than in other animals.

Henry Harman, according to tradition, was born on the Isle of Man about 1726, at which the vessel touched on its way from Rotterdam to the port of Philadelphia.

According to the Harman Genealogy (p. 71), Henry, when 10 years of age, moved with his parents from Pennsylvania to Strasburg, in the Shenandoah Valley. Nine years later—in 1745—the family moved and settled at Eggleston Springs, on Woods, now known as New River.

Senator Harman, in his Genealogy, shows that by a report of the survey of a road filed in Orange County court in 1745 the road is described as ending "at the house of Adam Harman, on New or Woods River." Mr. William E. Connelly, secretary of the Kansas State Historical Society, who has given special attention to the history of the Mississippi Valley, and is the author of valuable histories, commenting on the discovery of Mr. Harman, has written: "So the honor and distinction of having erected the first dwelling and making the first permanent settlement of English-speaking people in the Mississippi Valley goes to that sturdy pioneer, Adam Harman. For though he was German in blood and spoke the German tongue, he also spoke English and was fully identified with the English westward movement in Virginia * * * and was a citizen of Virginia."

It is presumed that Henry Harman and his oldest brother, Adam, were the sons who, with their father, the elder Adam Harman, rescued Mrs. Ingles on her return to New River after her four months' captivity by the Indians.

Henry Harman was made a captain of the militia to defend "His Majesty's Colonies." In 1759 he commanded the militia in fights with the Indians on New River.

In 1787 he planned and led the pursuit of the Shawnee Indians after their capture of the English (Ingles) family in Burks Garden.

One year later he and his two sons, George and Mathias, fought here on Tug River the battle with the seven Indians.

There are many other important incidents in the life of Henry Harman worthy to be mentioned, a record of which is to be found in various histories, which I shall not have the time to speak of on this occasion.

We are told that after an eventful life he died in 1822 at Hollybrook, in what is now Bland County, Va., at the age of 95 years. Thus ended the career of the great Indian fighter, forbear, and citizen, Capt. Henry Harman.

THE BATTLE

The monumenting stone with tablet before you marks the spot, well authenticated, where Henry Harman and two of his sons, George and Mathias, engaged in battle with seven Shawnee Indians, the leader of whom was Chief Black Wolf, alleged to have been the son of the noted Indian warrior, Chief Cornstalk, slain at Point Pleasant, W. Va., and at whose grave, in the courthouse yard, a monument has been erected.

In that unequal battle the three Harmans were surrounded by the Indians, seven in number; only four of the latter had guns, the others being armed with bows and arrows, tomahawks, and scalping knives.

Two of the Indians having been wounded by the fire of George and his father, one of the Indians rushed at George with tomahawk raised for a blow, but when within striking distance George let down upon his head with the gun, which brought the Indian to the ground; recovering, the Indian made at him again, but George seized the Indian's knife and plunged it deep into his side, and Mathias with a tomahawk struck him on the head and finished the work with him.

Two Indians had attacked the old man and were maneuvering around him to get a clear fire at his left breast. The Harmans to a man wore their bullet pouch on their left side. When the old man had nearly completed the loading of his gun an Indian fired at him, striking his arm and cutting an artery. A moment later "the fearful string was heard to vibrate and an arrow entered Mr. Harman's breast and lodged against a rib." Mathias, who had been directed by his father to reserve his fire, was then granted permission to shoot. An Indian, the chief, was standing under a large beech tree. At the report of the rifle the Indian fell, throwing his tomahawk high among the branches of the tree under which he stood. Seeing that two of them were dead and two others of their number badly wounded, the surviving Indians made off.

The arm of Mr. Harman was tied up, his pipe lit, his face washed; the Indians were scalped, the tomahawks gathered up with the arrows, including those which had punctured Mr. Harman's body, and the Harmans then began their march back to the settlement.

Upon the beech tree, under which the chief was killed, was roughly carved an Indian, a bow, and a gun, commemorative of the fight. The monument stands near where the beech tree stood.

In narrating the facts relating to the battle I have freely used, without quotations, the text of Doctor Bickley's History of Tazewell County, as corrected and supplemented by Senator Harman in his genealogy of the family and in his two volumes entitled "Annals of Tazewell County."

THE BATTLE GROUND

Turning our eyes toward the distant past let us, in imagination, undertake to visualize conditions existing here on November 12, 1788.

On that gray November evening of nearly a century and a half ago there stood on this ground a primeval forest of spreading beech, giant oak and lofty poplar, unscarred by the hand of man.

The solitude of that Cathedral of God had continued unbroken except for the voices of nature.

The denizens of the forest were there. The black bear, the fleet-footed deer, and the wild turkey made it their home, and the stillness of the night was broken by the lonesome hoot of an owl or the scream of the panther.

Once in a while bands of hostile Indians, their feet incased in moccasins, took the war path leading from the Ohio up the Guyandotte, or the Big Sandy, and silently passed this way in order to reach the Virginia settlements, there to commit their depredations.

But America was no longer an unknown continent, a lonely land. Civilization having come and occupied a wide area along the Atlantic—and settlers being scattered over the entire eastern escarpment of the Appalachians—was now advancing.

Brave and adventurous souls occupied the outposts of the settlements, and these, intermittently but gradually, were breaking through the mountains and pushing westwardly into the wilderness.

The march of the pioneer, constituting an epic in American history, never faltered and never rested until halted on the shores of the Pacific Ocean.

THE MOTHERS OF THE FRONTIER

The hardships and perils of life on the frontier were far greater for the women than for the men.

Living in lonely cabins at great distances apart, with the men away from home, in the field at work, or out hunting for game—that being a matter of necessity in order to procure bread and meat for the table—or with the militia on some military expedition, either punitive or defending the settlement, the women remained at home, in charge of the children, and suffering from an indescribable dread, being constantly exposed to danger, fraught with the most terrible consequences.

What must have been the state of her mind to realize that at any moment—night or day—powerful, cruel, copper-skinned savages of a strange tongue with a guttural sound were likely to emerge from the dark woods and enter her cabin home.

The horror of her fear was that of seeing the brains of the baby at her breast dashed out against the trunk of a tree, as was the experience of Mrs. Moore at Abbs Valley, the home set on fire, and she herself led into the forest by a lecherous animal in the form of a man, finally to be marched as a captive hundreds of miles from home and, it might be, burned at the stake.

Whether the pioneer mothers' distress of mind went no further than dread, or whether her fears were fulfilled in actuality, she rendered unto posterity and civilization a service a thousand times greater than was ever rendered by any man upon the battle field.

The place you have monumented is sacred ground. May the memorial you have erected stand always as an evidence and a testimony of your appreciation of those who fought here that others might live in peace and happiness.

ARTICLE BY HON. JOHN Q. TILSON

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article appearing in the American Forests Magazine, written by the Hon. JOHN Q. TILSON, of Connecticut. [Applause.]

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, under consent granted me to extend my remarks in the RECORD I insert the following:

(Mr. TILSON, in "A Plea for the Forests," has given expression to observations of forest conditions made by him during the past summer in the course of an extended trip through China, Japan, Korea, and a large portion of the western United States. From the majority leader of the House these views and conclusions will, very naturally, command wide interest.—Editor American Forests Magazine.)

A PLEA FOR THE FORESTS

It is often said that a statesman is a dead politician, which usually means that the statesman is not always recognized or fully appreciated during his lifetime. If we must insist upon some sort of sinister meaning for the much-abused word "politician," a much better characterization would be that the politician looks only to the present, or at least to the next election, while the statesman looks to the future welfare of the country, even at the expense of present prestige. Perhaps in no other one thing pertaining to the public welfare are these two viewpoints so well illustrated as in connection with the preservation and reproduction of forests. The long period of time required to grow a forest often brings present interest into conflict with the future.

It is stated in the New Testament that the leaves of the trees were for the healing of the nations and many diverse interpretations have been made of this poetic text. The leaves of the trees spread welcome shade where the sun is hot for rest and refreshment; they have become dust out of which plants are grown for both food and raiment. Many other direct and obvious uses of the leaves of the trees will occur to anyone. The trunks and branches which bear the leaves have even more varied and obvious uses. They produce shelter from the inclement weather, clothing, fuel, weapons, means of transportation, and material for a thousand different useful purposes.

All the uses to which reference has been made are apparent and manifest. There are others not so well understood or so generally accepted, but which are of very great importance. For instance, the effect of forest growth upon the climate, the amount and distribution of rainfall and the regularity in the flow of streams are all matters affecting very vitally life on the earth's surface and all are in turn affected by the existence or nonexistence of forests.

Thus far reference has been made only to some of the useful purposes directly served by forests. The case in favor of the forests can not be adequately made up, however, without at the same time taking into the account some of the injury that flows from the wasteful destruction of the forests and their removal from uplands and mountains. When well-forested areas are entered upon by would-be settlers for the purpose of establishing homes and gaining a livelihood by tilling the soil, the forest is encountered as something that must be met and overcome by irksome labor, so that it is not to be wondered at that the pioneer regarded the forest more in the light of an enemy than as a friend.

I recall quite vividly my own life as a youngster in the fine forests of hardwoods and pine on the slopes of the southern Appalachian Mountains, where each year new land was cleared for cultivation and in doing so the finest trees were felled indiscriminately, cut into manageable lengths, rolled into immense heaps, and burned. As I look back upon those scenes from the viewpoint of the present they seem almost criminal in their wastefulness, and yet it was only a case of apparent present necessity being met at the expense of the indistinctly foreseen future. The lands that were stripped of forests supported life and, therefore, to the extent necessary for that purpose, their denudation was justified, but probably by careful tillage half the land would have served the purpose, while half the acreage of my father's farm covered with the primeval forests would now be a small fortune.

It is only when the forests are gone and the many ill effects from it begin to develop that one can see clearly the mistake. When the pinch of high-priced lumber brought from a distance begins to be felt, those who may have thought little about it begin to take notice. Then firewood begins to grow scarce and good wood difficult to procure at any price. These things again are directly felt. It is the indirect effects that are the most hurtful and far-reaching. When the forests on the hillsides are felled and the humus formed from decomposing leaves is removed erosion soon begins and the land itself rapidly loses its productiveness. When the rain falls in the forests the force of the fall is broken by the leaves and branches, so that it drops gently to earth to be sucked into the ground by the leaves and the spongy humus, while the standing trees protect from the sun's rays, thus lessening the immediate evaporation. The water thus taken into the ground finds its way into underground waters and comes out in perpetual springs. Of all the blessings vouchsafed by the Creator to His creatures none is greater and none is so essential to life itself as living water. It is at its best when it gushes from the earth at

the foot of a wooded hill. Follow it in its journey to the sea. Along its course it serves to slake the thirst of man and beast and all vegetation; it turns wheels to furnish power for a thousand human wants; it carries man and his commerce wheresoever he will, and finally adds its flood to replenish the great reservoir of the sea. It blesses man at every stage of its journey and this is as it was intended to be by the beneficent Creator.

On the other hand, let us see what happens when man has done his handiwork badly. When the rain falls upon the denuded hillside there are no trees to break the fall or prevent rapid evaporation, or leaves or spongy humus to drink it up. Instead of being taken into the earth it runs off rapidly, carrying with it the loose soil and small gravel, thus leaving the land unproductive. It rushes on increasing in volume until it becomes a destructive flood. The process just described, multiplied many thousand times, with a most unfortunate coincidence in their coming together, has just produced the most destructive catastrophe that has ever visited this country, destroying precious lives and untold millions of property in the great Delta region of the Mississippi River.

We have followed only the water itself in its destructive course. What of the soil and silt carried from the uplands? First, it makes the water less fit for human use. Next, the sand, being heavier than the soil, is first dropped out, covering up fertile lands so as to make them unproductive. Reaching the more quiet waters, other sediment drops, filling up useful ditches and stream beds, and finally, as the streams enter the sea, forming bars across their mouths, thus obstructing navigation.

No one can visit China without having the tragic lesson of forest destruction borne in upon him in a most forceful manner. China has 400,000,000 population. In area it is one of the largest countries in all the world. It contains some of the very large rivers of the world. China has comparatively an extremely small mileage of railroads, so that its rivers should be relatively more important than those of any other country. And yet what do we find? The mouths of all its rivers choked with sand bars. Up to about 10 years ago large ships could not discharge at the docks of Shanghai. At last the enormous commerce of this great port forced its improvement, but it was a huge and expensive undertaking. Vessels of any considerable draft can not now reach Tientsin at all, but must stop outside of Taku Bar. Tientsin is situated in a great alluvial plain which has been brought down from the region of Peking and above by the Hai Ho River. All the hills and mountains in all this region were denuded of their forests evidently many centuries ago. No forests remain, but that they were once forest covered or at least are capable of producing trees is shown by the many sacred trees about their temples and the tombs of their ancestors. The rain now falls upon the barren slopes and rapidly rushes to the sea, carrying with it every particle of detached earth that it can carry. The sediment containing sand and gravel is deposited upon the fertile fields, while the finer sediment is carried into irrigation ditches, the beds of streams, and canals.

In Korea the same mistake of denuding the hillsides has been made as in China, with identical results so far as time has permitted. Doubtless China had been stripped of its forests for centuries while Korea was still a well-wooded country, but Korea is no longer well wooded, having been denuded to its very mountain peaks, while the same sad story is being written of the barren mountains being washed down to fill up the precious irrigation ditches and to cover with worthless sand and silt the precious rice paddies and fertile wheat fields.

It is worthy of note that since Japan took over Korea a very ambitious and expensive program of reforestation has been entered upon and is now being carried on there with every indication of a finally successful outcome, but it will require many decades of time and an unlimited amount of money to undo, even in small part, the great injury done to this unfortunate country by the reckless expenditure of its great forest wealth.

Japan herself has done much better in this regard in her own little island empire. The islands are evidently of comparatively recent geological formation, so that there are many high mountains with precipitous slopes and much of the land is steeply sloping hillsides. From some of these the forests were stripped carelessly and erosion had begun its deadly work, but has not been permitted to run its destructive course as in China and to a lesser degree in Korea. In fact, in no other one thing are those who have directed the internal affairs of Japan to be so much commended as for the masterly, statesman-like forestry policy that has been inaugurated and is now being carried out in that country.

Our own country is old, geologically speaking, but quite youthful in point of utilization of the land either for the timber originally standing on it or for agricultural purposes. The time has not been sufficient in which to make all the mistakes of older countries, but, considering the brief period of our history, we have surely made our share and the end is not yet. It is already apparent what the end will be. We must not stumble blindly on into the condition of China and other portions of the Orient or even to the state already reached by some parts of Europe.

The problem of saving and replacing our forests is a difficult one—in fact, one of the most difficult with which the statesmen and business men of our day have to deal. The problem is greatly complicated for us by our dual form of State and Federal Government, which has worked so well in separating local from really national affairs, and which should be preserved as one of our most beneficent institutions. The forests, of necessity, are local and must be dealt with primarily as matters of State concern. But the direct influence of forests or lack of forests is felt beyond the confines of a single State and so becomes national in effect.

The taxing of forest lands presents another difficulty. Few are willing to pay heavy yearly taxes on lands which have no annual yield and which in the very nature of things can not yield an income during the life of the taxpayer. Lands in the States of Washington and Oregon, for instance, which have yielded up their original stand of fir and cedar will under proper conditions reforest themselves, but the cost of proper fire protection added to the taxes makes it a doubtful financial venture to undertake to hold it until the new forest can produce an income. The result is that destructive fires devastate most of the cut-over lands and much of it is permitted to be sold for taxes.

The sale of cut-over lands for taxes of itself offers a hopeful suggestion that may possibly help bring the solution of this one phase of the forestry problem. The State itself pays no taxes. It does not die as individual personal taxpayers do and can afford to wait until the next generation or even until the next century for its profit provided the investment is sound and the resulting effect of holding the land is meanwhile beneficent. The idea of State socialism is repugnant to me, but I see no insuperable difficulty in the State resuming the title to the land during the period of reforestation and then under conditions fair to the public, returning it to private ownership at the proper time.

APPROPRIATION BILL FOR THE DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR

The SPEAKER pro tempore. When the House adjourned yesterday the engrossment of the appropriation bill had just been ordered when the demand was made for reading of the engrossed copy. So the first business in order is the reading of the engrossed copy of the bill (H. R. 8269).

Mr. BLANTON. Mr. Speaker, I shall not insist on the reading.

The SPEAKER pro tempore. The demand for the reading is withdrawn, and the Clerk will read the bill by title.

The bill was read the third time.

Mr. CELLER and Mr. JOHNSON of Washington rose.

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. CELLER. Mr. Speaker, I desire to offer a motion to recommit, which the Clerk will read. I have handed the motion to the Clerk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CELLER. The gentleman is opposed to the bill and for that reason I offer the motion to recommit, and on that I demand the previous question.

Mr. JOHNSON of Washington. Mr. Speaker, I was on my feet demanding recognition, and as the Members will remember, I gave notice of my motion to recommit yesterday.

The SPEAKER pro tempore. The gentleman from New York was also on his feet.

Mr. JOHNSON of Washington. But, I think, Mr. Speaker, if the Chair will bear with me, I was seeking recognition for this purpose during the consideration of the bill and a demand was made in order to hold the motion until this morning with the understanding I would be recognized at this time to submit a motion to recommit.

Mr. SNELL. Mr. Speaker, I do not know of any arrangement of that kind.

The SPEAKER pro tempore. If the House will bear with the Chair for a moment, the Chair will state, in the first place, that recognition is within the discretion of the Chair, except as to the fact of opposition to the bill. In the next place, the Chair will attempt to give recognition in accordance with the practice of the House. Knowing that there would be demands made from both sides of the House for recognition, the Speaker before designating the present occupant of the chair to preside to-day, talked with me about it and said that as between two Members, neither of them being a member of the committee in charge of the bill under consideration, with equal rights in all other respects, except that one of them is on the majority side and the other on the minority side, he would recognize the gentleman on the minority side; which in the opinion of the present occupant of the chair is the sound practice of this House. In accordance with that practice and the express approval of the Speaker himself, I have recognized the gentleman from New York, who submits a motion to recommit and on

that motion demands the previous question. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CELLER moves to recommit the bill (H. R. 8269) to the Committee on Appropriations with instructions to report forthwith the following amendment: On page 111, line 8, strike out "\$7,110,000" and insert "\$7,210,000."

The SPEAKER pro tempore. And on that the gentleman from New York moves the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and the motion was rejected.

Mr. JOHNSON of Washington. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. That is not in order. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. SHREVE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE PRIVATE CALENDAR

The SPEAKER pro tempore. The Clerk will call the Private Calendar.

JOHN J. WATERS

The first business on the Private Calendar was the bill (H. R. 1589) for the relief of John J. Waters.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws John J. Waters shall be hereafter held and considered to have been honorably discharged from the military service of the United States as a private of Company E, Second Regiment Michigan Volunteer Cavalry, on February 4, 1863: *Provided,* That no back pension, back pay, or back allowance shall accrue by virtue 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 was laid on the table.

GUY CARLTON BAKER

The next business on the Private Calendar was the bill (H. R. 1590) to correct the records of the War Department to show that Guy Carlton Baker and Calton C. Baker or Carlton C. Baker is one and the same person.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department to show that Guy Carlton Baker is one and the same person as Calton C. Baker or Carlton C. Baker, who served in the War of 1812 as a private in Capt. Ezekiel Colburn's company, Lieut. Col. Thomas B. Benedict's regiment, New York Militia.

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.

CALVIN H. BURKHEAD

The next business on the Private Calendar was the bill (H. R. 4707) for the relief of Calvin H. Burkhead.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the 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 and directed to pay to Capt. Calvin H. Burkhead, out of any appropriation now or hereafter available for travel of the Army, the sum of \$1,971.60 to reimburse him for money paid by him while traveling under official orders in Alaska from July 1, 1922, to and including September 5, 1924.

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.

CURTIS P. WISE

The next business on the Private Calendar was the bill (H. R. 802) to correct the military record of Curtis P. Wise.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Curtis P. Wise, who was a member of Company L, One hundred and twenty-eighth Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 30th day of March, 1863: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

WILLIAM EARHART

The next business on the Private Calendar was the bill (H. R. 871) for the relief of William Earhart.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Earhart, who was a member of Company B, Thirteenth Regiment Pennsylvania Cavalry, Civil War, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of August, 1863: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

GEORGE ADAMS

The next business on the Private Calendar was the bill (H. R. 1072) for the relief of George Adams.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George Adams, who was a member of Company G, Forty-fourth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 13th day of August, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

WILLIAM MORIN

The next business on the Private Calendar was the bill (H. R. 2272) for the relief of William Morin.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Morin, who was a member of Company G, Fifteenth Regiment Maine Volunteer Infantry, Civil War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 25th day of January, 1864: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. WOODRUFF. Mr. Chairman, I move to amend by striking out the words "25th day of January" and inserting in lieu thereof the words "17th day of September."

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOODRUFF: In line 9, strike out the words and figures "25th day of January" and insert in lieu thereof the words and figures "17th day of September."

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

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LUCIUS BELL

The next business on the Private Calendar was the bill (H. R. 2284) for the relief of Lucius Bell.

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, I reserve the right to object in order to ask a question. On the claim of the soldier that after enlisting in 1861 he had consumption and went home, the War Department made the following report:

The records show that Lucius Bell was enrolled April 30, 1861, and was mustered into service May 13, 1861, as a private of Company B, Twelfth New York Volunteer Infantry, to serve three months. On the roll of his company, dated August 13, 1861, he was reported as "deserted from the company on the 21st day of July, 1861."

He was mustered into the service on May 13 and on the 21st day of July the same year he is reported as deserting. That is all the record we have.

Mr. WOODRUFF. Mr. Speaker, I call the attention of the gentleman to the fact that we are not proposing to correct this man's record in such a way that he can have a pension from it.

Mr. BLANTON. But he will draw one from the date of the passage of this act, will he not?

Mr. WOODRUFF. No, indeed. He can not, because we merely correct the record as of July 31, 1861, and he will then not have served the 90 days necessary under the law to give him a pension. All this old man wants is to have his military record corrected. He does not care for the pension.

Mr. BLANTON. If he enlisted and was mustered into the service in May and deserted before August in 1861, and did not perform the services he was expected to perform, ought his record to be corrected?

Mr. WOODRUFF. I think it should; otherwise I would not have introduced the bill. I know this old man personally, very well. I know his high character, and I for one want to see that the charge of desertion is removed from his record.

