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HOUSE OF REPRESENTATIVES

TUESDAY, January 29, 1929

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

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

Praise belongeth unto Thee, most gracious Father in Heaven. Again we have experienced Thy tender care. We pray that we may rise to that holy ambition that covets pure fellowship and that glorifies common life in sympathetic service. Give a tone and taste to our minds so that our devotion to our country's welfare shall be the grandest type that our citizens have ever witnessed. As we face problems that shall test the sincerity of our loyalty, Oh, do Thou fortify us with a fine reserve of moral power. Just come into our souls with those enlarged and ennobled virtues which are so apparent on the higher levels of life. Bless the Republic and fill all its sails with a holy energy, and let the winds carry it over the lands and over the seas. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear*.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9570. An act to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 940. An act for the relief of Michael J. Fraher;
H. R. 2098. An act for the relief of Alonzo Northrup;
H. R. 3268. An act for the relief of John G. DeCamp;
H. R. 4589. An act for the relief of Dan A. Morrison;
H. R. 8341. An act to provide for appointing Clarence Ulery a warrant officer, United States Army;
H. R. 12113. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State;

H. R. 12995. An act for the relief of Etta B. Leach Johnson;
H. R. 14925. An act to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of Bowdoin, Mont., and for other purposes; and

H. J. Res. 365. Joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

- S. 1364. An act for the relief of R. Wilson Selby;
- S. 1633. An act for the relief of Edward A. Blair;
- S. 2362. An act to authorize the payment to Robert Toquoty of royalties arising from an oil and gas well in the bed of Red River, Okla.;
- S. 2989. An act for the relief of John B. Moss;
- S. 3327. An act for the relief of Robert B. Murphy;
- S. 3453. An act for the relief of Clara Percy;
- S. 3741. An act for the relief of S. L. Roberts;
- S. 4454. An act for the relief of Jess T. Fears; and
- S. 4927. An act for the relief of Peter Shapp.

TRANSFER OF RETURNS OFFICE

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9570, just reported from the Senate with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the bill H. R. 9570. The Clerk will report the bill and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes.

The Senate amendments were read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

MAINTENANCE OF PUBLIC ORDER DURING INAUGURAL CEREMONIES

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 198 and consider the same.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table Senate Joint Resolution 198. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 198) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929.

Resolved, etc., That \$25,000, or so much thereof as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, is hereby authorized to be appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1929, both inclusive, including the employment of personal services, payment of allowances, traveling expenses, hire of means of transportation, cost of removing and relocating street-car loading platforms, and other incidental expenses in the discretion of the commissioners. Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period; and to grant, under such conditions as they may impose, special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia, and to charge for such privilege such fees as they may deem proper.

Such regulations and licenses shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia, and in such other manner as the commissioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed \$100 in the police court of said District, and, in default of payment thereof, to imprisonment in the workhouse of said District for not longer than 60 days. And the sum of \$2,000, or so much thereof as may be necessary, is hereby likewise authorized, to be expended by the Commissioners of the District of Columbia for the construction, rent, maintenance, and expenses incident to the operation of temporary public-comfort stations, first-aid stations, and information booths during the period aforesaid, including the employment of personal services.

The SPEAKER. The Chair understands that a similar bill has passed the House.

Mr. ZIHLMAN. That is correct.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

There was no objection.

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

A motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

FIRST DEFICIENCY APPROPRIATION BILL, 1929

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15848, with Senate amendments, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 15848, with Senate amendments, disagree to all the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Indiana whether, if consent is given to take this bill to conference, he will agree, before the House disagrees to the Senate amendments, to bring back to the House for its consideration the Senate amendments on prohibition enforcement and income-tax refunds?

Mr. WOOD. We will bring it back, whether it is agreed to or not. I will say we will bring it back.

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, does that mean that if the gentleman does bring it back the House will have an opportunity to vote on both propositions?

Mr. WOOD. Yes.

Mr. FISH. Does this preclude anybody from offering amendments? Do you want to send it to the committee?

Mr. WOOD. I will say to the gentleman from New York that if this bill goes to conference under the rule we will have to bring these two amendments back, as suggested by the gentleman from Texas [Mr. GARNER], and after that any amendment may be proposed.

Mr. FISH. I want to say that I have a preferential amendment to include narcotic enforcement in this provision. There is no use in making a motion now if you are coming back later on.

Mr. GARNER of Texas. I want to get a little more definite statement from the gentleman from Indiana if I may. As I understand the rule governing conferences, if the Senate should recede from its amendment, you would not deem it necessary to bring it back?

Mr. WOOD. That is true.

Mr. GARNER of Texas. If the Senate desires to recede, will the gentleman promise to bring it back?

Mr. WOOD. I will say to the gentleman that—

Mr. GARNER of Texas. I want the gentleman to make a specific statement that he will bring these two amendments back, so that the House may express itself.

Mr. DENISON. Of course, the gentleman can not do that if the Senate recedes from its amendment.

Mr. WOOD. I will say to the gentleman that he has anticipated what can not possibly happen. Knowing the attitude of the gentlemen on the other side and the temper they have already manifested in reference to the amendment, and considering the information that comes to me, I understand that under no circumstances will they recede. So I am free to say this: It would put the House conferees in a very embarrassing position if the thing should occur that the gentleman from Texas is anticipating, which never will occur; that is, that the Senate will recede as to these two amendments; and if the Senate does not recede, then we would have to come back to the House.