Mr. BLANTON. It is very unfortunate that the disease which he offered as his excuse for the charge of desertion was consumption, commonly known as tuberculosis, because ordinarily when a man has tuberculosis he does not live from 1861 to 1928.

Mr. WOODRUFF. I think that is true.

Mr. BLANTON. But I shall not stand in the way of our friend from Michigan [Mr. WOODRUFF], who does valuable service here for the country. It will not cost the United States a cent.

Mr. WOODRUFF. It will not cost the United States one penny.

Mr. BLANTON. Mr. Speaker, I withdraw my reservation of objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Lucius Bell, late of Company B, Twelfth Regiment New York Volunteer Infantry, shall be held and considered to have been honorably discharged July 21, 1861: *Provided,* That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE H. GILBERT

The next business on the Private Calendar was the bill (H. R. 2294) for the relief of George H. Gilbert.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George H. Gilbert, who was a member of Company C, Fourteenth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 20th day of May, 1861: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALFRED ST. DENNIS

The next business on the Private Calendar was the bill (H. R. 3041) for the relief of Alfred St. Dennis.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alfred St. Dennis, who was a member of Company E, Fifty-seventh Regiment Massachusetts Volunteer Infantry, Civil War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 6th day of May, 1864: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALEXANDER ASHBAUGH

The next business on the Private Calendar was the bill (H. R. 3049) for the relief of Alexander Ashbaugh.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alexander Ashbaugh, who was a member of Company D, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 1st day of October, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN COSTIGAN

The next business on the Private Calendar was the bill (H. R. 3192) for the relief of John Costigan.

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, I reserve the right to object, merely to ask the question.

Mr. COCHRAN of Missouri. Mr. Speaker, I hope my friend will not object to this bill.

Mr. BLANTON. I wanted to find out from our friend why the report of the War Department was not attached to this committee report?

Mr. COCHRAN of Missouri. I am not a member of the committee, and can not say.

Mr. BLANTON. A report has come from the committee which does not bring with it the report of the War Department. Therefore the committee report comes with some suspicion.

Mr. COCHRAN of Missouri. The bill has already passed the House twice.

Mr. BLANTON. Does the War Department report unfavorably upon this bill?

Mr. COCHRAN of Missouri. It does; but an affidavit shows another situation, different from that set forth in the department's report.

Mr. BLANTON. I shall not object, but I think the committee ought to be fair enough to the House, when it reports a bill and has submitted it to the War Department for its report, to attach that department's report.

Mr. HUDSPETH. We repeatedly pass such bills when the War Department has turned them down.

Mr. BLANTON. All right.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights upon honorably discharged soldiers, their widows and dependent relatives, John Costigan shall hereafter be held and considered to have been in the military service of the United States as a private in Company D, Fifth United States Cavalry, from March 27, 1878, and to have been honorably discharged May 31, 1881:

Provided, That no back pay, back pension, or other back allowance shall accrue by reason of the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ALVIN H. TINKER

The next business on the Private Calendar was the bill (H. R. 3440) for the relief of Alvin H. Tinker.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alvin H. Tinker, who was a member of Company D, Forty-fourth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a corporal of that organization on the 15th day of January, 1863: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ADAM B. ACKERMAN, ALIAS AUNKERMAN

The next business on the Private Calendar was the bill (H. R. 3993) for the relief of Adam B. Ackerman, alias Adam B. Aunkerman.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Adam B. Ackerman, alias Aunkerman, who was a member of Company B, Seventeenth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 5th day of July, 1862: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

WIDOW OF WARREN V. HOWARD

The next business on the Private Calendar was the bill (H. R. 4027) for the relief of the widow of Warren V. Howard.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws, Warren V. Howard shall hereafter be held and considered to have been mustered in as a private in Company E, Second Regiment Massachusetts Volunteer Infantry, on the 25th day of May, 1861, and to have been honorably discharged on the 1st day of June, 1865: *Provided,* That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JACOB F. WEBB

The next business on the Private Calendar was the bill (H. R. 5255) for the relief of Jacob F. Webb.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. - The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Jacob F. Webb, late of Company H, Eleventh Regiment Missouri State Militia Cavalry, and Company L, Second Regiment Missouri State Militia Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the latter company and regiment on the 18th day of December, 1862: *Provided,* That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ANTHONY SCHWARTZENBERGER

The next business on the Private Calendar was the bill (H. R. 5424) for the relief of Anthony Schwartzenberger.

The title of the bill was read.

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

Mr. BLANTON. I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Texas reserves the right to object.

Mr. BLANTON. Mr. Speaker, the proviso on this bill is not in the form that the Committee on Military Affairs and the House has insisted upon. The proviso provides—

That no pension shall accrue prior to the passage of this act.

The language of the approved proviso reads:

Provided, That no bounty, back pay, pension, or allowance shall be held as accrued prior to the passage of this act.

If the language is put in the proper form by an amendment I shall not object; otherwise I shall. Will there be any objection of that amendment?

Mr. MORIN. No.

Mr. BLANTON. I will move an amendment.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws, Anthony Schwartzenberger shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company E, Fifth Regiment Maryland Volunteer Infantry, July 17, 1865: *Provided,* That no pension shall accrue prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I offer the following amendment:

In lieu of the proviso in lines 7 and 8, insert the following: "*Provided,* That no bounty, back pay, pension, or allowances shall be held as accrued prior to the passage of this act."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 1, line 8, after the word "*Provided,*" strike out all of line 8 and insert in lieu thereof the following: "That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act."

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

EDWARD TIGH

The next business on the Private Calendar was the bill (H. R. 6364) for the relief of Edward Tigh.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward Tigh, who was a private in Company I, Sixth Missouri Volunteer Infantry, and later a private in Company D, First Battalion of Cavalry, Mississippi Marine Brigade, shall hereafter be held and considered to have been discharged honorably from military service of the United States as a private of said companies and regiments May 18, 1865: *Provided,* That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES W. KINGON

The next business on the Private Calendar was the bill (H. R. 6579) for the relief of James W. Kingon.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James W. Kingon, out of any money in the Treasury not otherwise appropriated, the sum of \$170 in full settlement of all pay, bounty, and allowances due him for services in Company H, Forty-second Regiment Illinois Volunteer Infantry.

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.

PAUL E. DIVINE

The next business on the Private Calendar was House joint resolution (H. J. Res. 93) for the appointment of Paul E. Divine, of Tennessee, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the title of the resolution.

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

Mr. BLANTON. Mr. Speaker, reserving the right to object, is this appointment within the power of the House?

Mr. REECE. Yes; this is according to law.

Mr. BLANTON. The House made the appointment of his predecessor?

Mr. REECE. That is right.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That Paul E. Divine, of Tennessee, be, and he is hereby, appointed member of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States to succeed Maj. J. W. Wadsworth, sr., of New York, deceased.

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.

JOSEPH F. RITCHERDSON

The next business on the Private Calendar was the bill (H. R. 519) for the relief of Joseph F. Ritcherdson.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, or their dependents, Joseph F. Ritcherdson shall hereafter be held and considered to have been in the military service of the United States as a musician of Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, from the 4th day of September, 1862, to the 1st day of June, 1864, and to have been discharged honorably from said service on the last-named date: *Provided,* That no bounty,

pension, pay, or other emoluments shall accrue prior to the passage of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

MICHAEL PATRICK SULLIVAN

The next business on the Private Calendar was the bill (H. R. 929) for the relief of Michael Patrick Sullivan.

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, reserving the right to object, I want to read what the War Department says. This report is signed by Robert C. Davis, The Adjutant General of the United States Army:

The official records show that Michael P. Sullivan enlisted April 14, 1899, at Dayton, Ohio, for three years, and was assigned to Battery N, Fourth United States Artillery.

He was tried by a general court-martial convened at Fort Monroe, Va., and found guilty of absence without leave, in violation of the thirty-second article of war, evidence of five previous convictions having been considered—

I want you to get that—

evidence of five previous convictions having been considered, and was sentenced "to be dishonorably discharged the service of the United States, forfeiting all pay and allowances, and to be confined at hard labor at such place as the reviewing authority may direct for three months."

The sentence was duly approved by competent authority and was published in Special Orders, No. 250, paragraph 8, Headquarters Department of the East, dated October 30, 1899, which designated Fort Monroe, Va., as the place of confinement. Pursuant to the sentence, he was dishonorably discharged at Fort Monroe, Va., November 2, 1899, and was released from confinement at that place January 14, 1900.

I have not objected to correcting the military records of these old soldiers who have survived the Civil War, but this is not such a case as should be approved. This is a case where the man was convicted six different times. This did not happen long ago, but within comparatively recent years. I do not think we ought to consider this precedent, because it will become a precedent.

Mr. KING. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KING. Does the gentleman know what he was convicted of?

Mr. BLANTON. Here is what the report states:

He was tried by a general court-martial convened at Fort Monroe, Va., and found guilty of absence without leave, in violation of the thirty-second article of war, evidence of five previous convictions having been considered.

Mr. KING. What for?

Mr. BLANTON. Well, for something for which an expensive court-martial was invoked. He was given a fair trial, we presume, and had counsel to represent him, because in all court-martial cases the accused has counsel furnished to him free by the Government. He was convicted six times, and I do not think we should put this man back on the honorable roll and give him a pension for the rest of his life.

Mr. KING. May I ask the gentleman another question?

Mr. BLANTON. Certainly.

Mr. KING. Will it have any weight with the gentleman to tell him that this House has passed this bill once before?

Mr. BLANTON. No; because we pass them here just like we are passing them to-day. The Clerk reads the title of the bill and the Chair says, "Without objection, the bill will be engrossed, read a third time, and passed, and a motion to reconsider is laid on the table," all in one breath. That is the way they are passed.

Mr. KING. It is our negligence.

Mr. BLANTON. I wish I did not feel I have to object because of my friendship for the gentleman from Illinois.

Mr. KING. Oh, I have nothing to do with the bill.

Mr. BLANTON. I shall not object to the old Civil War veterans having their military records corrected, but I do object to this bill.

JAMES K. P. WELCH

The next business on the Private Calendar was the bill (H. R. 971) for the relief of James K. P. Welch.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James K. P. Welch shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Fifty-ninth Regiment Indiana Volunteer Infantry, Civil War: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I move to strike out the language in the proviso beginning at line 9, and insert in lieu thereof the following:

Provided, That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 1, line 9, strike out the proviso and insert in lieu thereof the following: "*Provided*, That no back pay, bounty, pension, or allowances shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES C. SIMMONS, ALIAS JAMES C. WHITLOCK

The next business on the Private Calendar was the bill (H. R. 972) for the relief of James C. Simmons, alias James C. Whitlock.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James C. Simmons, alias James C. Whitlock, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company K, Thirty-fifth Regiment Indiana Volunteer Infantry: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I offer the following amendment:

Strike out the language in the proviso, at lines 9 and 10, and insert in lieu thereof the following: "That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLANTON: On page 1, line 9, after the word "Infantry," strike out the proviso and insert in lieu thereof the following: "*Provided*, That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JORDAN KIDWELL

The next business on the Private Calendar was the bill (H. R. 2422) to correct the military record of Jordan Kidwell.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Jordan Kidwell, who was a member of Company G, Fifty-fourth Regiment Kentucky Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 1st day of April, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM PERKINS

The next business on the Private Calendar was the bill (H. R. 2526) for the relief of William Perkins.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Perkins, who was a member of Company A, Hatch's independent battalion, Minnesota Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 26th day of September, 1863: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

J. W. BARE

The next business on the Private Calendar was the bill (H. R. 2528) for the relief of J. W. Bare.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, J. W. La Bare, who was a member of Company B, Forty-third Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 23d day of February, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

The title was amended to read as follows: "A bill for the relief of J. W. La Bare."

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN P. PENCE

The next business on the Private Calendar was the bill (H. R. 2649) authorizing the President to reappoint John P. Pence, formerly an officer in the Signal Corps, United States Army, an officer in the Signal Corps of the United States Army.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to reappoint John P. Pence, formerly an officer in the Signal Corps, United States Army, an officer in the Signal Corps, United States Army, in the grade and in the position on the promotion list provided by the next to last paragraph of section 24a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920: *Provided,* That said John P. Pence shall not by the passage of this act be entitled to any back pay or allowances of any kind: *Provided further,* That nothing contained in this act shall operate to increase the number of officers in the Regular Army now authorized by law.

Mr. BLANTON. Reserving the right to object, may I ask the gentleman from Washington why the report from the War Department is not included in the committee report?

Mr. JOHNSON of Washington. I am not able to say. My impression is that the War Department did not object.

Mr. BLANTON. The bill seeks to go over the head of the military authorities and have this man appointed an officer, when under the rules and regulations he could not be appointed an officer.

Mr. JOHNSON of Washington. The gentleman is right about that. The fact is that during the reorganization this man found himself in a post about to be abandoned up at the farthest point of Alaska. He had a wife and a small child and another about to be born. There was nothing to do but for him to move where he could get medical attendance.

Mr. BLANTON. In view of the splendid service that the gentleman from Washington is doing with reference to naturalization, and in view of the shameful treatment that his own

Republican Party gave him on the floor of the House this morning, I shall not object to the consideration of this bill.

Mr. JOHNSON of Washington. I thank the gentleman, and I will take care of the other part of it.

The SPEAKER pro tempore. Is there objection?

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 by Mr. JOHNSON of Washington to reconsider the vote whereby the bill was passed was laid on the table.

WILLIS B. CROSS

The next business on the Private Calendar was the bill (H. R. 3145) for the relief of Willis B. Cross.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, I would like for the gentleman from West Virginia to state why we are going over the heads of the War Department.

Mr. BOWMAN. We are not going over the heads of the War Department. This bill was drawn in compliance with the request of the War Department.

Mr. BLANTON. The clause which the committee always puts on the bill has been left off, and it ought to be in it.

Mr. BOWMAN. I shall have no objection to that.

Mr. BLANTON. With that understanding, I withdraw my objection.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Willis B. Cross shall hereafter be held and considered to have been mustered into the military service of the United States as a private of Captain Miner's Seventeenth Battery, Indiana Volunteer Light Artillery, and to have been honorably discharged.

Mr. BLANTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 8, strike out after the word "discharged" strike out the period and insert a colon and add: "*Provided,* That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

CHARLES A. BLACK

The next business on the Private Calendar was the bill (H. R. 3315) for the relief of Charles A. Black, alias Angus Black.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles A. Black, alias Angus Black, who was a member of Company B, Eleventh Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 17th day of August, 1861: *Provided,* That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

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

The motion to reconsider was laid on the table.

JOHN M. ANDREWS

The next business on the Private Calendar was the bill (H. R. 3723) for the relief of John M. Andrews.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the compensation laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, marines, and their widows and dependent relatives, John M. Andrews shall hereafter be held and considered to have been discharged honorably as a private, Company F, Seventh United States Infantry, July 24, 1899; Troop I, Fourth United States Cavalry, August 24, 1906; Three hundred and forty-ninth Infantry, November 15, 1917: *Provided,* That no back pay or allowance of any kind shall be held to have accrued because 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 was laid on the table.

GEORGE CALDWELL

The next business on the Private Calendar was the bill (H. R. 3724) for the relief of George Caldwell.

The Clerk read the title of the bill.

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

Mr. HOOPER. Mr. Speaker, reserving the right to object—and I do not intend to object at this time—I ask the gentleman from California [Mr. SWING] this question. I find in the note that I have the War Department does not recommend favorable consideration of the passage of this bill upon the theory that it might be prejudicial to others and so eliminate them under the circumstances. What is the gentleman's explanation of that?

Mr. SWING. The department does not make affirmative recommendation. The expression is that the War Department does not recommend favorable consideration or the passage of the bill. Many reports on bills come up from the War Department without being affirmative. The department leaves it to the judgment of the committee and Congress.

Mr. HOOPER. I am not intending to object.

Mr. SWING. I think this man had a most remarkable record as a soldier and an officer. His last record was in the World War.

Mr. BLANTON. Mr. Speaker, I reserve the right to object, and I want to read into the Record a little further statement from the War Department bearing upon a question of policy. Usually these reports from the War Department come from The Adjutant General, but this matter I imagine was deemed of so great importance that the Secretary of War himself made the report. He says:

Manifestly sound policy precludes the reversal, by means of special legislation for the benefit of individuals, of the findings of legally constituted courts, boards, or other administrative agencies, as would be the effect of the passage of this bill. You are aware, of course, that the War Department has consistently maintained an attitude of opposing special legislation for the benefit of individuals and has given its approval only in cases where an obvious injustice had been done or to correct an error of administration. While admittedly adherence to a general policy should not be carried to the point of failure to correct mistakes, I can find nothing of record to indicate that any error or injustice has been committed in this case. The question before the board of general officers which selected him for elimination was one of relative effectiveness and value to the Government of all officers under consideration. Moreover, the beneficiary of this bill, then a captain of Infantry, requested that he be considered by a board of general officers with a view to retirement as a warrant officer, stating that he desired to take over certain business interests. The conclusions of the board are evidenced by its recommendation that Captain Caldwell be eliminated from the active list by reason of usefulness and relative value to the service and the officer's expressed desire for elimination.

There appears to be no reason why the beneficiary, who, in accordance with his expressed preference, was retired as a warrant officer, should be reappointed as captain and immediately placed on the retired list with the rank and retired pay of that grade, to the prejudice of others of that class of former officers eliminated under the same conditions.

This may not appeal to the gentleman's committee, it may not appeal to the Republican leaders here in charge on the floor to-day, but I can not let a report from the War Department like that go by without taking notice of it.

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

Mr. BLANTON. Yes.

Mr. GLYNN. Perhaps I can say something to cause the gentleman to change his mind. This man came up from the ranks and finally received his commission. It was intimated to him—

Mr. BLANTON. Is he one of the gentleman's constituents?

Mr. GLYNN. No; he is not my constituent.

Mr. BLANTON. In what way is the gentleman interested particularly?

Mr. GLYNN. Because I am on the Committee on Military Affairs, and I want to say this to the gentleman: I talked with the man who was responsible for bringing ammunition for his division to St. Mihiel. He is in the War Department now. He said to me that when he was put in charge he said to his officers, "Here, I do not understand all about bringing up supplies and ammunition, and I want you to get me a man," and they recommended to him this warrant officer, Caldwell.

Mr. BLANTON. Is the gentleman in favor of trying cases in court or out of court?

Mr. GLYNN. I am in favor of trying cases in court.

Mr. BLANTON. When a case has been tried before a board or a court-martial with witnesses under oath, and the defendant is present with his counsel furnished him by the Government, is

that trial of more importance and is the evidence to be given as great probative force and effect as hearsay which the gentleman gets on the outside?

Mr. GLYNN. But mine is not hearsay.

Mr. BLANTON. It was not a court-martial; it was the so-called plucking board. They are of similar procedure. And the War Department says that he said he was going into business and wanted to be retired.

Mr. SWING. He knew what he was up against. He knew that he was going out one way or the other.

Mr. BLANTON. Then he ought to have appealed to my friend from California and let his great influence pervade the War Department in his behalf.

Mr. SWING. Let me make just this one statement and then I shall be very glad to submit it to the gentleman's judgment. This man served well and faithfully as an enlisted man, as a corporal, as a sergeant, and on up. If he had continued as an ordnance sergeant during the World War, on his retirement, at the time he did retire, he would have drawn, according to the best calculation, \$138 per month; whereas because he made the change in rank and grade the Government asked of him and took the responsibility of a captain, he has now lost the time that he served as a commissioned officer, and so when he retired as ordnance sergeant he draws only \$85.10.

We have penalized him for having rendered extraordinary services.

Mr. BLANTON. So that we will not waste any further time, I hope we can come to an understanding about the matter that will be agreeable to the gentleman from California and will give me an opportunity to find out just exactly whether the Secretary of War does object to the passage of this bill, and I ask unanimous consent that the bill be passed over without prejudice.

Mr. GLYNN. Pending that, will the gentleman yield to me for a moment?

Mr. BLANTON. We will save time to pursue the course which I have suggested, because there are many other bills on the calendar.

The SPEAKER pro tempore. The Chair does not know exactly what the gentleman means by his request. The bill remains on the calendar in any event. Does the gentleman mean that it might be called up again to-day?

Mr. BLANTON. I had that in mind, that I might communicate with the War Department and find out what they want. If it does not affect the standing of a lot of officers, as the War Department indicates here, and does not do an injustice to a lot of other officers, I shall not then insist on my objection.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

REBECCA B. SEVIER

The next business on the Private Calendar was the bill (H. R. 3730) for the relief of Rebecca R. Sevier.

The title of the bill was read.

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

Mr. SWING. Mr. Speaker, the proposed beneficiary has passed from this life, and there is nothing that Congress can do for her relief. I ask that the bill be stricken from the calendar.

The SPEAKER pro tempore. Without objection, the bill will lie on the table.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

JAMES M. WINSTON

The next business on the Private Calendar was the bill (H. R. 5065) for the relief of James M. Winston.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James M. Winston, who was a member of Company D, Seventy-eighth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 24th day of March, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

THOMAS J. GARDNER

The next business on the Private Calendar was the bill (H. R. 5224) for the relief of Thomas J. Gardner.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Thomas J. Gardner shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company L, Sixth Regiment Kentucky Volunteer Cavalry, on the 1st day of May, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I offer the following amendment:

After the proviso in line 9, strike out the language and insert in lieu thereof the following: "That no back pay, bounty, pension, or other allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: After the proviso in line 9, strike out the language and insert in lieu thereof the following: "That no back pay, bounty, pension, or other allowance shall be held to have accrued prior to the passage of this act."

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

The amendment was agreed to.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LEWIS H. EASTERLY

The next business on the Private Calendar was the bill (H. R. 6431) for the relief of Lewis H. Easterly.

The title of the bill was read.

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

Mr. BLANTON. I reserve the right to object in order to examine the report from the War Department to see whether or not the bill is correct. The Secretary says:

It is deemed proper to state that the proposed bill is defective in that it does not include a date of entry of the man into the service, such as would give him a period of service of at least 90 days, which, it is understood, is the required number of days for pensionable purposes.

That has been corrected, has it?

Mr. MORIN. Yes.

Mr. BLANTON. I believe, then, the bill is sufficient, and I withdraw my reservation of the right to object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Lewis H. Easterly, who enlisted as a musician in Company G, Ninth Regiment Illinois Volunteer Infantry, on August 1, 1861, shall hereafter be held and considered to have been discharged honorably from military service of the United States as a musician of said company and regiment on the 5th day of February, 1862: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The 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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JAMES E. MOYER

The next business on the Private Calendar was the bill (H. R. 6432) for the relief of James E. Moyer.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James E. Moyer, who was a member of Company H, Second Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 15th day of November, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

SAMUEL PELFREY

The next business on the Private Calendar was the bill (H. R. 6389) for the relief of Samuel Pelfrey.

The title of the bill was read.

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

Mr. BLANTON. I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Texas reserves the right to object.

Mr. BLANTON. I notice that this is to correct the record of a soldier whose service was rendered in comparatively recent years, not a Civil War service. Why is the report of the War Department omitted from this committee report?

Mr. MORIN. As I understand, this bill was reported at the last session. At this session, I think, the subcommittee in preparing the report has just failed to include last year's report from the department.

Mr. HUGHES. Mr. Speaker, this bill was introduced by Mr. STROTHER. He is now ill at home, but I know something about the case.

Mr. BLANTON. Did the department report unfavorably upon it?

Mr. HUGHES. They reported favorably upon it. That is what Mr. STROTHER told me. I have not the papers before me. I know the case is a very deserving one.

Mr. BLANTON. Very well.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers of the Volunteer Army, Samuel Pelfrey, who was a member of Company H, Second Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 26th day of September, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The 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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN W. CLEAVENGER

The next business on the Private Calendar was the bill (H. R. 4280) to correct the military record of John W. Cleavenger, deceased.

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, I reserve the right to object for the purpose of calling attention to the report of the War Department, which reads as follows:

The application for removal of the charge of desertion and for an honorable discharge in the case has been denied, and now stands denied, on the ground that the period of the soldier's absence from the service between the date of his desertion from his first enlistment and the date of his second enlistment exceeded four months, which fact precludes favorable action in the case under the provisions of the act of Congress approved March 2, 1889, the law governing the subject of removal of charges of desertion in Civil War cases.

Why should the War Department's recommendation be overturned in this case, may I ask the committee? I am afraid the committee has been doing work rather hurriedly in the reporting of all these bills in so short a space of time during this term of Congress. They have gotten up a pretty good calendar hurriedly, and it seems to me with very little consideration.

Mr. JAMES. All of these bills are bills that were reported at the last session of Congress, that passed the House but died in the Senate because of the filibuster.

Mr. BLANTON. My friend from Kansas, the author of the bill, is now present. What reason has he to give for overturning the recommendation of the War Department. The War Department says he stood in desertion for four months.

Mr. STRONG of Kansas. But he had reenlisted in another branch of the service and served faithfully.

Mr. BLANTON. That is a good reason, I think, why he should have his military record corrected.

Mr. STRONG of Kansas. That is what he did.

Mr. BLANTON. So I withdraw the reservation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John W. Cleavenger, who was a member of Company B, Ninth Regiment Illinois Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 26th day of April, 1862: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN T. O'NEIL

The next business on the Private Calendar was the bill (H. R. 3737) for the relief of John T. O'Neil.

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 want to read the report of the committee, or a part of it, Mr. Speaker, under a reservation to object. The Committee on Military Affairs in reporting this bill says:

The record shows that O'Neil's dishonorable discharge was the result of a court-martial sentence, finding him guilty of drunkenness, disorderly conduct, and disobedience to orders. The second and third offenses were the result of the first. In addition to dishonorable discharge, O'Neil was sentenced to six months' confinement, and it seems to the committee that imprisonment was a sufficient punishment for the offenses for which O'Neil was found guilty without adding the stigma of a dishonorable discharge.

I would not object as one Member, Mr. Speaker, to removing the stigma from him; but the committee is going to reward him by putting him on the pension list for life, and if in his old age he marries some buxom young widow, she will be placed on the pension list for the rest of her life.

Mr. GLYNN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GLYNN. This is a case where the man had served one term of enlistment and had been honorably discharged. That was during the Spanish-American War. In the second enlistment, when the war was over and when he was in the Regular Army, he got drunk and did those things.

Mr. BLANTON. Then twice subsequently he did wrong, was court-martialed, and punished.

Mr. GLYNN. I do not understand that to be the fact.

Mr. BLANTON. That is what the committee report shows.

Mr. GLYNN. They all constitute the same thing. He got drunk and that resulted in the disorderly conduct.

Mr. BLANTON. If a man gets drunk and is guilty of disorderly conduct and disobedience to orders in January and is

punished, and then in December next he gets drunk again, is that one continuous performance?

Mr. GLYNN. I think the gentleman is mistaken.

Mr. BLANTON. That is the way I understand this report. Mr. GLYNN. Oh, no; this all happened at the same time. He had already received an honorable discharge for service during the Spanish-American War, and this was a second enlistment in the Regular Army.

Mr. BLANTON. And the gentleman is in favor of putting him on the pension rolls for life?

Mr. GLYNN. Mr. Speaker, I would say this: It has been the policy of the committee that where there is one enlistment with an honorable discharge, but in a subsequent enlistment the man is court-martialed for drunkenness or something growing out of drunkenness, not a serious offense, to recommend that he be given the status of an honorably discharged man.

Mr. BLANTON. We are putting a whole lot of them on the pension list and the list is growing every year. I want to see every man who does honorable service for his country put on the pension list when he needs it. I am in favor of that. I am in favor of paying them the limit, because, unless our country properly takes care of its soldiers when they become old and decrepit, we can not expect proper service from them when the time comes that the country needs them; but we must quit putting these men who have not done honorable service on the pension list.

Mr. GLYNN. But this man had honorable service.

Mr. BLANTON. For how long? During the entire Spanish-American War?

Mr. GLYNN. During the Spanish-American War.

Mr. BLANTON. Did he serve throughout the Spanish-American War and was he then honorably discharged?

Mr. GLYNN. His first service was with the First Regiment, Connecticut Volunteer Artillery, in which he was enlisted June 18, 1898, and from which he was honorably discharged on October 29, 1898.

Mr. BLANTON. A few months' service?

Mr. GLYNN. Yes; a few months' service, and he enlisted again.

Mr. BLANTON. I am not prepared to say that is not a proper bill. So I will withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John T. O'Neil, late of Battery C, First Regiment Connecticut Volunteer Artillery, Spanish-American War, shall be held to have been discharged honorably from the military service of the United States on December 1, 1899: *Provided,* That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES R. STEVENS

The next business on the Private Calendar was the bill (H. R. 854) for the relief of Charles R. Stevens.

The Clerk read the title of the bill.

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

Mr. EVANS of California. Mr. Speaker, I ask unanimous consent to substitute for the bill H. R. 854 the bill H. R. 4013, which is identical with H. R. 854 except that it has the date, November 22, 1864, recommended by the committee, which date does not appear in the bill as printed here.

Mr. BLANTON. Are the bills identical in purpose and in effect?

Mr. EVANS of California. They are identical in purpose and in effect, except the bill H. R. 854 has the date left out; otherwise, they are absolutely the same.

Mr. BLANTON. Mr. Speaker, I ask that the bill may be reported.

The SPEAKER. The Clerk will report the bill for information.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles R. Stevens, formerly a corporal in Company M, Eleventh Michigan Cavalry, shall be held and considered to have been honorably discharged November 22, 1864, from the military service of the United States in his final service as a corporal in Company M, Eleventh Michigan Cavalry: *Provided,* That no pension, bounty, pay, or other emoluments shall accrue prior to the passage of this act.

The SPEAKER. 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.

The bill (H. R. 854) was laid on the table.

RICHARD BRANNAN

The next business on the Private Calendar was the bill (H. R. 1073) for the relief of Richard Brannan.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of attempted assault standing against the military record of Richard Brannan, formerly a member of Company D, Nineteenth Regiment United States Volunteer Infantry, and grant him an honorable discharge.

With the following committee amendment:

Strike out all of lines 3 to 8, inclusive, and insert in lieu thereof the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Richard Brannan, late of Company D, Nineteenth Regiment, United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on November 26, 1900: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

THEODORE HERBERT

The next business on the Private Calendar was the bill (H. R. 1533) for the relief of Theodore Herbert.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Theodore Herbert shall be held and considered to have been honorably discharged from the military service of the United States in Company B, Ninety-fifth Regiment New York Volunteer Infantry, on the 13th day of July, 1864: *Provided,* That no pension, pay, or bounty shall accrue prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

DANIEL MANGAN

The next business on the Private Calendar was the bill (H. R. 1931) for the relief of Daniel Mangan.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Daniel Mangan, late of Troop L, First Regiment United States Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 5th day of July, 1863: *Provided,* That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

DENNIS W. SCOTT

The next business on the Private Calendar was the bill (H. R. 1970) for the relief of Dennis W. Scott.

The Clerk read the title to the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Dennis W. Scott, who was a member of Company B, Thirty-second Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 31st day of October, 1898: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

ROBERT ZINK

The next business on the Private Calendar was the bill (H. R. 2296) to amend the military record of Robert Zink.

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 in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Robert Zink, a resident of Illinois, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a musician of Company C, Eighteenth Regiment Missouri Volunteer Infantry, on the 18th day of July, 1865: *Provided,* That no pension shall accrue prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Page 1, line 10, strike out the proviso and insert: "*Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

Mr. MORIN. Mr. Speaker, the language that is omitted and offered by the gentleman from Texas should be in all of these bills. I do not know why it was omitted. In order to save time, I ask unanimous consent that in all bills where it is omitted it may be inserted.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas.

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 was laid on the table.

Mr. BLANTON. As to the unanimous-consent request by the gentleman from Pennsylvania, he asks that this correct language be placed in all of these private bills.

The SPEAKER. The Chair thinks that the better way would be to take it up as each bill is considered.

Mr. MORIN. My only object was to save time.

Mr. BLANTON. The word "back" should be before the word "pay," and in some of the bills it has been left out. I ask unanimous consent that the Clerk be instructed to correct the provisos in accordance with the language which has been read.

Mr. BLACK of Texas. Mr. Speaker, I do not think that ought to be done.

The SPEAKER. The Chair thinks that that would not be the orderly method of procedure.

EMILE GENIREUX

The next business on the Private Calendar was the bill (H. R. 2472) for the relief of Emile Genireux.

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 in the administration of the pension laws and any laws conferring honors, rights, benefits, and privileges upon honorably discharged members of the Army, Navy, or Marine Corps, their widows and dependent relatives, Emile Genireux, alias Emile Genereux, shall hereafter be held and considered to have been honorably discharged from military service of the United States as a private in Company D, Ninth Regiment United States Infantry, on May 9, 1901: *Provided,* That no back pay, back pension, or other back allowance shall accrue 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 was laid on the table.

JOHN JAKES

The next business on the Private Calendar was the bill (H. R. 2482) for the relief of John Jakes.

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 in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John Jakes, who was private of Company G, Second Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private of said company and regiment on or about the 27th day of June, 1865: *Provided,* That no pay, pension, or bounty shall accrue prior to the passage of this act.

The SPEAKER. The Chair will ask the chairman of the committee if the word "back" should not be inserted before the word "pay"?

Mr. MORIN. It should, and I offer that as an amendment. 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 was laid on the table.

ELLA G. RICHTER

The next business on the Private Calendar was the bill (H. R. 2808) for the relief of Ella G. Richter, daughter of Henry W. Richter.

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 reserve the right to object. Is not this something of a departure—to grant a pension to the adult daughter of a former pensioner?

Mr. MORIN. Within the law it is not.

Mr. BLANTON. What other cases have we?

Mr. MORIN. I do not recall.

Mr. BLANTON. As far as we have ever gone is to extend the right to the widow. If we are going to grant this adult daughter, who was born in 1862, a pension we should extend that privilege under our pension laws to every daughter of every pensioner, but we have not done it so far.

Mr. BLACK of Texas. Mr. Speaker, I did not hear the bill reported. Does this authorize the pension to be paid to an adult daughter of a deceased pensioner?

Mr. LETTS. It does not authorize a pension to be paid to her.

Mr. BLANTON. What does it authorize?

Mr. LETTS. It authorizes the correction of a record.

Mr. BLANTON. And then she will be placed on the pension roll.

Mr. BLACK of Texas. Let us have the bill reported.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Henry W. Richter, who was a member of Company A, Ninth Regiment Iowa Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 17th day of January, 1864: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. BLANTON. Now, reserving the right to object, this bill recites in its preamble that it is—

for the relief of Ella G. Richter, the daughter of Henry W. Richter.

Mr. LETTS. Yes.

Mr. BLANTON. And then the bill goes on and provides that—

no pension or back pay shall be allowed this woman, Ella G. Richter, who is an adult daughter, except after the passage of this bill.

Just as sure as you pass this bill, the Pension Department is going to hold that this is an instruction to it to place her on the pension roll under her father's service after the passage of this bill.

Mr. BLACK of Texas. Oh, the Pension Department could not possibly make a holding of that sort. The Pension Department, to grant a pension under this bill, would have to do it under the general law, and there is no law that allows a pension to the adult daughter of a soldier, unless it should be one who was incapacitated mentally.

Mr. BLANTON. If that is true, may I ask the gentleman if he is willing to agree to an amendment to make this proviso

read that no bounty, back pay, pension, or allowance shall accrue in this case?

Mr. LETTS. That is perfectly satisfactory.

Mr. BLANTON. Then there will be no question about it.

Mr. LETTS. This Ella G. Richter is the only living representative of this ex-soldier.

Mr. BLANTON. Under our agreement, I withdraw the objection.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Line 11, strike out the words "shall be held to have accrued prior to the passage of this act" and insert in lieu thereof "shall be held to have accrued or be allowed in this case."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BERT H. LIBBEY

The next business on the Private Calendar was the bill (H. R. 3166) for the relief of Bert H. Libbey, alias Burt H. Libbey.

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 reserve the right to object, because I want to read what The Adjutant General says:

He served therewith until June 20, 1901, when he was transferred to the Eighteenth Battery, Field Artillery, and he deserted from that organization January 31, 1903, at the Presidio of San Francisco, Calif. He remained away from military control until March 20, 1903, when he surrendered at the Presidio. He was tried by a general court-martial at that place and found guilty of desertion, in violation of the forty-seventh article of war, and was sentenced "to be dishonorably discharged the service of the United States, forfeiting all pay and allowances now due, and to be confined at hard labor at such place as the reviewing authority may direct for a period of one year." The sentence was approved August 15, 1903, but in consideration of the long confinement of the accused prior to trial, the confinement awarded was reduced to six months, and as modified the sentence was promulgated in paragraph 3, Special Orders, No. 188, headquarters Department of California, August 20, 1903, Alcatraz Island, Calif., being designated as the place of confinement. Pursuant to the sentence of the court, the soldier was dishonorably discharged from the military service August 22, 1903, at the Presidio of San Francisco, Calif., and he was released from confinement at Alcatraz Island January 14, 1904, with character while in confinement recorded as "Good."

That was nearly two years that he was away.

Mr. CARTER. Mr. Speaker, I think the gentleman is mistaken in his conclusion with regard to the length of time that he remained away. It was less than two months.

Mr. BLANTON. Let me see. I was reading what The Adjutant General of the gentleman's United States Army says.

Mr. CARTER. In the report that I have before me it says that he deserted from that organization on January 31, 1903, at the Presidio in San Francisco, and he remained away from military control until March 20 of that year.

Mr. BLANTON. I find that I am in error and the gentleman is correct. My eyes in reading it caught the date of enlistment instead of the date that he was discharged. He was a deserter, then, from January 21, 1903, to March 20, 1903?

Mr. CARTER. That is correct. He was honorably discharged from active service during the time of the Spanish-American War.

Mr. BLANTON. I just wanted his record read. I am not going to take the responsibility of objecting to the consideration of the bill, but it seems to me that the Committee on Military Affairs is getting a little bit careless in its recommendation of these bills.

Mr. CARTER. This man was away for about five weeks, and he returned voluntarily and surrendered himself to military authorities.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Bert H. Libbey, alias Burt H. Libbey, who was a member of Eighteenth

Battery, Field Artillery, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 22d day of August, 1903: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

SEYMOUR BUCKLEY

The next business on the Private Calendar was the bill (H. R. 3241) for the relief of Seymour Buckley.

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 as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Seymour Buckley, who served as corporal in Company C, Thirteenth Regiment Connecticut Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a corporal in said company and regiment in May, 1865: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ESTLE DAVID

The next business on the Private Calendar was the bill (H. R. 3352) for the relief of Estle David.

The title of the bill was read.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Estle David, who was a member of Company D, Sixth Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 8th day of May, 1903.

With a committee amendment, as follows:

Provided, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. 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 laid on the table.

The SPEAKER. The Clerk will report the next bill.

ANDREW B. RITTER

The next business on the Private Calendar was the bill (H. R. 3400) to correct the military record of Andrew B. Ritter.

The title of the bill was read.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Andrew B. Ritter, who was a member of Battery L, Second Regiment United States Artillery, now a resident of Indiana, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 8th day of August, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

GEORGE A. WINSLOW

The next business on the Private Calendar was the bill (H. R. 3466) for the relief of George A. Winslow.

The title of the bill was read.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George A. Winslow, who was a member of Company M, Third Arkansas Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a lieutenant of that organization on the 9th day of May, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

GILES GORDON

The next business on the Private Calendar was the bill (H. R. 3467) for the relief of Giles Gordon.

The title of the bill was read.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws, Giles Gordon shall hereafter be held and considered to have been mustered into the service of the United States as a member of Company M, Fifth Regiment Kansas Volunteer Cavalry, on the 27th day of February, 1864; to have been transferred to Company B, Fifteenth Regiment Kansas Volunteer Cavalry, on the 20th day of July, 1865, and to have been honorably discharged from the same on the 19th day of October, 1865: *Provided*, That no back pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CAPT. GEORGE E. KRAUL

The next business on the Private Calendar was the bill (H. R. 3510) to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920.

The title of the bill was read.

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

Mr. BLANTON. Mr. Speaker, may I ask the gentleman from Pennsylvania [Mr. MORIN] whether his committee in approving these bills intends to interfere with the regular rules and regulations of the War Department with respect to commissioned officers?

Mr. MORIN. This bill has been approved by the War Department.

Mr. BLANTON. I know that; but that is because the gentleman from Pennsylvania has great influence there, I take it.

Mr. MORIN. No. The bill was sent to me by the War Department, and I introduced it. I have no personal interest in the bill.

Mr. BLANTON. Why do they not commission without a special act of Congress?

Mr. MORIN. I guess they have not authority.

Mr. BLANTON. Why do they not commission this man as captain without an act of Congress?

Mr. MORIN. I can not answer.

Mr. BLANTON. Then it is beyond their power, and it needs congressional action to do it?

Mr. MORIN. I believe so.

Mr. BLANTON. Why do we not take from them the function of creating their officers and commissioning them ourselves in exceptional cases? Does the gentleman know of any good reason for taking this action here?

Mr. MORIN. The War Department recommends it.

Mr. BLANTON. They have authority to correct their errors.

Mr. BLACK of Texas. As I understand it, the War Department has corrected the error in the commission of this man as captain, but it dates only from the correction of the error, and the Secretary of War says that he is without legal authority to change the date of this commission, and that if it is the desire of Congress to correct the error it will be necessary to have an authoritative law to do it.

I call my colleague's attention to the fact that this is a different case from just taking a fellow who has already resigned from the Army and commissioning him anew. I am opposed to that kind of a bill. But this man is in the Regular Army and should have been commissioned as of the date stated in this bill, but because of an error which the War Department says was made they ask this action.

Mr. BLANTON. Mr. Speaker, I withdraw my reservation of an objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, George E. Kraul a captain of Infantry in the Regular Army of the United States, with rank from July 1, 1920: *Provided*, That no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of captains of the Regular Army now authorized by law by reason of the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

JAMES E. WESTCOTT

The next business on the Private Calendar was the bill (H. R. 3969) for the relief of James E. Westcott.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged members of the United States Army who served during the Civil War, James E. Westcott, late of the United States Army, serving as a private, Company C, Fourteenth Regiment New York State Militia Infantry, shall hereafter be held and considered to have been discharged honorably from such service of the United States as a member of the United States Army on the date of the expiration of his enlistment: *Provided*, That no bounty, pay, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. Without objection, the bill will be amended by inserting the word "back" before the word "pay," in line 3, page 2.

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.

WILLIAM A. HYNES

The next business on the Private Calendar was the bill (H. R. 4079) for the relief of William A. Hynes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives, William A. Hynes, late of Company K, First Regiment Georgia Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 19th day of September, A. D. 1898: *Provided*, That no back pay, pension, bounty, or other emoluments shall accrue prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM SMITH

The next business on the Private Calendar was the bill (H. R. 4080) for the relief of William Smith.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, William Smith, late of Company D, Sixty-sixth Regiment New York Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on November 4, 1864: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES WILLIAM COLE

The next business on the Private Calendar was the bill (H. R. 4104) to correct the military record of James William Cole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James William Cole, who was a member of Company L, Second Regiment United States Volunteer Engineers, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 8th day of May, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN STREVV

The next business on the Private Calendar was the bill (H. R. 4168) for the relief of John Strevy, deceased.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers John Strevy shall be held and considered to have been honorably discharged from the military service of the United States as a private of Company F, Third Provisional Pennsylvania Volunteer Cavalry, on the 26th day of October, 1865: *Provided*, That no pension, bounty, back pay, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLIE R. PATE

The next business on the Private Calendar was the bill (H. R. 4652) for the relief of Charlie R. Pate.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charlie R. Pate be held and considered to have been honorably discharged from the military service of the United States on November 30, 1902.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That in the administration of all laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charlie R. Pate, who was a member of Company L, Twenty-seventh United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on November 30, 1902: *Provided*, That no back pay, bounty, pension, or other allowances shall be held as accrued prior to the passage of this act."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

KENNEDY F. FOSTER

The next business on the Private Calendar was the bill (H. R. 4654) for the relief of Kennedy F. Foster.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, privileges, and benefits upon honorably discharged soldiers Kennedy F. Foster shall be held and considered as having been honorably discharged from the military service of the United States on November 10, 1864, as a member of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry: *Provided*, That no bounty, pay, or allowances shall be held as having accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 9.

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.

DAVID E. GOODWIN

The next business on the Private Calendar was the bill (H. R. 4655) for the relief of David E. Goodwin.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, David E. Goodwin, who was in Company L, Eleventh Regiment United States Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on November 26, 1900: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay" in line 9.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES E. LOWE

The next business on the Private Calendar was the bill (H. R. 4660) to correct the military record of Charles E. Lowe.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charles E. Lowe, who was a private in Company F, Thirty-seventh Regiment United States Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service and to have served "honest and faithful" as noted on his original discharge certificate.

With the following committee amendments:

In line 8, after the word "service," insert "February 12, 1900, and to have received the gunshot wound in right hand in line of duty."

After the word "certificate," in line 11, insert a colon and adding the following: "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

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.

WILLIAM MULLINS

The next business on the Private Calendar was the bill (H. R. 4661) to correct the military record of William Mullins.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Mullins, who served in Company I, Eleventh Regiment, and Company G, Ninth Regiment, Tennessee Volunteer Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a private of Company G, Ninth Regiment Tennessee Volunteer Cavalry, on September 1, 1865: *Provided*, That no pay, bounty, or allowances shall be held as accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 11.

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.

J. H. S. MORISON

The next business on the Private Calendar was the bill (H. R. 4663) authorizing the President to appoint J. H. S. Morison to the position and rank of major, Medical Corps, in the United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is this the President's physician?

Mr. REECE. No; it is not.

Mr. BLANTON. Why should this man be given the rank of major?

Mr. REECE. I will explain the situation to my friend. This man was too old to be commissioned under the provisions of the general law; that is, too old to qualify for the examination. He is a very eminently qualified physician who served with great distinction during the World War, having been decorated as many as two or three times and wounded in action—an exceptionally fine soldier and physician combined. He is fond of the service and, consequently, would like to have the opportunity of continuing in the service. This bill authorizes the Surgeon General, in the event he finds him qualified and finds other conditions favorable to his appointment, to appoint him with this rank.

Mr. BLANTON. Suppose we already have enough majors in the Medical Corps, then what?

Mr. REECE. But the fact is, they are short of officers in the Medical Corps of the Army.

Mr. BLACK of Texas. This bill authorizes the creation of an additional officer of this rank. Let me ask my friend a question.

Mr. BLANTON. I am going to object to it, so there is no use prolonging the agony.

Mr. REECE. The bill passed the House at the last session. I think it is generally understood that they are really short of officers in the Medical Corps.

Mr. BLANTON. Oh, there are lots of physicians who served honorably on the front-line trenches in France who would like to be commissioned now as majors, and if we are going to start this for one friend of my friend, we will have to continue it for everybody's friends.

Mr. REECE. There are occasionally bills of this nature reported—I do not mean identical bills—and some of them are on the calendar. This leaves the discretion in the executive department and simply grants them the authority to do this in the event they feel it is justified.

Mr. BLANTON. Does the gentleman know how many high commissioned doctors the Navy now has at the navy yard here at Washington during peace time?

Mr. REECE. No.

Mr. BLANTON. I wish the gentleman would check that up. I have checked it up.

Mr. REECE. I am not familiar with the personnel of the Navy Department.

Mr. BLANTON. They are in each other's way down there.

Mr. REECE. But the fact remains they need additional officers in the Medical Corps of the Army.

Mr. BLANTON. I am sorry on my friend's account but I am forced to object. I object, Mr. Speaker.

CHARLES ROBERTSON

The next business on the Private Calendar was the bill (H. R. 4902) to correct the military record of Charles Robertson.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles Robertson, who was a private in Company C, Forty-ninth Regiment Indiana Volunteer Infantry, and in Company I, Sixth Regiment Illinois Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said Company C, Forty-ninth Regiment Indiana Volunteer Infantry, on the 17th day of January, 1863: *Provided,* That no bounty, pension, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 12.

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.

FINAS M. WILLIAMS

The next business on the Private Calendar was the bill (H. R. 5228) for the relief of Finas M. Williams.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Finas M. Williams shall hereafter be held and considered to have been honorably discharged from the service of the United States Army on August 14, 1913: *Provided,* That no back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES SHOOK

The next business on the Private Calendar was the bill (H. R. 5231) to correct the military record of James Shook.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Shook, who was a member of Company C, Second Regiment Arkansas Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of November, 1864: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

OWEN J. OWEN

The next business on the Private Calendar was the bill (H. R. 5232) to correct the military record of Owen J. Owen.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws relating to the National Home for Disabled Volunteer Soldiers, Owen J. Owen, who was mustered into service August 14, 1863, as a private in Company H, First Arkansas Volunteer Cavalry, shall hereafter be held and considered to have been honorably dis-

charged from the military service of the United States: *Provided,* That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS SPURRIER

The next business on the Private Calendar was the bill (H. R. 5381) to correct the military record of Thomas Spurrier.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Thomas Spurrier shall hereafter be held and considered to have been honorably discharged from the military service of the United States, as a private of Troop D, Tenth Regiment Michigan Volunteer Cavalry, on the 1st day of October, 1864: That no pension shall accrue prior to the passage of this act.

With the following committee amendments:

In line 9, page 1, after the figures "1864," insert the word "*Provided,*"

In line 10, after the word "pension," insert the words "back pay, bounty, or allowance."

The amendments were 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 was laid on the table.

GEORGE C. HUSSEY

The next business on the Private Calendar was the bill (H. R. 5994) for the relief of George C. Hussey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws George C. Hussey, deceased, who was a member of Battery M, Fifth United States Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 20th day of June, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to speak for five minutes out of order.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to speak for five minutes out of order. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, this is a bill of my colleague from Massachusetts [Mr. UNDERHILL], one of the most modest men in the House as to his own accomplishments. I can not let further time go by without calling attention to the fact that the other day we passed what was known as the triangle bill. I am sure that no one would detract from the services of the Committee on Public Buildings and Grounds rendered in the passage of that act, and we are not detracting from their service when I call attention to the fact that this was one of the special pet measures of the gentleman from Massachusetts [Mr. UNDERHILL].

Ever since he has been here he has been trying to get this legislation passed. When he first proposed the acquirement of this land in the triangle we could have acquired it for less than \$15,000,000. That is all he first proposed to be appropriated at that time. The committee, of which he and I are members, unanimously approved of his bill, but he could not get it passed into law. It would have saved at least \$10,000,000 had his bill been passed promptly.

I think he deserves great credit. He is one of the most hard-working, conscientious men in this House, conscientious about every bit of his service. He and I do not always agree. He is a partisan Republican and I am a partisan Democrat, but he deserves great credit in getting his pet legislation through. Of course, there are others who also deserve credit.

Mr. TILSON. If the gentleman will pardon me, I hope he will call attention to the work that the gentleman from Massachusetts [Mr. UNDERHILL] is doing on this calendar as chairman of the Committee on Claims.

Mr. BLANTON. Yes. I intend to do that. He deserves great credit for that work. There are a few of us here whom,

as you gentlemen know, spend much time and do much hard work on the Private and Consent Calendars—close, hard study of these many bills. Since the gentleman from Massachusetts has been chairman of the Committee on Claims he has saved us no end of work that we used to have to do because of the careful scrutiny that he and his committee gives to these private claims.

I felt that this was due him, because the gentleman from Massachusetts [Mr. UNDERHILL] is so modest that he would not let it be known that he was partly the father of the triangle bill.

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.

PATRICK J. LANGAN

The next business on the Private Calendar was the bill (H. R. 6006) for the relief of Patrick J. Langan.

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 Patrick J. Langan, formerly of Company A, Seventeenth United States Regular Infantry, shall hereafter be held to have been honorably discharged from service in the military forces of the United States November 1, 1865. Patrick J. Langan shall be further eligible to enjoy all rights, privileges, and benefits conferred upon enlisted men honorably discharged from such service: *Provided*, That no pay or allowance shall be held to have accrued prior to the passage of this act.

A committee amendment to insert the word "back" before the word "pay," in line 10, was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

*JOHN MAGILL

The next business on the Private Calendar was the bill (H. R. 6007) for the relief of John Magill.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John Magill, who was a member of Company D, Thirteenth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 2d day of January, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS M. ROSS

The next business on the Private Calendar was the bill (H. R. 6162) for the relief of Thomas M. Ross.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Thomas M. Ross shall hereafter be held and considered to have been honorably discharged from Company F, Second Regiment United States Infantry, war with Spain, on April 11, 1900: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

A committee amendment to insert the word "back" before the word "pay," in line 7, 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.

WILLIAM H. ARMSTRONG

The next business on the Private Calendar was the bill (H. R. 6180) for the relief of William H. Armstrong.

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 President of the United States be, and he is hereby, authorized to appoint William H. Armstrong, by and with the advice and consent of the Senate, formerly a captain of Infantry, a captain of Infantry in the Army of the United States, to take rank at the foot of the list of captains of Infantry, and that no back pay or allowances shall accrue as a result 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.

THOMAS JEFFERSON SHROPSHIRE

The next business on the Private Calendar was the bill (H. R. 6185) for the relief of Thomas Jefferson Shropshire.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas Jefferson Shropshire, who was a private in Company C, One hundred and seventeenth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 22d day of January, 1863: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

A committee amendment to insert the word "back" before the word "pay," in line 11, 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.

HENRY SHULL

The next business on the Private Calendar was the bill (H. R. 6282) for the relief of Henry Shull.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Henry Shull, who was a private in Company F, Eighth Regiment Missouri State Militia, Civil War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 1st day of February, 1864: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

A committee amendment to insert the word "back" before the word "pay," in line 10, 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.

DAVID PARRETT

The next business on the Private Calendar was the bill (H. R. 6438) for the relief of David Parrett.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, or any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, David Parrett, who was a private in Company I, Fifth Regiment Ohio Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 5th of October, 1865: *Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

RALPH H. LASHER

The next business on the Private Calendar was the bill (H. R. 6442) for the relief of Ralph H. Lasher, whose name appears in the Army records as Ralph C. Lasher.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents, Ralph H. Lasher, whose name appears in the Army records as Ralph C. Lasher, who was a member of Company C, Second Regiment United States Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 25th day of September, 1898: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM F. WHEELER

The next business on the Private Calendar was the bill (H. R. 1530) to amend the military record of William F. Wheeler.

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 William F. Wheeler shall hereafter be held and considered to have been honorably discharged from the military service of the United States as captain of Company D, Forty-ninth New York Volunteer Infantry, as of the 4th day of October, 1862: *Provided,* That no back pay, bounty, pension, or other emolument shall accrue prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

G. W. GILKISON

The next business on the Private Calendar was the bill (H. R. 5380) to correct the military record of G. W. Gilkison.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, G. W. Gilkison shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a musician of Company H, Forty-eighth Regiment Illinois Volunteer Infantry, on the 7th day of March, 1863: *Provided,* That no pension shall accrue prior to the passage of this act.

A committee amendment striking out "that no pension shall accrue prior to the passage of this act," in lines 10 and 11, and inserting "that no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act," 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.

JOHN W. SIPLE

The next business on the Private Calendar was the bill (H. R. 5383) to correct the military record of John W. Siple.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John W. Siple shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Seventy-seventh Regiment of Fourth Indiana Volunteer Cavalry, on February 27, 1863: *Provided,* That no pension, pay, or bounty shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment ordered as to these bills by the recent action.

The committee amendment was agreed to.

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 laid on the table.

The SPEAKER pro tempore. Without objection, the Clerk is authorized to correct the spelling.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

BENJAMIN S. M'HENRY

The next business on the Private Calendar was the bill (H. R. 4702) to remove the charge of desertion from the record of Benjamin S. McHenry.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against Benjamin S. McHenry, late of Company K, Third Regiment United States Cavalry, and to grant and issue to said Benjamin S. McHenry an honorable discharge from said service and restore his proper name of Benjamin S. McHenry in lieu of the name under which he was erroneously enlisted, Henry Benjamin: *Provided,* That no back pay, bounty, or pension shall be held to have accrued prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

EDWARD J. BOYLE

The next business on the Private Calendar was the bill (H. R. 6005) for the relief of Edward J. Boyle.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward J. Boyle, who was a member of Company C, Third United States Engineers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 5th day of December, 1905: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ISRAEL BROWN

The next bill on the Private Calendar was the bill (H. R. 6839) to remove the charge of desertion against Israel Brown and to grant him an honorable discharge.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Israel Brown, who was a member of Company L, One hundred and sixtieth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization

on the 20th day of April, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment, as follows:

Amend the title so as to read "A bill for the relief of Israel Brown."

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.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

SYLVESTER DE FOREST

The next business on the Private Calendar was the bill (H. R. 6917) to correct the military record of Sylvester De Forest.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws, and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Sylvester De Forest shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company E, First Regiment Michigan Volunteer Cavalry, on the 1st day of May, 1865: *Provided*, That no pension, pay, or bounty shall accrue prior to the passage of this act.

With a committee amendment:

That no back pay, pension, bounty, or allowance shall accrue prior to the passage of this act.

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.

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.

WILLIAM H. DOTSON

The next business on the Private Calendar was the bill (H. R. 7227) for the relief of William H. Dotson.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws of the United States William H. Dotson, late of Company C, First Regiment Mississippi Marine Brigade, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on May 30, 1864: *Provided*, That no pay, bounty, or pension shall be held to have accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 9.

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.

FREDERICK LEININGER

The next business on the Private Calendar was the bill (H. R. 7228) for the relief of Frederick Leininger.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Frederick Leininger, late of Company F, Fiftieth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been

honorably discharged from the military service of the United States as a private of said company and regiment: *Provided*, That no pay, bounty, or pension shall be held to have accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 8.

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.

HENRY SIMONS

The next business on the Private Calendar was the bill (H. R. 7229) for the relief of Henry Simons.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Henry Simons, late of Company G, Forty-eighth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment: *Provided*, That no pay, bounty, or pension shall be held to have accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 8.

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.

RICHARD B. BARNITZ

The next business on the Private Calendar was the bill (H. R. 7397) authorizing the President to order Richard B. Barnitz before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation.

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, I would like to inquire the reasons for this bill. Is this man in the military service at the present time?

Mr. BLACK of Texas. Mr. Speaker, I object.

JAMES NEAL

The next business on the Private Calendar was the bill (H. R. 7553) for the relief of James Neal.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Neal, alias James Spencer, who was a private of Company G, Thirty-fifth Regiment New Jersey Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 29th day of June, 1865: *Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM H. WAGONER

The next business on the Private Calendar was the bill (H. R. 7779) for the relief of William H. Wagoner.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William H. Wagoner, who was a member of Company L, One hundred and sixtieth Regiment Indiana Volunteer Infantry, and the Hospital Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the Hos-

pital Corps on the 30th day of April, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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.

SALLY MATTIE MACREADY

The next business on the Private Calendar was the bill (H. R. 7992) for the relief of Sally Mattie Macready, widow of Edward Daniel Macready.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Edward Daniel Macready (deceased), who was a member of Company E, Eleventh Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 19th day of May, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN G. CASSIDY

The next business on the Private Calendar was the bill (H. R. 8190) for the relief of John G. Cassidy.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John G. Cassidy, who was a member of Company I, Fifty-third Regiment Illinois Volunteer Infantry, during the Civil War, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 11th day of August, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN DEWITT MARVIN

The next business on the Private Calendar was the bill (H. R. 1534) to correct the military record of John Dewitt Marvin.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John Dewitt Marvin, Army serial No. 1215731, who was a private first class of Company L, One hundred and eighth Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 28th day of April, 1918: *Provided*, That no pension, pay, or compensation shall accrue prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 11.

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. GARRETT of Tennessee. Mr. Speaker, after conferring with the gentleman from Texas [Mr. BLANTON], I ask unanimous consent to return to the bill (H. R. 4663) authorizing the President to appoint J. H. S. Morison to the position and rank of major, Medical Corps, United States Army.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to return to the bill H. R. 4663. Is there objection?

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?

Mr. BLACK of Texas. Mr. Speaker, I object.

WILLIAM R. CONNOLLY

The next business on the Private Calendar was the bill (H. R. 1537) for the relief of William R. Connolly.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William R. Connolly the sum of \$1,250, being the balance of an award of \$2,500 for the capture of James Wilson, Ludwig Schmidt, and James Snyder, charged with assault upon, holding up, and robbing a mail messenger at Niagara Falls, N. Y., on March 1, 1921.

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.

MARY M. JONES

The next business on the Private Calendar was the bill (H. R. 2524) for the relief of Mary M. Jones.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary M. Jones, out of any money in the Treasury of the United States not otherwise appropriated, in full settlement against the Government, the sum of \$1,950, in compensation for damages caused and sustained to property in Linn County, Oreg., such loss being caused by fire set from burning material from an Army airplane on or about July 1, 1924, the said airplane being in fire-control service under the direction of the Forest Service.

With the following committee amendment:

In line 7 strike out "\$1,950" and insert "\$1,035."

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.

MARGARET T. HEAD

The next business on the Private Calendar was the bill (H. R. 3216) for the relief of Margaret T. Head, administratrix.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Margaret T. Head, administratrix, of Watertown, Mass., as full compensation for the accidental death of her son, Alfred Head, on June 11, 1924, caused by being struck by an automobile truck then in the service of the United States Postal Service.

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.

W. P. THOMPSON

The next business on the Private Calendar was the bill (H. R. 3394) for the relief of W. P. Thompson.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. P. Thompson the sum of \$280, said sum being the amount lost by him through the defalcation of the postmaster at Roachdale, Ind.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES BERETTA ET AL.

The next business on the Private Calendar was the bill (H. R. 3458) for the relief of Charles Beretta, Isidore J. Proulx, and John J. West.

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 reserve the right to object to make this statement. I have read the report on the bill and the Comptroller General suggests certain amendments. I have not had the opportunity in the brief time available to examine the bill to see whether these amendments are incorporated. Will the gentleman from California [Mr. LEA] inform us as to whether or not this bill is now in accord with the recommendations of the Comptroller General?

Mr. LEA. It is. Section 2 of the bill is inserted at the request of the Comptroller General, and the provisions are in conformity with his report.

Mr. BLACK of Texas. I am entirely satisfied if the gentleman from California assures us of that fact, and I withdraw the reservation of objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to cancel the claim of the United States against Charles Beretta as a temporary substitute parcel-post carrier, Willows, Calif., at 60 cents per hour for a period from November 13, 1922, to December 31, 1924, and at 65 cents per hour from January 1, 1925, to March 31, 1926, in the sum of \$723.55, representing payments to him as such employee for a period from November 13, 1922, to March 31, 1926, he having also held the position of temporary laborer, custodian service, Federal Building, Willows, Calif., for period from November 13, 1922, to March 15, 1923, at \$660 per annum (with \$240 increase), the position of permanent laborer in said service at said place for period from March 16, 1923, to June 30, 1924, at \$660 per annum (with \$240 increase), and the position of permanent laborer in said service at said place for period from July 1, 1924, to March 31, 1926, at \$960 per annum, and the combined amount of the per annum rates of compensation of such positions being in excess of \$2,000 per annum, contrary to the provisions of section 6 of the act of May 10, 1916 (39 Stat. L. p. 120), as amended by the act of August 29, 1916 (39 Stat. L. p. 582).

Sec. 2. That the Comptroller General of the United States is further authorized and directed to release Isidore J. Proulx, former postmaster at Willows, Calif., from liability to the United States for payments to said Charles Beretta for the period from November 13, 1922, to September 8, 1924, amounting to \$349.20; and to release John J. West, present postmaster at Willows, Calif., from liability to the United States for payments to said Charles Beretta for the period from September 9, 1924, to March 31, 1926, amounting to \$374.35; and to repay said John J. West said amount of \$374.35 refunded by him to the United States.

THE "S-4" DISASTER

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move to strike out the last word.

I do this, Mr. Speaker, for the purpose of announcing to the House that John M. Jones, of Hennessey, Okla., the father of Lieut. Commander Roy K. Jones, who went down in the ill-fated *S-4*, is now in the Members' gallery. The father of the late commander has honored this House by sitting here during our deliberations this afternoon. I merely want to make a record of the fact that Mr. Jones is paying us a visit to-day, and I am sure all of us appreciate his presence. I feel, Mr. Speaker, that I express the sentiment of every Member of this House when I say that he and his family, as well as the loved ones of the other brave men who were lost on the *S-4*, have the sincere, heartfelt sympathy of each Member of this House.

Mr. O'CONNELL. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. O'CONNELL. Will the gentleman point out Mr. Jones?

Mr. JOHNSON of Oklahoma. Yes; I shall be glad to do so. Mr. Jones is the gentleman in the Members' gallery on the extreme left. [Applause, the Members rising.]

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.

JOSEPH JAMESON

The next business on the Private Calendar was the bill (H. R. 3926) for the relief of Joseph Jameson.

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 Postmaster General be, and he is hereby, authorized and directed to credit the account of Joseph Jameson, postmaster at Lorain, Ohio, in the sum of \$10,662.10, due the United States on account of public funds and property lost in the burglary of the post office on March 1, 1925.

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.

ROBERT F. YEAMAN

The next business on the Private Calendar was the bill (H. R. 4777) to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory Ordnance Depot.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Robert F. Yeaman, out of any money not otherwise appropriated, the sum of \$217.70, the value in full of carpenter tools belonging to the said Yeaman and which were destroyed by fire in the Government area at Old Hickory Depot on the 4th day of August, 1924.

With the following committee amendment:

In line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

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.

POCAHONTAS FUEL CO.

The next business on the Private Calendar was the bill (H. R. 4926) for the relief of the Pocahontas Fuel Co. (Inc.).

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, I notice that the commandant reports that there was no negligence on the part of the Government. May I ask why under these circumstances we should pay this \$1,200 loss?

Mr. UNDERHILL. May I state to the gentleman from Texas that every department of the Government tries to get out from under and pass the buck. If the gentleman will investigate the various circumstances, the unfortunate happenings, as I may say, there is always somebody to blame; in other words, it is not an act of God.

Mr. BLANTON. Commandant Billard is a pretty responsible man, is he not?

Mr. UNDERHILL. Yes.

Mr. BLANTON. And we may place a great deal of confidence in his report?

Mr. UNDERHILL. Generally.

Mr. BLANTON. And here is what he says: "That all precautions were taken and that the accident was not due to negligence by anybody on the *Acushnet*."

Mr. UNDERHILL. I should like to say that anyone who navigates the *Acushnet* is liable to an accident. They go out in all kinds of weather, and they do an immense amount of good in saving lives.

Mr. BLANTON. In view of the fact that the gentleman has cut the claim down to \$1,200 and that that is the amount that the commandant says was the actual damage, I shall not object.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pocahontas Fuel Co. (Inc.), a corporation duly organized and having a usual place of business in New York, N. Y., the sums of \$1,595.18 and \$224.18, in full compensation for property damage done to the coal wharf owned by said corporation at New Bedford, Mass., by the United States Coast Guard cutter *Acushnet* on April 20, 1926, and January 10, 1927, respectively, as a result of negligence on the part of duly authorized agents of the Treasury Department, Coast Guard Service, in charge of the operation of the said *Acushnet*.

With the following committee amendment:

Page 1, line 8, strike out the words and figures "sums of \$1,595.18 and \$224.18" and insert the words and figures "sum of \$1,200," and on page 2, after the figures 1926 in line 3, strike out the balance of the paragraph.

The committee 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.

FRANCIS SWEENEY

The next business on the Private Calendar was the bill (H. R. 4927) for the relief of Francis Sweeney.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francis Sweeney, formerly an employee in the Bureau of Lighthouses, Department of Commerce, to wit, a seaman on the United States lightship No. 53, the sum of \$80, the same being in full payment for losses suffered by the said Francis Sweeney by loss of personal property used and reasonably necessary in connection with his official duty on said lightship, which was sunk on December 11, 1905.

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.

CHRISTINE BRENZINGER

The next business on the Private Calendar was the bill (H. R. 5297) for the relief of Christine Brenzinger.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the United States Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$150 to Christine Brenzinger, of Louisville, Ky., as compensation for injuries sustained on July 8, 1919, when struck by an automobile, at the time driven by a soldier of the United States Army.

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.

LEWIS H. FRANCKE AND BLANCHE F. SHELLEY

The next business on the Private Calendar was the bill (H. R. 5300) for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object. I see that the bill calls for an amount of \$3,453.88. On page 4 of the report, in a letter dated April 11, 1924, by the Judge Advocate of the Army, this statement is made:

The correct amount was shown by the Judge Advocate's memorandum to be \$3,092.63, and the Secretary recommended that in the event the bill was passed it should provide for compensation in the latter amount only.

Now, if that is a correct amount and it will be agreed that such amendment be offered, reducing the amount carried in the bill to the amount recommended by the War Department, I shall have no objection.

Mr. THATCHER. If the gentleman will look on page 2 of the report, there is an itemized list of United States currency, \$142.63; United States bonds, \$1,000; interest at the rate of 4½ per cent provided on the face of the bonds, \$361.25; and Philippine currency in dollars, \$1,950.

Mr. BLACK of Texas. It is the universal custom, so far as I know, that we do not allow interest against the Government, where it is paying a claim like this one, not because of any legal liability but as an act of grace to the claimant.

Mr. THATCHER. Of course, these were bonds.

Mr. BLACK of Texas. That is all very true; but we do not allow interest against the Government, except where it is paying the bonds.

Mr. O'CONNELL. If the matter had taken its ordinary course, the man would get his interest on the bonds anyway.

Mr. THATCHER. Yes. This was a soldier in the Army who was thrifty enough after 20 years of service to have this saving, and when he died it was stolen by the paymaster's clerk.

Mr. BLACK of Texas. The ordinary course in a matter of redemption of bonds is to authorize the Secretary of the Treasury to issue a duplicate of the bond and require the claimant to himself execute a bond reimbursing the Government if the original bond shows up for payment. But we are not requiring that in this case, and the probabilities are that the Government has already paid the interest.

Mr. THATCHER. I do not think so.

Mr. BLACK of Texas. Oh, it is probable that the Government has paid that interest to some illegal holder of the original coupon bond, and if we adopt this course and pass this bill as now drawn it would mean that the Government of the United States will be paying twice, and I could not consent to that. Unless the gentleman agreed to the amendment, to the amount suggested by the War Department, I shall have to object.

Mr. THATCHER. Of course, I do not want to have the matter go over a second time. At the last session it went to the Senate and there died.

Mr. BLACK of Texas. And I am not arbitrary in this. The gentleman will see that if this bill is passed in its present form the probabilities are that the Government would pay interest twice on the bond.

Mr. THATCHER. Not unless it paid the bond itself.

Mr. BLACK of Texas. And that is what they probably have done, if it was a coupon bond.

Mr. THATCHER. Of course, if the gentleman insists, I shall accept the amendment.

Mr. BLACK of Texas. I shall insist on the amendment, and I withdraw the objection upon that understanding.

The SPEAKER pro tempore. The Clerk will report the bill with the understanding that that amendment will be agreed to.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full compensation against the Government, the sum of \$3,453.88 to Lewis H. Francke and Blanche F. Shelley, of Louisville, Ky., the sole legal heirs of the late George A. Francke, who served as Ralph K. Warrington, formerly clerk, Medical Department of Large, United States Army, and who died intestate on March 1, 1919, for the loss of personal property belonging to the said deceased, through and by the theft and conversion at the hands of an employee of the Government of the United States.

Mr. BLACK of Texas. Mr. Chairman, on line 6 of the bill, I move to strike out the figures "\$3,453.88" and insert in lieu thereof the figures "\$3,092.63."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, line 6, strike out "\$3,453.88" and insert in lieu thereof "\$3,092.63."

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

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROLAND M. BAKER

The next business on the Private Calendar was the bill (H. R. 5338) for the relief of Roland M. Baker.

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, I reserve the right to object. Why could not the Post Office Department authorities approve of this claim if it be just?

Mr. UNDERHILL. The Post Office authorities sent in this claim with the very same report that they send in on all similar claims, that is, that they do not oppose.

Mr. BLANTON. They are authorized to settle claims of this character are they not?

Mr. UNDERHILL. Oh, no.

Mr. BLANTON. This is for \$1,756. The Post Office Department has authority to settle it if it saw fit and thought it was just. Why are they sending it to Congress?

Mr. UNDERHILL. No; that is where a burglary occurs, and not where a theft of this kind occurs.

Mr. BLANTON. Oh, this is just a shortage in accounts?

Mr. UNDERHILL. Yes.

Mr. BLANTON. How do we know that this was produced by a theft?

Mr. UNDERHILL. The chief reason for it is that the bonding company paid the bond of \$5,000 for this Murray, and that is pretty good proof.

Mr. BLANTON. It was an embezzlement, pure and simple?

Mr. UNDERHILL. Yes; it was not a burglary.

Mr. BLANTON. What has become of the embezzler?

Mr. UNDERHILL. He was punished.

Mr. BLANTON. By a fine or imprisonment?

Mr. UNDERHILL. By imprisonment. He served one year and one day in a house of correction.

Mr. BLANTON. Then the Government of the United States fared much better in the courts of this State than it has been doing here in Washington, respecting criminals who have defrauded it.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of Roland M. Baker, postmaster at Boston, Mass., in the sum of \$1,756.89. Such sum represents the amount of a deficit in the account of the said Roland M. Baker caused by the embezzlement on or about June 8, 1922, of postal funds by an employee at the North Postal Station, Boston, Mass.

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.

R. P. BIDDLE

The next business on the Private Calendar was the bill (H. R. 6116) for the relief of R. P. Biddle.

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 Attorney General be, and he is hereby, authorized and directed to waive his objection to the title to the land which the Secretary of War desires to purchase from R. P. Biddle, of Woodlands, W. Va., and thereby permit the adjustment of the claim of the said R. P. Biddle in the amount of \$1,320 in accordance with an agreement heretofore reached between the said parties.

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.

FRED A. KNAUF

The next business on the Private Calendar was the bill (H. R. 6254) for the relief of Fred A. Knauf.

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.

WILLIAM BARDEL

The next business on the Private Calendar was the bill (H. R. 6619) for the relief of the estate of William Bardel.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, to the estate of William Bardel, the sum of \$4,800 for property loss sustained by him as a result of the war while acting as American consul at Reims, France.

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.

FRANCES L. DICKINSON

The next business on the Private Calendar was the bill (H. R. 7110) for the relief of Frances L. Dickinson.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Frances L.

Dickinson the sum of \$60 as reimbursement of a payment made to a former postmaster at Essex, Conn., for 12 war-savings stamps which were never delivered.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

RANDOLPH SIAS

The next business on the Private Calendar was the bill (H. R. 8092) for the relief of Randolph Sias.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Randolph Sias, of Price, W. Va., the sum of \$205, the amount paid by him to the Government for an automobile which was seized under a writ of execution issued out of the District Court for the Southern District of West Virginia and which was subsequently returned to the lien holders.

The 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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN ROOKS

The next business on the Private Calendar was the bill (H. R. 8093) for the relief of John Rooks.

The title of the bill was read.

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

Mr. BLANTON. Mr. Speaker, this bill involves \$5,588.89, covering a period from June 30, 1924, to October 30, 1925. I do not think the committee has made a proper showing here to warrant our passing the bill under unanimous consent.

Mr. UNDERHILL. This is a case which occurs occasionally in carrying on operations in the United States. One of these men was overlooked. He served faithfully, and he ought to have his money.

Mr. BLANTON. Has the gentleman given the case his personal attention?

Mr. UNDERHILL. Yes.

Mr. BLANTON. And he thinks it is just?

Mr. UNDERHILL. I do.

Mr. BLANTON. Then I withdraw my reservation of an objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized to allow payments covering the salary of John Rooks for services actually rendered as United States marshal for the district of South Dakota from June 8, 1924, to October 30, 1925, inclusive.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

PLEASANT R. W. HARRIS

The next business on the Private Calendar was the bill (H. R. 5230) to correct the military record of Pleasant R. W. Harris.

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

Mr. BLACK of Texas. Mr. Speaker, may we have that bill reported?

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers

Pleasant R. W. Harris, who was a member of Company K, Second Regiment Arkansas Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of December, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The 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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRED R. NUGENT

The next business on the Private Calendar was the bill (H. R. 4536) for the relief of Fred R. Nugent.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Let us have that reported also.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Fred R. Nugent, who was a private in the Hospital Corps, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 7th day of April, 1899: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

EMMA ROSSELL

The next business on the Private Calendar was the bill (H. R. 2533) granting a pension to Emma Rossell.

The title of the bill was read.

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

Mr. BLACK of Texas. Mr. Speaker, I would like to have that read.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Rossell, widow of James L. Rossell, late of Company B, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRED A. KNAUF

Mr. KADING. Mr. Speaker, I ask unanimous consent to return to H. R. 6254, a bill for the relief of Fred A. Knauf.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to return to H. R. 6254. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I will state to my colleague that the reason I objected to this bill was that it involves \$141,433.82, and I thought it was entirely too large an amount to be passed here in a few seconds. If the gentleman wants to make a statement about the bill, I shall not object to his making his statement and getting his

reasons in the Record, but I shall be forced to object to the consideration of the bill. However, I shall not object to returning to the bill for the purpose of permitting the gentleman to make a statement.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. This bill was carefully considered by the Claims Committee and has the favorable recommendation of the department. The gentleman does not take the attitude that he is going to hold the postmaster to account for an amount stolen by a bank robber, especially when the Postmaster General directs the postmasters to keep a nine months' supply of stamps on hand.

Mr. BLANTON. My friend from Wisconsin usually objects to them himself when they get up to \$10,000, but when it happens to be a postmaster from his State, where the amount is \$141,000, he does not object.

Mr. SCHAFER. No; "the gentleman from Wisconsin" has never objected to a similar bill.

Mr. BLANTON. I shall be forced to object to the bill coming up, but if the gentleman wants to make a statement I shall not object.

Mr. UNDERHILL. Will the gentleman yield to me for a moment?

Mr. BLANTON. Yes.

Mr. UNDERHILL. Is it the purpose of the gentleman to object even after the statement is made?

Mr. BLANTON. Yes; because it involves too much money to be passed here now; but, as I say, I shall not object to the gentleman's request to return to this bill for the purpose of making a statement.

The SPEAKER pro tempore. It has been the custom not to object to the consideration of a bill if no objection is made to the request to return to the consideration of a bill. That has generally been considered in the same request.

Mr. BLANTON. I shall object to the consideration of the bill.

The SPEAKER pro tempore. That has been the custom in the House when requests are made to return to bills out of order.

Mr. BLANTON. Mr. Speaker, I object; but to clarify the matter, I ask unanimous consent that the gentleman may proceed for five minutes.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the gentleman from Wisconsin may proceed for five minutes. Is there objection?

There was no objection.

Mr. KADING. Mr. Speaker, I simply want to say that this bill was passed by the House in the Sixty-ninth Congress; its purpose is to reimburse, or rather to correct the record on the books of Mr. Knauf, the postmaster at Sheboygan, Wis., in the matter of his loss when the post office at Sheboygan was robbed on October 17, 1925. The gentleman from Texas at the time the bill was on the calendar in the Sixty-ninth Congress reserved the right to object, and my predecessor, Mr. Voigt, made the statement on the floor, in substance, that the loss of cash was only \$107, and that the balance consisted of postage stamps, canceled and uncanceled; that Sheboygan was a city of about 40,000 population; that the post office there furnished stamps to surrounding smaller places; that the bill had the recommendation of the Post Office Department and the recommendation of the committee. The gentleman from Texas [Mr. BLANTON] then withdrew his objection and the bill was passed, but failed to be reached in the Senate in the jam of the business of that body in the closing days of the Sixty-ninth Congress. This bill now has the same recommendations of both the Post Office Department and the Committee on Claims. The situation is the same now as it was when the House passed the bill in the Sixty-ninth Congress. I sincerely hope that the gentleman will now withdraw his objection and permit the consideration of the bill at this time.

Mr. BLANTON. Mr. Speaker, the amount is \$141,000, and I want time to refer to my notes in my office before it comes up, and for the present I object.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to speak out of order for three minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to speak out of order for three minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, I hope the gentleman from Texas will carefully reconsider his decision upon this matter.

This bill comes out of the Committee on Claims with a unanimous vote and was carefully considered by that committee. It has a favorable recommendation from the Post Office Depart-

ment. Over 50 per cent of the stolen stamps were canceled stamps and can not be used again or sold for postage stamps. The report of the committee clearly shows that the large amount of stamps on hand in this post office had been placed there by the postmaster upon the request and under the regulations of the Postmaster General. It further shows that this post office supplies smaller post offices.

I know if this bill were as vicious a bill as the gentleman from Texas believes it may be, it would not have been passed at the last session of Congress, because we know the gentleman from Texas is always on the job guarding the Treasury and looking after the financial interests of the people and protecting the Treasury from unwarranted appropriations. I listened to the wonderful oration the gentleman from Texas made a few moments ago about the distinguished chairman of our Committee on Claims. We appreciate it. I agree with the gentleman on many of the things that he mentioned, and I believe after listening to that oration the gentleman should have sufficient confidence in the chairman of our Committee on Claims and the rest of the members of that committee, especially in view of the fact that during the last session of Congress this bill was passed unanimously, to withdraw his objection and let this meritorious bill be passed.

Mr. BLANTON. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. BLANTON. I only want time to look at my notes in my office; and if the gentleman will wait, I will tell the gentleman my conclusions later on.

Mr. SCHAFER. We know the gentleman from Texas is on the floor of the House upon every unanimous-consent day, and we know that if this bill passed the House at the last session, as it did, the gentleman's notes will reveal the fact that the bill is O. K. or it would not have been passed, because any bill that has not merit would not pass this House with the consent of the gentleman from Texas. I hope the gentleman will reconsider his decision.

HEIRS OF JACOB THOMAS

The next business on the Private Calendar was the bill (H. R. 2809) for the relief of the heirs of Jacob Thomas.

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 be paid by the Secretary of the Treasury to the heirs of Jacob Thomas, formerly an employee of the Rock Island Arsenal, in the State of Illinois, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$5,000 for the death of said Jacob Thomas, resulting from injuries received while in the performance of duty on the 1st day of November, 1901.

With the following committee amendment:

On page 1, line 7, strike out "\$5,000" and insert in lieu thereof "\$497.28."

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.

F. ELLIS REED

The next business on the Private Calendar was the bill (H. R. 3673) for the relief of Maj. F. Ellis Reed.

The Clerk read the title of the bill.

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

Mr. BLACK of Texas. Mr. Speaker, may we have the bill reported?

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Maj. F. Ellis Reed, late captain in the Quartermaster Corps of the American Expeditionary Forces, the sum of \$261.26, out of any money in the Treasury not otherwise appropriated, to reimburse the said Maj. F. Ellis Reed for the sum of \$261.26, United States currency, which was stolen or lost without fault or neglect on his part while he was acting as disbursing officer at the Second Signal Corps School, Chatillon-sur-Seine, France, and which said sum the said Maj. F. Ellis Reed has since paid into the Treasury of the United States in discharge of his liability as such disbursing officer.

The SPEAKER pro tempore. 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.

LAWTON, OKLA. FIRE, 1917

The next business on the Private Calendar was the bill (H. R. 4084) for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917.

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, reserving the right to object, my recollection is this involves a considerable sum of money.

Mr. BLANTON. Seventy-five thousand dollars.

Mr. BLACK of Texas. I have not had the time to review the report and evidence submitted. Until I can have time to study the matter, I object.

A. S. GUFFEY

The next business on the Private Calendar was the bill (H. R. 4203) for the relief of A. S. Guffey.

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 Postmaster General be, and he is hereby, authorized and directed to credit the accounts of A. S. Guffey, late postmaster at Pittsburgh, Pa., in the sum of \$2,237.50 due to the United States on account of postal funds embezzled by Henry C. Schuster, late superintendent of the north side station, Pittsburgh, Pa., in the year 1920.

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.

JOHN J. CORCORAN

The next business on the Private Calendar was the bill (H. R. 5336) for the relief of John J. Corcoran.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Corcoran, 26 Dent Street, Roxbury, Mass., in full settlement against the Government, the sum of \$600 for damages to his automobile, medical expenses, ruined clothing, and permanent injuries sustained by the wife of said John J. Corcoran when his automobile was struck by ambulance No. 987 of the United States Veterans' Bureau on the 18th day of September, 1922, in Boston, Mass.

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

STATE BANK & TRUST CO., FAYETTEVILLE, TENN.

The next business on the Private Calendar was the bill (H. R. 5894) for the relief of the State Bank & Trust Co., of Fayetteville, Tenn.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the State Bank & Trust Co. of Fayetteville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of \$1,779.84, such sum being the amount of actual loss sustained by the bank by reason of the theft or loss of certain Liberty bonds while being transmitted as registered mail, caused by the neglect or disregard of postal laws and regulations on the part of postal officials or employees.

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.

SANITARIUM CO., OF PORTLAND, OREG.

The next business on the Private Calendar was the bill (H. R. 5923) for the relief of the Sanitarium Co., of Portland, Oreg.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of \$1,180 to the Sanitarium Co., of Portland, Oreg., for the purpose of reimbursing said corporation in that amount, which was disallowed by the Comptroller General of the United States and deducted from moneys due the Sanitarium Co. under its contracts with the Secretary of the Interior dated, respectively, January 25, 1919, and June 11, 1920, for the care and maintenance of the legally adjudged insane of Alaska.

With the following committee amendment:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

ROBERT P. COOKE

The next business on the Private Calendar was the bill (H. R. 8772) granting an annuity to Dr. Robert P. Cooke.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place on the rolls of the War Department the name of Dr. Robert P. Cooke and pay to him for and during his natural life, in lieu of all pensions, the sum of \$100 per month, in special recognition of the eminent service rendered, suffering endured, and permanent disabilities contracted by him in the interest of humanity and science as a volunteer subject for experiment in the yellow-fever hospital in Cuba.

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

A motion to reconsider was laid on the table.

GEORGE P. BAILEY

The next business on the Private Calendar was the bill (H. R. 8775) for the relief of George P. Bailey.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws George P. Bailey, late of Company D, Eighty-sixth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment.

Mr. BLACK of Texas. Mr. Speaker, the usual proviso as to back pay and allowances should be carried in this bill, and I offer that as an amendment.

The SPEAKER pro tempore. Without objection, the bill will be amended in that particular.

There was no objection; and 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 was laid on the table.

WILLIAM W. WOODRUFF

The next business on the Private Calendar was the bill (H. R. 8778) for the relief of William W. Woodruff.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, William W. Woodruff shall be held and considered to have been honorably discharged from the military service of the United States as a private of Company C, Fifty-third Regiment Illinois Volunteer Infantry, on the 22d day of July, 1865: *Provided,* That no pension, bounty, back pay, or allowance shall be held to have accrued prior to the passage of this act.

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.

WILLARD THOMPSON

The next business on the Private Calendar was the bill (H. R. 8788) to correct the military record of Willard Thompson, deceased.

The Clerk read the title to the bill,

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Willard Thompson, deceased, who was a member of Company E, Fifty-third Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 11th day of August, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

MARTIN L. DUFFY

The next business on the Private Calendar was the bill (H. R. 8796) for the relief of Martin L. Duffy.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Martin L. Duffy, who served as a private in the Hospital Corps of the United States Army from November 17, 1898, to December 7, 1899, shall hereafter be held to have been honorably discharged from service in the military forces of the United States on December 7, 1899, and shall be eligible to enjoy all rights, privileges, and benefits conferred by law upon enlisted men honorably discharged from such service: *Provided,* That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

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

A motion to reconsider was laid on the table.

CLAYTON H. ADAMS

The next business on the Private Calendar was the bill (H. R. 8797) for the relief of Clayton H. Adams.

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 ask unanimous consent to speak out of order for three minutes.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, our friend just wants to rehearse the \$141,000 postmaster case from Wisconsin to which I objected. I did not object frivolously. I am going to object.

The SPEAKER pro tempore. Objection is heard, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Clayton H. Adams, who served in the Mississippi Marine Brigade, an organization drawn from the Fifty-ninth Regiment of Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the Fifty-ninth Regiment of Illinois Volunteer Infantry on or about the 1st day of March, 1863: *Provided,* That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

A committee amendment to strike out in lines 11, 12, and 13 the words "that no pay nor bounty shall accrue or become payable by reason of the passage of this act," and insert in lieu thereof the words "that no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act," 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.

WILLIAM LENTZ

The next business on the Private Calendar was the bill (H. R. 8798) for the relief of William Lentz.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Lentz, formerly a member of Company E, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, war with Spain; Company M, Nineteenth Regiment United States Infantry; and who served honorably in the World War, shall be held

and considered to have been honorably discharged from the military service of the United States as a member of Company M, Nineteenth Regiment United States Infantry.

Sec. 2. No back pay, bounty, or other emoluments shall accrue prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE W. McNEIL

The next business on the Private Calendar was the bill (H. R. 8804) for the relief of George W. McNeil.

The Clerk read the title of the bill.

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

Mr. O'CONNELL. Mr. Speaker, may we have the bill reported?

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefit upon honorably discharged soldiers, George W. McNeil, who was a corporal in Company G, Fourteenth Heavy Artillery, shall hereafter be held and considered to have been discharged honorably from the military services of the United States as a corporal of the said company and regiment: *Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

Mr. O'CONNELL. Mr. Speaker, reserving the right to object, I ask the chairman of the committee whether we ought not to have a report from the War Department upon this?

Mr. UNDERHILL. This bill does not come from our committee, but from the Committee on Military Affairs.

Mr. O'CONNELL. I withdraw the reservation of 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.

MARTHA D. McCUNE

The next business on the Private Calendar was the bill (H. R. 8805) for the relief of Martha D. McCune.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, or their widows, Samuel McCune, who was a first lieutenant in Company B, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 4th day of March, 1863: *Provided*, That no pension, bounty, or other allowance shall be held to have accrued prior to the passage of this act.

A committee amendment inserting after the word "pension," in line 11, the words "back pay" 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.

HARRY WALTER STEPHENSON

The next business on the Private Calendar was the bill (H. R. 8806) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army.

The Clerk read the title of the bill.

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

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to know whether or not we have sufficient officers already in the Army below the grade of major to fill all vacancies?

Mr. JAMES. I can not answer that question. I ask that the bill go over.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I object.

LESTER COOLEY

The next business on the Private Calendar was the bill (H. R. 8674) for the relief of Lester Cooley.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Lester Cooley, who was a member of Company D, Fifth Battalion, and Company F, Thirteenth Regiment, Ohio Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 27th day of August, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD F. WEISKOPF

The next business on the Private Calendar was the bill (H. R. 8673) for the relief of Edward F. Weiskopf.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, I do not think that I shall object, in view of the fact that this bill is the bill of the distinguished Speaker pro tempore now presiding, but I want to call the attention of the House to what the Hon. Dwight F. Davis, Secretary of War, says about this bill. He gives a number of reasons why it should not pass, and then he says:

I therefore recommend that H. R. 7540 be not favorably considered by your committee and be not enacted into law.

However, our friend from New York [Mr. SNELL] has such power and influence that he can get the bill reported in spite of that recommendation, and I shall not stand in the way of its passage.

The SPEAKER pro tempore. 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 to summon Edward F. Weiskopf, formerly first lieutenant in the Coast Artillery Corps of the Army of the United States, before a retiring board, to inquire whether at the time of his honorable discharge, October 1, 1919, he was incapacitated for active service, and whether such incapacity was the result of an incident of service, and whether said discharge should have been made, and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said Edward F. Weiskopf a first lieutenant in the Coast Artillery Corps and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That the said Edward F. Weiskopf shall not be entitled to any back pay or allowances.

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.

JEREMIAH F. MAHONEY

The next business on the Private Calendar was the bill (H. R. 8370) for the relief of Jeremiah F. Mahoney.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Jeremiah F. Mahoney, who was a member of Company K, First Regiment Montana Volunteer Infantry, Spanish-American War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 17th day of October, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next one.

ALBERT O. TUCKER

The next business on the Private Calendar was the bill (H. R. 8500) for the relief of Albert O. Tucker.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Albert O. Tucker, alias Charles M. Healey, late of Company D, First Battalion Maine Sharpshooters, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on February 13, 1865: *Provided,* That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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.

THOMAS MURPHY

The next business on the Private Calendar was the bill (H. R. 8574) for the relief of Thomas Murphy.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas Murphy, a private, Company C, Eighth Machine Gun Battalion, Third Division, American Expeditionary Forces, shall hereafter be held and considered to have been honorably discharged from the military service of said company and regiment: *Provided,* That no pension, pay, or bounty shall be held to have accrued prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

THOMAS F. NICHOLAS

The next business on the Private Calendar was the bill (H. R. 8589) for the relief of Thomas F. Nicholas.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Thomas F. Nicholas shall hereafter be held and considered to have served 90 days' actual military service and been honorably discharged from the military service of the United States in the Spanish-American War as a private of Company E, Eighth Regiment New York Volunteer Infantry, on the 3d day of November, 1898, and thereafter from Troop I, Third United States Cavalry, honorably discharged on May 1, 1900: *Provided,* That no pension, pay, or bounty shall accrue prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

NICHOLAS JONES

The next business on the Private Calendar was the bill (H. R. 8590) for the relief of Nicholas Jones.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Nicholas Jones shall hereafter be held and considered to have served 90 days' actual military service and been honorably discharged from the military service of the United States as a private of Company I, Sixth Regiment United States Infantry, on the 23d day of January, 1899: *Provided,* That no pension, pay, or bounty shall accrue prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

GEORGE D. VEDDER

The next business on the Private Calendar was the bill (H. R. 8599) for the relief of George D. Vedder.

The title of the bill was read.

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

Mr. BLANTON. Mr. Speaker, I want to call attention to what the War Department says. Maj. Gen. Robert T. Davis, the Adjutant General, says in his report on this case:

It is seen from his own statement in the letter referred to that the cause of his failure to return to his command and complete his term of enlistment was not that he was suffering from physical disability incurred in the line of duty, but rather that he was afraid to return on account of punishment that he expected he would suffer on his return to his command. Under these circumstances the charge of desertion of September 8, 1863, against him can not be removed under any of the provisions of the act of Congress approved March 2, 1889, the only law in force governing the subject of the removal of charges of desertion in Civil War cases.

That is the report of the War Department; but I shall not object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws George D. Vedder shall hereafter be held and considered to have been honorably discharged from Company A, Thirty-first Regiment New York Volunteer Infantry, Civil War, September 8, 1863: *Provided,* That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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 laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN CLARK

The next business on the Private Calendar was the bill (H. R. 8627), for the relief of John Clark.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John Clark, late of Company D, Fifteenth Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 1st day of January, 1863: *Provided,* That no pension shall accrue prior to the passage of this act.

The bill was amended by striking out the words "*Provided,* That no pension shall accrue prior to the passage of this act."

and inserting in lieu thereof the words "Provided, That no back pay, bounty, or allowances shall be held as accrued prior to the passage of this act."

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMOS DAHUFF

The next business on the Private Calendar was the bill (H. R. 8628), for the relief of Amos Dahuff.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Amos Dahuff, who was captain of Company H, Twelfth Regiment Indiana Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as of said organization on the 19th day of February, 1865: *Provided,* That no back pay, bounty, pension, or other emolument shall accrue prior to the approval 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.

WILLIAM TAYLOR COBURN

The next business on the Private Calendar was the bill (H. R. 8643) for the relief of William Taylor Coburn.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Taylor Coburn, late a private in Company H, Sixteenth Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment: *Provided,* That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 10.

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.

RETIREMENT STATUS OF BRIG. GEN. H. M. LORD

The next business on the Private Calendar was the bill (H. R. 7926) to place a retired officer of the Army on the retired list as a major general.

The Clerk read the title of the bill.

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

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I want to inquire what is the necessity for creating another major general on the retired list?

Mr. JAMES. This takes care of Brigadier General Lord, Director of the Budget. General Lord was Chief of Finance and at that time was a brigadier general. He was drafted by the President and asked to resign as a brigadier general in the Army and as Chief of Finance and become head of the Bureau of the Budget, which he did. A short time after that his successor was promoted from brigadier general to major general, and if General Lord had stayed there he would have been a major general. It does not give him any increase in compensation as long as he is Director of the Budget. If ever a man has earned the reward of major general on the retired list it is General Lord.

Mr. SCHAFER. Does not the gentleman think it is rather presumptuous for this House to place General Lord on the retired list as a major general when we are at this very moment overlooking emergency officers who served in combat divisions and spilled their blood on the battle field?

Mr. JAMES. General Lord was in the Army as a brigadier general and was drafted by the Commander in Chief of the Army to accept a more responsible position. I sincerely hope the gentleman will not object.

Mr. SCHAFER. Has the Secretary of War approved of this?

Mr. JAMES. It has not been referred to the Secretary of War for the reason that any bills that are referred to the War

Department automatically go to the Director of the Budget, and, of course, we would not want the Director of the Budget to pass on his own bill. I have, however, taken up the matter with the chairman of the Appropriations Committee [Mr. MADDEN] and the ranking Democratic member of that committee [Mr. BYRNS]. I talked with both of them before the bill was introduced.

Mr. SCHAFER. Does the gentleman realize that most of the special bills making majors out of captains on the retired and active list and captains out of lieutenants come back from the War Department with adverse recommendation, and they come back from the Budget Bureau with adverse recommendations, with the statement that such contemplated action is not in conformity with the financial policy of the present administration.

Mr. CHINDBLOM. But we pass most of those bills.

Mr. SCHAFER. Only once in a while.

Mr. BYRNS. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. BYRNS. I do not know of any man connected with the Government who has rendered more valuable service to the Nation than General Lord, both as Chief of Finance during the war and as Director of the Budget. I say that advisedly because I have had occasion and opportunity to know something of his good work and the splendid service he has rendered. As the gentleman from Michigan doubtless has stated, the officer who is now holding the position of Chief of Finance in the Army is a major general in rank. Here is a gentleman who served during the war and rendered distinguished service to the Nation and is rendering even more important service to-day as Director of the Budget, and it does seem to me only an element of fairness and justice to this splendid public servant that he be given the rank which is being held by the officer who was his assistant when he was Chief of Finance.

Mr. CHINDBLOM. And if he had stayed in this position he would have been a major general now?

Mr. BYRNS. Yes. If he had remained in the position, as the gentleman from Illinois suggests, he would have been a major general.

Mr. SCHAFER. With the sincere hope that this House, which is taking care of a brigadier general and placing him on the retired list as a major general, will give as fair consideration to many of the buck privates who are disabled and have not been taken care of under the present compensation law, and as fair consideration to retirement legislation for the emergency officers of the World War, I will not press my objection.

Mr. BLACK of Texas. Mr. Speaker—

Mr. O'CONNELL. If the gentleman will permit, I would like to ask the gentleman from Michigan [Mr. JAMES] if this is a unanimous report from the committee?

Mr. JAMES. Yes; it is.

Mr. BLACK of Texas. Mr. Speaker, we have had several bills on the calendar this afternoon not identical with this bill but similar in character. I have objected to each one of them, and I shall feel compelled to object to this one. Of course, when the Private Calendar is reached in the regular way, if it is the judgment of the House to take up bills affecting individual officers in the Army in this manner and deal with them in a legislative way and pass them, that rests within the judgment of the House; but I do not feel I could pursue any degree of consistency at all if, having objected to the other bills—not identical, but similar in character—I should not object to this one.

Mr. JAMES. Will the gentleman from Texas yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. JAMES. Neither of the other cases are identical with this one. The other cases are where men went out of the Army of their own accord and are now trying to get in. This is a case where a man was in the Army and would have stayed in the Army if the President himself, as Commander in Chief of the Army, had not practically drafted General Lord to succeed General Dawes. So it is an entirely different case.

Mr. BLACK of Texas. I want to say to the gentleman no one entertains a higher opinion of General Lord and his services to the Government than I do, and when regular Private Calendar day is reached, if in the judgment of the House it wants to pass this bill in the regular way, I shall not object; but I have objected to these other bills that have taken up individuals by name, some of them, and others by classification, and undertaken to deal with them in a legislative way. I have objected to each one of those bills and I shall feel compelled to object to this one. At a later date all of these bills will come up again on regular Private Calendar day, and if in the judgment of the House they want to pass some of them and reject others, that can be done.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. O'CONNELL. Does the gentleman not recognize the fact that if this man had maintained the position he held, which he would have done but for the invitation of the President, he would have been promoted automatically?

Mr. BLACK of Texas. All that has been correctly stated, of course. If he had remained in the service, and if he had not been appointed Director of the Budget, undoubtedly he would still be the Chief of Finance and would have been advanced to the rank of major general. I do not dispute that fact.

Mr. BYRNS. My friend does not want to penalize him because as Director of the Budget he has rendered great service. That is what a failure to pass this bill will amount to.

Mr. BLACK of Texas. We had a case this afternoon of a distinguished medical officer who served with distinction and retired voluntarily. So has General Lord retired voluntarily. This bill to which I refer would have Congress to come in and by special act authorize the President of the United States to reappoint this medical officer to the service. I objected to that, and I objected to a number of other bills of a similar character, and I object to this one, not because of any lack of merit on the part of the individuals involved, but because Congress is a legislative and not an administrative body, and is in no position to take up individual officers in the Army and deal with them.

Mr. CHINDBLOM. Will the gentleman yield for one question?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. CHINDBLOM. The President, being Commander in Chief of the Army and the Navy of the United States, requested General Lord to accept this position. Would the gentleman expect General Lord to refuse?

Mr. BLACK of Texas. I would not, and General Lord is now retired as a brigadier general of the United States. He retired at his rank held at that time. He now holds the important and responsible position of Director of the Budget. It would have been within the province of the President of the United States, I suppose, to have appointed him to the rank of major general before his retirement if he had seen fit to have done so; but he did not do it, and yet Congress, which is not the Commander in Chief of the Army, comes in and undertakes to promote General Lord to the rank of major general, a thing which was not done by the President of the United States, who is the Commander in Chief of the Army and the Navy.

Mr. CHINDBLOM. The President is not in the habit of promoting men in the Army out of their turn.

Mr. BLACK of Texas. Well, why should Congress do that?

Mr. CHINDBLOM. General Lord has passed the time when he would have become major general.

Mr. BLACK of Texas. Mr. Speaker, I shall have to object.

Mr. MADDEN. I hope the gentleman will not object.

Mr. BLACK of Texas. I will be compelled to object, but I will reserve my objection to allow the gentleman to make any statement he desires to make.

Mr. MADDEN. What is the use of making a statement if the gentleman has already foreclosed the case?

Mr. BLACK of Texas. Of course, the gentleman will understand there will be another day when this bill can be considered without reference to the objection of any one Member, and I prefer it await that time and that it be considered in the regular way.

Mr. CHINDBLOM. Does the gentleman recall any time when we have called the Private Calendar in any other way?

Mr. BLACK of Texas. This is not a short session, and there will certainly be other Private Calendar days.

Mr. MADDEN. Mr. Speaker, I would like to make this statement irrespective of the notice that objection is to be filed.

If there ever was a man in the military service of the Government, or in any other service of the Government, better entitled to the honor which this bill proposes to confer upon General Lord, I have not known of it. If this should be granted on the basis of the distinguished service rendered by him as Director of the Budget alone, where he has through his genius and foresight and vision and patriotism and integrity rendered the American people a service from the standpoint of dollars so valuable that the Government could not compensate him for it, if it was to be done on the basis of a mercenary plan of payment, in my judgment this bill ought to be given favorable consideration. But we are not trying to pay General Lord in dollars. I would not stoop to offer payment in money, for I am sure General Lord would not accept that; but it is a great distinction for a man to retire from the Government service with the rank of major general in the Army.

If I were a soldier I would not want any greater honor conferred upon me. I remember there was one case where promotion of a general in the Army was proposed upon his retirement to the rank of major general. His service was not such in my judgment as to justify the promotion. I was just as frank to say his promotion was not justified as I am to-day to say that never was anything more justified than the proposal now made.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. If General Lord had not accepted the President's suggestion to become Director of the Budget, he would now be drawing about \$9,000 a year, but by reason of his having accepted the President's appointment as Director of the Budget he is drawing \$10,000.

Mr. MADDEN. True.

Mr. BLANTON. So he has not lost anything financially.

Mr. MADDEN. No; not in dollars.

Mr. BLANTON. I agree with the gentleman in everything he has said about the value of General Lord's services, but the contention of my colleague is that this bill should come up in the regular order later on.

Mr. BLACK of Texas. I would like to emphasize this statement. I have just as high regard for General Lord as the gentleman from Illinois [Mr. MADDEN], but we have on this calendar this afternoon a number of bills from the Committee on Military Affairs that undertake to deal with individuals in the Army by individual bills, and by this method Congress, through legislation, undertakes to authorize the President to appoint certain individuals to commissions in the Army or to elevate the rank of certain individuals and deal with them in that way. I have objected to them all. I can not see how I can be consistent or observe any degree of consistency if I do not object to this bill.

Mr. MADDEN. I would be the last man in the world to ask the gentleman to yield his opinion, for I have more respect for his opinion and for his manhood than I have for that of most men I know. I know his integrity of purpose can not be assailed in any way by anybody. I know that what the gentleman does he does because he considers it to be his conscientious duty, and I make no complaint about my friend in that respect.

Mr. CHINDBLOM. In view of the gentleman's consistency, would not this be a proper case in which he could show a distinct honor to the Director of the Budget by excepting him from the common rule? Is not this an exception not to be governed by the general rule?

Mr. JAMES. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. JAMES. All of the bills the gentleman objected to have come from the Committee on Military Affairs, and in the cases to which the gentleman objected they were all men who voluntarily retired from the Army. General Lord did not voluntarily retire. He was not a candidate for Director of the Budget. He was satisfied where he was. The Commander in Chief of the Army drafted him for this position. His case is not like the others.

Mr. BLACK of Texas. If I was able to make the same clear distinction that the gentleman seems to make in his own mind, I would withdraw the objection; but in view of the fact that I am unable to see such a distinction and that this bill will have ample opportunity for consideration in the House on regular Private Calendar Day, and doubtless be passed by the House, I shall adhere to my objection.

DISBURSING AGENTS OF THE ALASKA RAILROAD

The next business on the Private Calendar was House Joint Resolution 135, for the relief of special disbursing agents of the Alaska Railroad.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of R. D. Chase, formerly a special disbursing agent of the Alaska Railroad, with amounts heretofore disallowed in said accounts, covering payments made for service and supplies, team hire, and transportation, furnished tie and timber contractors under agreements providing that payment therefor should be made by the railroad, amounting to \$3,330.22; and payments for rubber boots furnished, not shown to have been intended for sale to employees, amounting to \$252.75; and to credit the accounts of Leslie Cramer, special disbursing agent, with payments covering the services of a detective agency, amounting to \$1,197.25; payments for articles not purchased under the General Supply Schedule, amounting to \$49.96; payments for materials not purchased from the lowest bidder, amount-

ing to \$311.88; and items aggregating \$956 disallowed under a provision in purchase agreements relating to liquidated damages; and the said payments are hereby validated.

The joint resolution 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.

The SPEAKER. That completes the Private Calendar.

RICHARD B. BARNITZ

Mr. FISH. Mr. Speaker, I ask unanimous consent to return to Calendar No. 92.

The SPEAKER. The gentleman from New York asks unanimous consent to return to Calendar No. 92. Is there objection?

Mr. BLANTON. I object. That was the bill I objected to.

Mr. FISH. Will not the gentleman reserve his objection in order that I may make a statement?

Mr. BLANTON. We have all been working here all day and working hard. I shall be glad to consider any statement that the gentleman wants to send me on the bill. But I object to its consideration to-day.

CHANGE OF REFERENCE

The SPEAKER. House bill (H. R. 8824) to provide for the protection of the watersheds in the Carson National Forests from which water is obtained for the Taos Pueblo, N. Mex., was referred to the Committee on the Public Lands. It belongs properly to the Committee on Indian Affairs; and both chairmen having agreed, the Chair will so refer it.

House bill 8524 to regulate and fix rates of pay for certain employees of the Bureau of Standards was referred to the Committee on Coinage, Weights, and Measures. The Chair thinks it more properly belongs to the Committee on the Civil Service; and both chairmen have consented and the Chair will so refer it.

LEAVE OF ABSENCE

Mr. DEAL, by unanimous consent (at the request of Mr. BLAND), was given leave of absence on account of illness.

Mr. WAINWRIGHT, by unanimous consent, was given leave of absence for three days on account of important family necessity.

THE CONDITION OF JEWS IN RUMANIA

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a resolution that I introduced in the House and a speech made in the House regarding this subject and also to incorporate a letter received from the minister of Rumania to me and my reply to him.

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

There was no objection.

Mr. SIROVICH. Mr. Speaker and gentlemen of the House. On December 12, 1927, I introduced a resolution in the House of Representatives calling upon Calvin Coolidge to intercede in the name of humanity against the outrageous treatment of Rumania against its racial minorities and particularly the Jewish people, and failing in that to bring about the abrogation of the treaties between the Kingdom of Rumania and the Government of the United States.

On December 20, 1927, while speaking on the alien custodian bill I concluded my speech in the House of Representatives by saying:

Through the passage of this alien property bill we are not assisting the Imperial Government of Germany, but we are coming to the rescue of Germany that has given to the world such eminent names as Goethe, Schiller, Heine, Lessing, Kant, Schopenhauer, Erlich, Hahnemann, Wassermann, Koch, Einstein, Wagner, Beethoven, Mendelssohn, Holbein, and Karl Marx, men whose names are famous in the rôles of science, art, literature, philosophy, medicine, economics, music, and painting. To the nation that has produced such wonderful scholars America is proud to welcome them in the forefront of the civilized nations of the world. [Applause.]

Another reason for my voting for this alien property bill, which provides for the settlement of claims of American nationals against Germany and of German nationals against the United States, for the legitimate return of all property of German nationals held by the Alien Property Custodian, and for an equitable apportionment among all claimants of funds due to them, is the fact that the Republic of Germany has treated its racial minorities with the most magnanimous, humane, tender, and sympathetic consideration. Mr. Chairman and my colleagues in the House, I hereby serve notice upon the membership of this historic body that when the claims of Hungary and Rumania shall come before this House I shall raise my voice in mighty protest not to grant to these nations any consideration from this great Republic of ours, because of the outrageous treatment that Rumania and Hungary are accorded its racial minorities, and shall arraign Hungary and Rumania before the bar of the public opinion and the conscience of our country

as nations that are outlaws in the family of humanity and unworthy of any consideration, because of the inhuman and barbarous treatment they have accorded to the Jewish citizens of those nations.

In this the twentieth century of civilization the time has come when we Americans, liberty loving as we are, shall raise our voices, through the membership of this House, that religious intolerance and religious bigotry practiced through pogroms, massacres, and persecutions must cease. In the name of the people of the United States and in behalf of the fourteenth congressional district of New York, which I have the honor to represent in Congress, I demand that the Hungarian and Rumanian Governments grant equal political protection to all of its subjects under its jurisdiction and, above all, at once stop the barbarous and cruel treatment of innocent Jewish citizens and protect their life and property, in accordance with the covenants of existing treaties between the Kingdoms of Hungary and Rumania and the Government of the United States. [Applause.]

Since that time through the instrumentality of that brilliant and distinguished constitutional lawyer, Mr. Louis Marshall, the great patriarch and leader of the Jewish people of the United States, we have held several conferences with his excellency the Hon. George Cretziano, the minister of Rumania, regarding the inhuman treatment accorded the Jewish people in Rumania. We told his excellency that the position of the Jew in Rumania has always been a delicate one—treated as aliens in the land of their birth, denied enfranchisement as citizens of Rumania, refused admission to many of the learned professions, for many years prior to the Great War prohibited by governmental order from engaging in certain definite trades and businesses, and, above all, persecuted in the land to which they had given their lifeblood.

Recently the civilized world was amazed to read of the atrocities and inhuman treatment perpetrated by certain elements of the Rumanian students upon Jewish subjects of Rumania. Humanity was shocked, indeed, to read of the attacks upon the Jewish people and their property, the shameful desecration of their houses of worship and synagogues, the disturbances of their places of burial, and the physical indignities to which the Jewish citizens were subjected. In view of these happenings it is a refreshing commentary on the advance of civilization that the accredited representative of that great power, the Kingdom of Rumania, His Excellency George Cretziano, does not seek to deny the misdeeds of some of its individual citizens, but instead manfully regrets their occurrence, professes profound sorrow concerning the outrageous treatment against them, and through his government is anxious to make adequate amends to the victims of such unfortunate tragedies, coupled with the authorized assurances from his Government to the civilized world that such shocking incidents will never again be tolerated in the pale of its jurisdiction.

It affords me therefore very great pleasure to testify personally to the gracious and courteous manner in which his excellency the Hon. George Cretziano cooperated with Louis Marshall and myself by promising that such intolerable and inhuman conditions will never again be tolerated by the Government of Rumania. I take this opportunity of thanking the Speaker of the House of Representatives and the membership of this House for having granted me unanimous consent to insert the correspondence between his excellency the Hon. George Cretziano and myself, which is as follows:

RUMANIAN LEGATION,

Washington, D. C., January 7, 1928.

The Hon. Dr. WILLIAM I. SIROVICH,

Member of the House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN SIROVICH: It has come to my knowledge that you have introduced in the House of Representatives a resolution asking the American Government to abrogate the treaties now existing between the United States and my country and to intervene in behalf of the Jewish minorities of my country. I consider it my duty to give you information which will prove to you that my Government, far from encouraging anti-Semitic disturbances, has taken all the measures to punish the guilty, to indemnify the victims, and to avoid a repetition of similar occurrences without waiting for any outside suggestion or intervention on the part of a foreign government or parliament.

I can not help feeling that, far from bringing about a happy and lasting solution of this problem, action such as you have advocated is likely to react unfavorably upon the Rumanian Jews themselves, for not only the Rumanian Government and people but even Jews, who are striving to establish a better understanding between the Jewish and Rumanian population, would resent even a suggestion of the immission of a foreign power in the internal affairs of their country. In my opinion, cooperation between the Jews of the United States and the Government of Rumania, which is moved by a sincere desire to permanently remedy the situation, would be of far more service to accomplish the common purpose that we have in view.

By frankly facing the situation and calmly analyzing the facts, a via media to remove all causes of friction and to establish harmony in the future among the various races and creeds within the Rumanian Nation may be found which will redound to the mutual satisfaction of all parties concerned.

Now what are the facts? A body of students, taking advantage of the state of depression created in the country by the sudden disappearance of a powerful personality, the late I. I. C. Bratianu, got out of hand, and before the authorities had time to mobilize adequate forces to cope with an unanticipated situation caused serious disorder accompanied by acts of violence at Oradea Mare, Cluj, and other places in Rumania. The actual occurrences were disgraceful and in every way unjustifiable. The press on this side of the Atlantic published articles from sources unfriendly to Rumania in Budapest and other parts of central Europe, which were exaggerated. The truth is that, while a considerable number of individuals were maltreated and a number of synagogues and their contents desecrated and damaged, in spite of reports to the contrary happily no lives were lost.

These incidents are very regrettable, and the Rumania Government not only deploras them but swiftly took measures to punish those officials who were found negligent and to make reparation for the damage done. The prefect of Oradea Mare and the police prefects of Oradea Mare and Cluj were immediately dismissed, and 400 students were arrested on their return to Bucharest. In addition to this, their cases were referred to the military court and, according to telegraphic information received from my government, a first series of offenders has been tried by a court-martial for theft and devastation during the anti-Jewish riots at Oradea Mare on December 6, and have been sentenced variously to from 10 days to 5 months in jail. The senate of the Rumanian universities has expelled forever from all Rumanian universities the students proved guilty of theft, profanation, and devastation, while those found guilty of lesser offenses will be expelled for one year. Those holding scholarships will forfeit their subsidies. The government has introduced a bill in parliament for an appropriation to indemnify Mr. Keller, an American citizen, who was injured, and to restore the synagogues to their previous state. No government can do more by way of reparation for such misdeeds under the circumstances.

Rumania has been accused repeatedly of anti-Semitism. So far as the people of Rumania as a whole are concerned, this charge is unwarranted. There are, unfortunately, individual agitators who for selfish reasons have sought to spread this hateful disease, regardless of the blot that they are placing upon the good name and the honor of Rumania. It is significant that those Jews who recognized the virtue of speaking and acting with moderation and who really understand the people of Rumania commend their good sense, their peaceful nature, and the freedom from religious intolerance, and are convinced that the majority of Rumanians are entirely free from anti-Semitism.

I can personally assure you of the correctness of this observation. Anti-Semitism is practically limited to a portion of the students in institutions of higher learning, to a few of their teachers, and to a small number of unscrupulous politicians. The latter have adopted a platform based on falsehoods and prejudice and calculated to mislead the student body into cooperating for the exploitation of a falsely conceived patriotism. There is also a theory of an economic nature, which has created ill-will among various of the students and has afforded a pretext for hostile demonstrations by them.

The Government is in every way opposed to these mischievous theories and to the lawless acts committed by those who entertain them and is determined to afford protection to every part of the population. This is evidenced by the fact that during the past few months additional Jewish schools have been accorded rights as public schools, an order which forbade the closing of Jewish schools on the Jewish Sabbath has been repealed, orthodox Jewish students who attend public schools have been excused from writing on Saturdays, Jews have been elected to membership in all municipal councils for which elections have been recently held, provisions have been made in the budgets of municipal councils for subventions for the support of schools maintained by the Jewish communities.

With the exception of the recent deplorable occurrences, street attacks upon Jews have ceased, and there has been no exclusion of them from places of amusement. In the Rumanian Parliament preceding that now in office there were 10 anti-Semitic deputies. In the present Parliament there is not one. On the other hand, the Jews are now represented by 10 deputies and senators, in addition to the grand rabbi of Rumania, who, under the constitution, is a life member of the Senate. The Jews have a large representation not only in Rumanian commerce and industry but also in the liberal professions. They are not barred from holding public office or from receiving commissions in the army. They actually hold a large number of both. In the United States, where Rumania has four consulates, there is one Jewish consul; a Jew is in charge of a second consulate. On the staff of the Rumanian Legation in Washington the bookkeeper and archivist is a Jew. The newly created consulate in New Jersey is to be in charge of another Jew.

Much has been said concerning agitation in Rumania by the anti-Semitic party for the establishment of the so-called numerus clausus in respect to the admission of Jewish students to institutions of higher learning. In fact, the contention was made at a meeting held in Washington in February last that, so far as Jewish students in Rumania are concerned, it is not the numerus clausus which prevails but numerus nullus. As bearing upon this charge, permit me to call your attention to the following official figures:

The total number of students in Rumanian universities and high schools is 24,729, of which 20,499 are Christians and 4,230 Jews, divided as follows:

	Christians	Jews
University of Bucharest.....	12,535	2,357
Commercial Academy, Bucharest.....	391	104
Polytechnic, Bucharest.....	804	110
University of Jassy.....	3,188	1,175
University of Cluj.....	2,141	159
Commercial Academy, Cluj.....	255	7
University of Cernautzi.....	624	262
University of Oradea Mare.....	215	47
Polytechnic, Timisoara.....	345	9

These figures tell their own story.

It is a source of pride to Rumania that there are few countries in the world where the so-called minorities, and especially the Jews, receive better opportunities for education and self-development, according to their own ideas and principles, than Rumania. To-day these minorities have more schools in the newly acquired portions of the Rumanian Kingdom than they had under the governments of which they formerly constituted a part. When Transylvania was a part of Hungary there was not a single Jewish public school or high school in that territory. To-day there are 59 elementary schools in the old kingdom, 35 in Transylvania, 2 in Bucovina, and 48 in Bessarabia. The number of secondary schools in the old kingdom is 7, in Transylvania 8, in Bucovina 4, and in Bessarabia 21. The Jews, with a population of less than a million, also have 1,500 synagogues in Rumania.

It should also be noted that Rumania has become a party to and has accepted the terms of the minority treaty entered into at Paris on December 9, 1919, has incorporated them in principle in her constitution, and is firmly resolved to exert all her sovereign power to accord to all of her inhabitants the equal protection of the laws which she has guaranteed to the several racial, religious, and linguistic minorities.

The Government is firm in its determination to put an end to the anti-Semitic agitation which has prevailed among the students and to prevent any recurrence of the recent happenings. It is hoped that all American Jews who have at heart the well-being of their Rumanian coreligionists would cooperate in bringing about a complete understanding between them and the non-Jews of Rumania. This, I am sure, will be welcomed by them, and will redound to the advantage of both, as well as of Rumania.

A prominent Jewish observer, Mr. Herman Bernstein, in a series of articles which he published in the Jewish Tribune on his return from Rumania a few months ago, declared himself satisfied that "the Rumanian people are really not anti-Semitic," and pointed out that the anti-Jewish agitations are purely artificial and are carried out by a handful of students under the leadership of two or three secondary politicians, who were officially and publicly disapproved by their political friends and colleagues. (See the Jewish Tribune of December 23, 1927.)

I am happy to state that that able man, one of the greatest American Jews, Mr. Louis Marshall, is in complete accord with my views when he pleads for moderation and for a cool examination of the situation of the Rumanian Jews. His efforts coincide with mine, namely, that by a friendly cooperation much more good can be accomplished than by exaggerations, denunciations, and injudicious protests.

You will recognize the desirability of giving the fullest publicity to this statement. The sincerity of your motives can not be questioned. It is easy to understand the impression made upon your mind by the occurrences which are condemned by every true Rumanian and which naturally aroused your sympathies for your religious brethren. Now that you understand that at the very time when you introduced the resolution the Rumanian Government had given evidence of its determination that such conditions should never again occur and that it had announced its purpose to make full reparation for all damages inflicted, you will not hesitate to accept the assurances which I have herein given.

Yours sincerely,

G. CRETZIANO,
Minister of Rumania.

JANUARY 9, 1928.

His Excellency Mr. GEORGE CRETZIANO,
Rumanian Minister, Washington, D. C.

YOUR EXCELLENCY: I am in receipt of your letter of the 7th instant concerning the resolution introduced by me in the House of Repre-

representatives for the abrogation of the treaties now existing between the United States and Rumania and for intervention on behalf of the Jewish minorities of Rumania.

I have read and reflected upon what you have said with the utmost care, and wish to express my appreciation for the detailed information given. You have fully appreciated the reason that prompted me to introduce the resolution. It was not hostility to Rumania, but sympathy for my religious brethren and indignation at the recent occurrences which shocked the people of this country and which you have properly characterized.

I accept what you have said regarding the attitude of your Government toward the Jews of Rumania and what it has done and what it intends to do in order to show its abhorrence of the lawlessness of those who were responsible for and participated in the outbreaks referred to as an assurance that the Jews of Rumania will be accorded the equal protection of the laws and equal educational and other opportunities in accordance with the letter and the spirit of the minorities treaty entered into and accepted by Rumania on December 9, 1919. On the faith of what you have said it will afford me pleasure to incorporate the correspondence that has passed between us in the CONGRESSIONAL RECORD.

Very cordially yours,

WILLIAM IRVING SIROVICH, M. C.

SIXTY-FIFTH ANNIVERSARY OF THE PROCLAMATION OF EMANCIPATION

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech that I delivered in this city on January 2, 1928, on the sixty-fifth anniversary of the proclamation of emancipation.

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

There was no objection.

Mr. FISH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered under the auspices of the National Interdenominational Ministerial Alliance of America in the John Wesley A. M. E. Zion Church, Washington, D. C.:

Mr. FISH. It is a great privilege and honor to be selected by the National Ministerial Alliance to speak on this sixty-fifth anniversary of the proclamation of emancipation, one of the greatest charters of American liberties and of human rights in the world. It is meet and proper that the colored people of Washington should assemble to pay tribute to this immortal proclamation which burst the shackles of an oppressed race and sounded the death knell of slavery. It is highly fitting that this great anniversary of human freedom should be celebrated in Washington, for it was in this city that Abraham Lincoln issued that famous proclamation that gave freedom to three and a half million slaves in Southern territory, to be increased by another half million by the adoption of the thirteenth amendment almost two years later.

The city of Washington had been the battle ground on the slavery question for more than 30 years prior to the Civil War, and the Halls of Congress had resounded with bitter and acrimonious debate between the adherents of slavery and the champions of freedom ever since John Quincy Adams first attempted to present the petitions against slavery back in 1835. Senator Charles Sumner, of Massachusetts, was brutally assaulted and beaten unconscious in the Senate of the United States while portraying the crimes against Kansas, by a Representative from South Carolina, and verbal combats were the order of the day in the fifties.

The city of Washington is also noted as the birthplace of the first emancipation bill signed by President Lincoln on April 16, 1862. The bill was introduced by Senator Henry Wilson, of Massachusetts, and abolished slavery in the District of Columbia, thereby striking off the fetters from 3,000 slaves and tendering compensation to their masters. But the Senators and Representatives from the border States remaining in the Union poured forth their vials of wrath and warning against this long-delayed act of justice and predicted that the passage of the bill would result in the exile or extermination of the freed slaves. Time alone has proved how rash and extravagant were the predictions made by the upholders of that ancient and entrenched institution of slavery.

It is difficult for us living in these days to appreciate the power, aggressiveness, and tenacity of the champions of slavery in their efforts to maintain it against the onward march of justice, humanity, and the free institutions of the Republic. To-day there is no one to raise his voice against the emancipation proclamation, but 65 years ago even the North was lukewarm. Abraham Lincoln was imbued from his childhood with a love of free institutions and human rights, and naturally abhorred human slavery. He said of himself, "I am naturally antislavery. If slavery is not wrong, nothing is wrong." On September 22, 1862, President Lincoln read the proposed proclamation of emancipation to his Cabinet, stating that he had made a promise to his Maker to issue the proclamation if the rebel army was driven out of Maryland, and now that they were driven out he assumed the entire responsibility for his course of action.

The proclamation received the unqualified approval of the Cabinet and was released for publication in the newspapers September 23, 1862. It provided that on the 1st day of January, 1863, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States shall be then, thence forward, and forever free. Inasmuch as the warning proclamation was not heeded, President Lincoln issued the formal proclamation of emancipation on January 1, 1863, concluding with these words, "And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God."

Abraham Lincoln found the colored men and women human chattels, and he left them human souls.

A story was told me recently by a person who heard it from James G. Blaine about a free colored barber in the Capitol who was trying to save \$800 to buy the freedom of his wife and three children. One day Mr. Blaine asked him if he had saved enough money and he said, "Oh, yes; I've got \$550, and the massa will sell for \$500, but colored folks are cheap now with this war going on and I'se not going to buy." That barber had foresight and kept the money to provide for his family after they were manumitted.

The progress and development of the colored race in the United States since the emancipation proclamation is one of the most remarkable achievements in all history. Three and a half million slaves with no money, no education, destitute of everything, have not only survived all hardships but have increased to eleven and a half millions of free American citizens, and in most States of the Union they have an average education equal to that of some of the more ancient countries and an average wealth far exceeding many of the nations of the world. There is still much to be desired for the advancement and betterment of the colored people, particularly in the South. They constitute one-tenth of the population in the United States, and where they have an equal opportunity for education they are a law-abiding and patriotic people. All the colored people ask is an equal right to educate their children, to work for wages and enjoy the fruits thereof, to own property, and be afforded the protection of the laws and the Constitution for their civil rights, property, and lives. They ask justice, no more and no less, and the wonderful progress they have made in two generations entitles them to equal rights and equal opportunities under our republican form of government.

The most important lesson that the colored people have learned since emancipation is the dignity of free labor—that life was labor and that labor was life. The splendid industrial schools like Hampton and Tuskegee have turned out thousands of intelligent, trained agriculturists and mechanics, and higher institutions of learning, such as Howard and Fisk send forth annually young men trained for business and professional careers. There is room for many more industrial schools in the South for colored boys and girls, to be made useful, productive, valuable members of the community. There is much illiteracy of both whites and blacks in some sections of the South, and the sooner it is attended to the better it will be for the prosperity of the South. Every dollar spent for the educational and industrial improvement of the negro will come back a hundredfold. The abolition of slavery was not an injury to the South but a great benefit, and its industrial system has a far stronger foundation and a much greater prosperity than ever before.

The negro has not only demonstrated his capacity to labor for his living in a free market but to create wealth and accumulate property. The colored population have increased in a state of freedom threefold in 65 years, or at the same rate as the white population, which have been added greatly to by immigration. It is manifest, as both races have lived peacefully together since emancipation and both have prospered and increased, that the future will show a continuation of the remarkable progress, and that 65 years hence, in 1993, there will in all probability be 35,000,000 colored people in America enjoying equal rights and opportunities in all trades and professions, and having more of their own banks, industries, literature, music, opera houses, golf clubs, political organizations, and Members of Congress. Much of this we will see in our day and generation, and although it is not given to us to unveil the future, but judging it from the progress made in the past, the destiny of the colored race in America is not only secure but it is exceedingly bright.

A recent development has been the influx of colored people into the large industrial cities of the North. New York has over 200,000; Chicago and Philadelphia, 150,000; Washington and Baltimore, 125,000; whereas New Orleans, with 100,000, is the only southern city that has any such numbers. It would not be surprising if New York and Chicago had half a million negro population in another score of years, consequently the so-called negro question is no longer essentially a southern question, but affects the industrial North as well as the agricultural South. It will be solved in the North on the basis of justice, and eventually in the South on the same basis, as that is the only solution that will be lasting and bring about mutual cooperation between the two races.

There are three bills pending in Congress in which the colored people are primarily interested; one, the well-known antilynching bill—and if

I had my way I would place machine guns in all the jails in localities where lynchings have occurred and place the responsibility on the sheriff and his subordinates to use them against any lawless mob, black or white, trying to interfere with the course of justice. I believe and want to believe that the decent, law-abiding men and women of the South are as much opposed to mob violence, lawlessness, and lynching as we in the North, and that each year will see a diminution of this national disgrace.

Then there is the bill seeking a grant of land for the erection of a memorial building here in Washington where the colored people could exhibit their progress in the arts and sciences and erect monuments to their famous men, such as Frederick Douglass, Booker T. Washington, and to the benefactors of their race, such as Lincoln, Garrison, Sumner, and, I hope, Robert Gould Shaw, colonel of the Fifty-fourth Massachusetts Colored Infantry, who gave up his young life in a gallant attempt to storm Fort Wagner.

The other bill introduced by me seeks to provide for a monument in France to commemorate the bravery and heroism of the colored soldiers of the Ninety-third Division who paid the supreme sacrifice. Having served with colored troops during the World War I can say without fear of contradiction that the colored soldiers, if properly trained, equipped, and led are the equal of any soldiers of any army for military qualities and bravery on the field of battle. The history of all our wars proves the fighting qualities of the negro soldier, and the patriotism and loyalty of the colored people.

The National Alliance of colored ministers are to be commended for their splendid Christian efforts to reconcile the differences between the two races and bring about a maximum of friendly cooperation for the best interests of peace, progress, and prosperity among all the American people.

We have met here to-day not merely to celebrate the sixty-fifth anniversary of the proclamation of emancipation, but also to rejoice over the glorious progress and the splendid destiny of the colored race in the United States, and to reaffirm our faith in free institutions and our republican form of government.

The destiny of the colored race is in their own hands and through their own efforts. They do not seek charity or special privileges; all they ask is justice, more justice, and still more justice to help in wiping out the economic, civic, and racial inequalities and discriminations.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Thursday, January 12, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 12, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Treasury and Post Office Departments appropriation bill.
Independent offices appropriation bill.

(10.30 a. m.)

War Department appropriation bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to hear Secretary Wilbur and Admiral Hughes on the building program.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 5604).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fiftieth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10.30 a. m.)

To grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation for the transportation of foreign mails at fixed rates per pound or per mile (H. R. 7213).

To amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926 (H. R. 8337).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

To provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact (H. R. 5773).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Authorizing the President to accept the invitation of the British Government and to appoint delegates to the Eighth International Dairy Congress to be held in Great Britain during June and July, 1928, and providing for an appropriation of \$10,000 for the payment of the expenses of the delegates (H. J. Res. 156).

To provide for the creation of the Pan American Peoples Great Highway Commission (H. R. 447).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(7.30 p. m.)

To consider the various bills concerning the farmers' market site (Subcommittee on Parks and Park Grounds).

COMMITTEE ON FLOOD CONTROL

(10 a. m.—caucus room)

To hear members of the Mississippi River Commission discuss projects for flood control.

(2 p. m.—caucus room)

To hear the congressional delegations from Arkansas, Oklahoma, and Kansas discuss projects for flood control.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

281. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal year ending June 30, 1929, amounting in all to \$990,000; also draft of proposed legislation affecting an existing appropriation of the War Department (H. Doc. No. 137); to the Committee on Appropriations and ordered to be printed.

282. A letter from the chairman of the Joint Committee on Internal Revenue Taxation, transmitting report of the committee, dated December 22, 1927 (pursuant to the revenue act of 1926); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CRAMTON: Committee on Appropriations. H. R. 9136. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes; without amendment (Rept. No. 255). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 234. A bill to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp; without amendment (Rept. No. 256). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on Irrigation and Reclamation. S. 1661. An act to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated; with amendment (Rept. No. 257). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 244. A bill to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training and amended accordingly section 47c of that act; without amendment (Rept. No. 258). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. QUIN: Committee on Military Affairs. H. R. 8983. A bill for the relief of William G. Beaty, deceased; without amendment (Rept. No. 259). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 8988. A bill for the relief of Milton Longsdorf; without amendment (Rept. No. 260). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 8989. A bill correcting the military record of William H. Murphy; without amendment (Rept. No. 261). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. H. R. 9000. A bill to correct the military record of John Ralston; without amendment (Rept. No. 262). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 9002. A bill for the relief of Clarence G. Stonestreet; without amendment (Rept. No. 263). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 9014. A bill for the relief of Anthony Mullen; without amendment (Rept. No. 264). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 9017. A bill to reinstate Joe Burfon Coursey in the West Point Military Academy; without amendment (Rept. No. 265). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BECK of Wisconsin: A bill (H. R. 9125) to amend section 301, laws relating to United States Veterans' Bureau and war risk insurance; to the Committee on World War Veterans' Legislation.

By Mr. COX: A bill (H. R. 9126) to provide for the erection of a public building at the city of Blakely, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9127) to provide for the erection of a public building at the city of Donalsonville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9128) to provide for the erection of a public building at the city of Cairo, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9129) to provide for the erection of a public building at the city of Sylvester, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9130) to provide for the erection of a public building at the city of Pelham, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9131) to provide for the erection of a public building at the city of Edison, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9132) to provide for the erection of a public building at the city of Camilla, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9133) to provide for the erection of a public building at the city of Colquitt, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9134) to provide for the erection of a public building at the city of Arlington, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. WARREN: A bill (H. R. 9135) to authorize the purchase of the Fairfield Canal & Turnpike Co.; to the Committee on Rivers and Harbors.

By Mr. CRAMTON: A bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. HULL of Tennessee: A bill (H. R. 9137) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. RATHBONE: A bill (H. R. 9138) to grant a World War service pension to certain disabled soldiers, sailors, and marines of the World War; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 9139) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the LaFayette-Celina road in Clay County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER: A bill (H. R. 9140) amending the tariff act of 1922, approved September 21, 1922; to the Committee on Ways and Means.

By Mr. HALE: A bill (H. R. 9141) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims; to the Committee on Claims.

By Mr. PARKS: A bill (H. R. 9142) to amend section 71 of the Judicial Code as amended by changing time of holding court at El Dorado and Harrison, Ark.; to the Committee on the Judiciary.

By Mr. ROMJUE: A bill (H. R. 9143) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. SCHNEIDER: A bill (H. R. 9144) to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes; to the Committee on Military Affairs.

By Mr. WRIGHT: A bill (H. R. 9145) to ratify the action of the local board of sales control in respect to contracts entered into between the United States and purchasers of surplus war supplies; to the Committee on Military Affairs.

By Mr. ANDREW: A bill (H. R. 9146) to amend the act of March 3, 1915, by extending to the widows or dependents of naval and Marine Corps officers and enlisted men who die and to enlisted men who are disabled as a result of submarine accidents the same gratuity and pensions as are allowed in the case of aviation accidents; to the Committee on Naval Affairs.

By Mr. McREYNOLDS: A bill (H. R. 9147) granting the consent of Congress to the highway department of the State of Tennessee to construct, maintain, and operate a toll bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. MORROW: Joint resolution (H. J. Res. 157) giving and granting consent to an amendment to the constitution of the State of New Mexico, providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect if it is adopted; to the Committee on the Public Lands.

By Mr. HOGG: Joint resolution (H. J. Res. 158) providing for the issuance of a special series of postage stamps commemorating the George Rogers Clarke expedition; to the Committee on Post Office and Post Roads.

By Mr. DAVENPORT: Resolution (H. Res. 87) to ascertain if the Department of State is adequately equipped in both its foreign and domestic services; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 9148) for the relief of Ensign Jacob E. DeGarmo, United States Navy; to the Committee on Naval Affairs.

By Mr. BOWMAN: A bill (H. R. 9149) for the relief of Maj. Chauncey S. McNeill; to the Committee on Military Affairs.

By Mr. CELLER: A bill (H. R. 9150) granting a pension to Margaret Drinen; to the Committee on Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 9151) for the relief of Joseph M. Black; to the Committee on Military Affairs.

By Mr. ENGLAND: A bill (H. R. 9152) for the relief of the heirs of John B. Johnson; to the Committee on Claims.

Also, a bill (H. R. 9153) granting a pension to John R. Moore; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 9154) granting an increase of pension to Lucy Wells; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 9155) granting an increase of pension to Grace M. Vincent; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 9156) granting an increase of pension to James Neary; to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 9157) providing for the examination and survey of Rye Harbor, N. H.; to the Committee on Rivers and Harbors.

By Mr. HOGG: A bill (H. R. 9158) granting an increase of pension to Minnisota Rial; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9159) granting a pension to Joseph R. Bradshaw; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 9160) for the relief of F. M. Rose; to the Committee on Claims.

Also, a bill (H. R. 9161) authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United

States Army, a captain of Infantry, United States Army; to the Committee on Military Affairs.

By Mr. JACOBSTEIN: A bill (H. R. 9162) for the relief of Nettie Bonner; to the Committee on Claims.

By Mr. JOHNSON of South Dakota: A bill (H. R. 9163) authorizing the Secretary of the Treasury to pay Dr. A. W. Pearson, of Peever, S. Dak., and the Peabody Hospital, at Webster, S. Dak., for medical services and supplies furnished to Indians; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 9164) granting an increase of pension to Sarah Green; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 9165) granting an increase of pension to Rachel Newell; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 9166) granting an increase of pension to Chauncy G. Sleeper; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 9167) granting a pension to James Booth; to the Committee on Invalid Pensions.

By Mr. LYON: A bill (H. R. 9168) for the relief of Simon A. Richardson; to the Committee on Naval Affairs.

By Mr. MERRITT: A bill (H. R. 9169) granting an increase of pension to Mary J. Corey; to the Committee on Invalid Pensions.

By Mr. NIEDRINGHAUS: A bill (H. R. 9170) granting a pension to Alfred G. Gosting, jr.; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 9171) granting an increase of pension to Mary E. Faunce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9172) granting a pension to Nora E. Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9173) granting an increase of pension to Amanda J. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9174) for the relief of Charles W. Sumner; to the Committee on Claims.

Also, a bill (H. R. 9175) for the relief of George W. McPherson; to the Committee on Claims.

By Mr. SCHAFFER: A bill (H. R. 9176) granting a pension to Pauline Zacker; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 9177) for the relief of the Cumberland & Liberty Mills, of Jacksonville, Fla.; to the Committee on Claims.

By Mr. SHREVE: A bill (H. R. 9178) granting an increase of pension to Margaret A. Allison; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 9179) granting an increase of pension to Susana Place; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9180) granting a pension to Elizabeth Rosenbauer; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 9181) granting an increase of pension to Araminta M. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9182) placing John A. McAlister, jr., on the retired list of the Army as a lieutenant colonel; to the Committee on Military Affairs.

By Mr. YON: A bill (H. R. 9183) providing for the examination and survey of the Pensacola Harbor, Fla.; to the Committee on Rivers and Harbors.

By Mr. WARE: A bill (H. R. 9184) granting an increase of pension to Emily L. Brown; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 9185) granting an increase of pension to Anna H. Lowrey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1332. By Mr. BROWNING: Petition against the Lankford bill (H. R. 78) or any other Sunday observance bill; to the Committee on the District of Columbia.

1333. Also, petition against the Lankford bill (H. R. 78) or any other compulsory Sunday observance bill; to the Committee on the District of Columbia.

1334. By Mr. CARSS: Petition of Mrs. E. A. Strand and 98 other petitioners, protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1335. Also, petition of J. J. Huggins and other residents of International Falls, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1336. Also, petition of E. A. Strand and 108 other residents of Duluth, Minn., protesting against the enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1337. By Mr. CARTER: Petition of Hannah Anderson and many others, protesting against the passage of House bill 78, the Sunday bill; to the Committee on the District of Columbia.

1338. Also, petition of P. M. Peel and many others, protesting against the passage of House bill 78, the Sunday bill; to the Committee on the District of Columbia.

1339. Also, petition of Mary Sumner and many others, protesting against the passage of House bill 78, the Sunday bill; to the Committee on the District of Columbia.

1340. Also, petition of Mr. W. H. L. Hynes and many others, protesting against the passage of House bill 78, the Sunday bill; to the Committee on the District of Columbia.

1341. By Mr. CHALMERS: Petition against compulsory Sunday observance, signed by residents of Sylvania, Ohio; to the Committee on the District of Columbia.

1342. By Mr. CLARKE: Petition from the citizens of Binghamton and Sherburne, N. Y., against compulsory Sunday observance; to the Committee on the District of Columbia.

1343. By Mr. COLE of Iowa: Petition of Mrs. C. A. Cook and 8 other signers, members of a missionary society, of Union, Iowa, in a plea for world peace; also M. E. Hinkley and 26 other signers, residents of Mount Vernon, Iowa, favoring strongly prompt and favorable action on French proposal for more friendly cooperation and mutual assurance of peace; approving use of public money to secure better understanding and more friendly and peaceable relations with all foreign countries; in opposition to proposition to spend \$700,000,000 to add to the United States Navy strength; to the Committee on Foreign Affairs.

1344. Also, petition of Mrs. H. B. Batchelder and 25 other citizens, W. E. Nicholson and 127 other citizens, and Claud D. Whitney and 100 other citizens, of Marshalltown, Iowa, protesting against the passage of the compulsory Sunday observance bill (H. R. 78) or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

1345. By Mr. CONNOLLY of Pennsylvania: Joint memorial of the Paper Trade Association of Philadelphia, Paper Manufacturers of Philadelphia, Philadelphia Typothetæ, and Independent Mail Users, in behalf of a revision of the postal rates; to the Committee on the Post Office and Post Roads.

1346. By Mr. COOPER of Wisconsin: Petition of citizens of Milton Junction, Wis., protesting against the passage of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1347. Also, petition of citizens of Janesville, Wis., protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1348. Also, petition of citizens of Kenosha, Wis., protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1349. By Mr. CORNING: Petition of sundry citizens of the city of Albany, protesting against the passage of House bill 78, known as the Lankford bill, relating to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1350. By Mr. CRAMTON: Petition signed by Wm. S. Ackerson, of Lum, Mich., and 42 other residents of that vicinity, protesting against the passage of any compulsory Sunday observance bills; to the Committee on the District of Columbia.

1351. By Mr. CROWTHER: Petition by citizens of Montgomery County, N. Y., against compulsory Sunday observance; to the Committee on the District of Columbia.

1352. By Mr. CULLEN: Petitions signed by citizens of Brooklyn, N. Y., protesting against the passage of the Lankford compulsory Sunday observance law; to the Committee on the District of Columbia.

1353. By Mr. DICKINSON of Missouri: Petitions from citizens of Bates and Cass Counties, Mo., containing 233 signatures, protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1354. By Mr. ELLIOTT: Petition of Will S. Goff and others, remonstrating against the passage of House bill 78; to the Committee on the District of Columbia.

1355. By Mr. ENGLEBRIGHT: Petition of C. H. Walsh and other citizens of Auburn, Calif., protesting against the Lank-

ford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1356. Also, petition of Dr. L. B. Barnes and other citizens, of Newcastle, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1357. Also, petition of J. L. Fitzsimmons and other citizens, of Los Molinos, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1358. Also, petition of J. C. Rasmussen, of Camino, Calif., and various other citizens, of El Dorado County, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1359. By Mr. EVANS of Montana: Petition of Earl D. White and 821 other citizens, of Missoula, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1360. By Mr. FISHER: Petition of 53 petitioners of Memphis, Tenn., favoring increase of pensions to Civil War soldiers and their widows; to the Committee on Invalid Pensions.

1361. By Mr. ROY G. FITZGERALD: Petition of 215 citizens of Hamilton, Butler County, Ohio, praying for the defeat of House bill 78, making Sunday observance compulsory; to the Committee on the District of Columbia.

1362. By Mr. W. T. FITZGERALD: Petition of Patriotic Order Sons of America of Pennsylvania, representing 150,000 native citizens in annual convention, advocating restriction of immigration and the deportation of undesirable aliens; to the Committee on Immigration and Naturalization.

1363. Also, petition of sundry citizens of Lima, Ohio, protesting against enactment of House bill 78, or any other bill for enforcing Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1364. By Mr. GALLIVAN: Petition of Whittemore Bros. Co., Cambridge, Mass., recommending passage of the Capper-Kelly fair trade bill; to the Committee on Interstate and Foreign Commerce.

1365. By Mr. HOGG: Petitions signed by sundry citizens of Fort Wayne, Ind., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1366. By Mr. HOPE: Petition of citizens of Finney County, Kans., protesting against the passage of House bill 78, known as the Lankford bill, relating to the Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1367. By Mr. HOOPER: Petition of Sherman Stokes and 272 other residents of Branch County, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

1368. By Mr. HUDDLESTON: Petition of C. E. Falkner, together with a great many other residents of Bessemer, Ala., Birmingham, Ala., and Jefferson County, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

1369. By Mr. HUDSON: Petition of citizens of the sixth congressional district of Michigan, protesting against the passage of House bill 78, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1370. By Mr. HULL of Tennessee: Petition of citizens of De Kalb County, Tenn., to increase Civil War veterans' and widows' pensions; to the Committee on Invalid Pensions.

1371. By Mr. KORELL: Petition of citizens of Portland, Oreg., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1372. By Mr. KNUTSON: Petition signed by Lewis Frederickson, of Brainerd, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.*

1373. Also, petition signed by Mrs. John Douchn, of Bemidji, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1374. Also, petition signed by Nels Kofstad, of Bemidji, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1375. Also, petition signed by Mrs. Enga Christopherson, of Pequot, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1376. Also, petition signed by A. J. Frank, of Remer, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1377. Also, petition signed by Mrs. J. O. Nimlos, of Remer, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1378. Also, petition signed by Dr. C. J. Larson, of Bemidji, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1379. Also, petition signed by William A. Patterson, of Remer, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1380. Also, petition signed by John E. Fourre, of Brainerd, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1381. Also, petition signed by Mrs. C. Roberts, of Brainerd, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1382. Also, petition signed by Paul Englund, of Bemidji, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1383. Also, petition signed by Reier Anderson, of Verndale, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1384. Also, petition signed by Mrs. H. M. Hall, of Remer, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1385. Also, petition signed by J. H. Mark, of Wadena, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1386. Also, petition signed by B. F. Ives, of Sauk Center, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1387. Also, petition signed by Mrs. R. J. Wetherbee, of Crow Wing, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1388. Also, petition signed by R. W. Magneson, of Four Town, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1389. Also, petition signed by Lester Hildebrand, of Brainerd, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1390. Also, petition signed by A. W. Sitz, of Grand Rapids, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1391. By Mr. McKEOWN: Petition of L. M. Young, A. N. Trousdale, L. Higgins, Mrs. Laura Blancett, W. A. Ball, et al., to increase pensions Civil War veterans; to the Committee on Invalid Pensions.

1392. By Mr. McREYNOLDS: Petitions from the citizens of the town of Cleveland, Tenn., protesting against the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1393. By Mr. MONAST: Petition advocating increase of pensions for Civil War veterans; to the Committee on Invalid Pensions.

1394. By Mrs. NORTON: Petition of William Beckman et al., protesting against House bill 78; to the Committee on the District of Columbia.

1395. By Mr. O'CONNELL: Petition of the Lake Placid Chamber of Commerce, Lake Placid, N. Y., favoring the passage of a project for the construction of a privately owned and controlled vehicular bridge to span Lake Champlain between Rouses Point, N. Y., and Alburg, Vt.; to the Committee on Interstate and Foreign Commerce.

1396. Also, petition of the New York State Federation of Labor, opposing the proposal to reduce the size of paper money; to the Committee on Appropriations.

1397. By Mr. SANDERS of Texas: Petition of Ralfe E. Whitaker and 41 other citizens of Henderson County, Tex., protesting

against any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1398. By Mr. SINNOTT: Petition of numerous citizens of Bend, Oreg., protesting against enactment of House bill 78, the Lankford bill, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1399. By Mr. STRONG of Pennsylvania: Petition of citizens of Kittanning, Pa., in favor of legislation to provide an increase of pension for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

1400. By Mr. SWING: Petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1401. Also, petition of citizens of La Mesa, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1402. Also, petition of citizens of Palo Verde Valley, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1403. Also, petition of citizens of Banning, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1404. Also, petition of citizens of Riverside, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1405. Also, petition of citizens of Escondido, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1406. By Mr. TARVER: Petition of Mr. F. L. Williams and 16 other citizens of the seventh district of Georgia, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1407. By Mr. THATCHER: Petition of numerous residents of Louisville, Ky., protesting against compulsory observance; to the Committee on the District of Columbia.

1408. Also, petition of numerous residents of Louisville, Ky., protesting against compulsory observance; to the Committee on the District of Columbia.

1409. By Mr. THOMPSON: Petition of 70 citizens of Van Wert, Ohio, praying for early passage of a bill granting more liberal pensions to Civil War veterans and widows; to the Committee on Invalid Pensions.

1410. By Mr. THURSTON: Petition of 17 citizens of Lamon, Decatur County, Iowa, requesting the Congress of the United States to enact legislation to increase pensions now allowed to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

1411. Also, petition of 66 citizens of Osceola, Clarke County, Iowa, requesting the Congress of the United States to enact legislation to increase pensions now allowed to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

1412. By Mr. VINCENT of Michigan: Petition of 81 residents of St. Louis, Mich., protesting against House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1413. By Mr. WASON: Petition of residents of Keene, N. H., protesting against the enactment into a law of House bill 78; to the Committee on the District of Columbia.

1414. By Mr. WEAVER: Petition of citizens of Rutherford County, N. C., protesting against the passage of House bill 78, Lankford Sunday observance bill; to the Committee on the District of Columbia.

1415. By Mr. WELLER: Petition of citizens from the State of New York, protesting against the enactment of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1416. By Mr. WILLIAMSON: Petition of a number of citizens of Burke, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1417. By Mr. WINTER: Resolutions of Greybull Lions Club, Greybull, Wyo.; to the Committee on Agriculture.

1418. Also, petition by residents of Goshen County, Wyo., against compulsory Sunday observance; to the Committee on the District of Columbia.

1419. By Mr. WURZBACH: Petition of Mrs. G. M. Jorgenson, Mary Kelly, G. M. Jorgenson, Robert Henry, and other citizens of San Antonio, Bexar County, Tex., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1420. Also, petition of A. J. Day, R. N. O'Neal, J. O. Hichek, Thos. G. Morgan, A. E. Mahan, W. F. Redding, and other citizens of Corpus Christi, Nueces County, Tex., protesting against House bill 78; to the Committee on the District of Columbia.

SENATE

THURSDAY, January 12, 1928

(Legislative day of Wednesday, January 11, 1928)

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

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

The VICE PRESIDENT. The clerk will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shipstead
Barkley	Fess	McLean	Shortridge
Bayard	Fletcher	McMaster	Smoot
Bingham	Frazier	McNary	Steck
Black	George	Mayfield	Steiner
Blaine	Gerry	Metcalf	Stephens
Blease	Gillett	Neely	Swanson
Borah	Gould	Norbeck	Thomas
Brookhart	Greene	Norris	Trammell
Broussard	Hale	Nye	Tydings
Bruce	Harris	Oddie	Tyson
Capper	Harrison	Overman	Wagner
Caraway	Hayden	Phipps	Walsh, Mass.
Copeland	Heflin	Pine	Walsh, Mont.
Couzens	Howell	Ransdell	Warren
Curtis	Johnson	Reed, Mo.	Waterman
Cutting	Jones	Reed, Pa.	Wheeler
Dale	Kendrick	Robinson, Ark.	Willis
Deneen	Keyes	Robinson, Ind.	
Dill	Kling	Sackett	
Edge	La Follette	Sheppard	

Mr. ROBINSON of Indiana. My colleague the senior Senator from Indiana [Mr. WATSON] is necessarily absent. I ask that this announcement may stand for the day.

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

PETITION—ROAD FROM NIAGARA FALLS TO WASHINGTON

Mr. COPELAND. Mr. President, I present a resolution adopted by the Niagara County (N. Y.) Board of Supervisors, in the nature of a petition, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Supervisor Canavan offered the following preamble and resolution and moved the adoption of the resolution:

"Whereas there is pending in the Congress of the United States a bill introduced by Representative WILLIAM P. HOLADAY, of Illinois, which provides for the construction of several hard-surfaced Federal post roads, including route No. 64, extending from Niagara Falls, N. Y., to Washington, D. C.; and

"Whereas the eventual construction of the proposed Route No. 64 would afford needed relief for traffic congestion between the cities of Niagara Falls and Buffalo and would be of great commercial value to the communities affected: Now therefore be it

"Resolved, That the Niagara County Board of Supervisors does hereby favor the enactment into law of the aforesaid Holaday bill; and be it further

"Resolved, That the clerk of this board be, and he is hereby, directed to forward copies of this resolution to the Hons. ROYAL S. COPELAND and ROBERT F. WAGNER, United States Senators, and to Congressman S. WALLACE DEMPSEY, Washington, D. C."

The resolution was adopted.

STATE OF NEW YORK,

County of Niagara, ss:

This is to certify that I, the undersigned, clerk of the Board of Supervisors of the County of Niagara, have compared the foregoing copy of resolution with the original resolution now on file in the office, and which was passed by the board of supervisors of said county on the 30th day of December, 1927, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

In witness whereof I have hereunto set my hand and the official seal of the board of supervisors this 5th day of January, 1928.

[SEAL.]

FRED H. KRULL,
Clerk, Board of Supervisors.

MINING EXPERIMENT STATIONS

Mr. ODDIE, from the Committee on Mines and Mining, to which was referred the bill (S. 2079) authorizing an appropriation for mining experiment stations of the United States Bureau of Mines, reported it without amendment and moved that it be referred to the Committee on Appropriations, which was agreed to.