Mr. GARNER of Texas. These two amendments are of major importance, I think, and the House ought to have the right, and would have the right under the rules governing the sending of this bill to conference, of debating it under the 5-minute rule. So, as I say, I think the House should have an opportunity to express itself on these amendments; and that is the assurance we want from the gentleman from Indiana, and

I think we are entitled to that assurance if we permit this bill to go to conference by unanimous consent.

Mr. WOOD. I will say to the gentleman that I think I can answer his inquiry in this way: Suppose the thing happened that the gentleman thinks might possibly happen, which I think never will happen, that the Senate will recede and there is a conference report brought back; then the very question the gentleman wishes to raise he can then raise upon the adoption or rejection of the conference report.

Mr. GARNER of Texas. You can not do that, because that does not bring before the House the direct issue I have in mind. We know, if the gentleman will permit—and when I say “we” I think this entire House knows—that the Senate conferees are not in sympathy with these amendments, and they would very willingly recede. If the House conferees asked them to recede, they would recede, and you would bring back a complete report, and the House would never have an opportunity to vote on these two propositions. All I ask of the gentleman is to assure the House that before he permits the Senate to recede he will bring those two propositions back for an expression on the part of the House.

Mr. BEGG. Will the gentleman from Indiana yield to me?

Mr. WOOD. I yield.

Mr. BEGG. I would like to say to the gentleman from Texas that this is an appropriation bill, and the House, under its rules, has no right to put legislative amendments on an appropriation bill. Now, if the Senate of its own volition recedes, how can the conferees bring back something for a vote which is contrary to the rules of the House?

Mr. GARNER of Texas. We can do that, I will say to the gentleman from Ohio, by sending this bill to conference under the rules of the House. Then we will have an opportunity to debate it under the 5-minute rule and vote on these two propositions.

Mr. BEGG. That is the gentleman's responsibility.

Mr. GARNER of Texas. And that is all I ask if we send the bill to conference by unanimous consent.

Mr. BYRNS. May I say this: According to the experience of everyone who has served on conference committees all the gentleman from Indiana would have to do would be to say to the Senate conferees that he had agreed to bring these amendments back for a vote on the part of the House and that would end the matter and they would be brought back. But if we send this bill to conference by unanimous consent, and if the Senate should recede on either of these amendments, the gentleman from Indiana would not have to bring the amendments back for a vote on the part of the House. But if the gentleman from Indiana would say to the Senate conferees that he had agreed to bring these particular amendments back for a vote that would end it.

Mr. CRAMTON. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. CRAMTON. To what amendment is the gentleman from Texas and the gentleman from Tennessee referring?

Mr. BYRNS. I was referring to the amendment relating to prohibition and the amendment relating to tax refunds.

Mr. CRAMTON. Well, there are two amendments relating to prohibition.

Mr. BYRNS. Well, I was referring to the amendments relating to prohibition and the amendment relating to tax refunds.

Mr. HASTINGS. As I understand, the gentleman is referring particularly to the Harris amendment?

Mr. BYRNS. Yes.

Mr. CRAMTON. That is what I wanted to know, and we ought to know definitely. As I now understand, the gentleman's remarks have reference to the \$24,000,000 amendment and the tax-refund amendment.

Mr. GARNER of Texas. Let me say to the gentleman, in order that the matter may be clear, there is no reason why the gentleman should not bring back to the House of Representatives all amendments affecting appropriations applicable to prohibition and all amendments affecting the item of \$75,000,000 for refunds.

Mr. DYER. Then what is the use of the conference at all?

Mr. CRAMTON. If the gentleman will permit, I think the gentleman from Indiana has yielded to me. The request now made is with regard to the three legislative amendments put on by the Senate, each one of which would have been subject to a point of order if offered in the House. The gentleman is asking the conferees to go to conference with respect to those amendments with their hands absolutely tied. Now, under the rules, before they can be accepted they must come back to the House for a separate vote on each one of them, and the House has its opportunity to act upon them; but if the Senate recedes on any one of the three—and it may be necessary or desirable to accept some and not others—but if the Senate recedes as to any one of

the three amendments, it is proposed the House conferees can not accept such recession but must come back. I have looked over the bill and about all there is in it of a controversial character is these three amendments, and the gentleman wants to have the hands of the conferees tied before they ever go to conference.

Mr. GARNER of Texas. If the gentleman is so insistent about not tying his hands, all he has to do is to walk out of the committee room, report his bill back to the House of Representatives, and take it up under the 5-minute rule, and send it to the Senate under the rules of the House of Representatives. The gentleman is asking for a concession. The gentleman is asking us to send it to conference by unanimous consent, which we are willing to give if the gentleman will only give us an opportunity to express ourselves on these points.

Mr. CRAMTON. What is the use of having unanimous consent to do something that accomplishes nothing? There are ways in which such action can be taken and the rules of the House followed. What is the use of marching up the hill under an agreement to-day and to-morrow marching down the hill again?

Mr. LAGUARDIA. A motion now to accept the Senate amendment is preferential and we could go to the bat with it right now.

Mr. CRAMTON. That can be done to-day if the gentleman wants to.

Mr. LAGUARDIA. Unless we can get a satisfactory agreement, that will be done.

Mr. CRAMTON. That is no threat with any terrors.

Mr. LAGUARDIA. Not on my part, I am sure.

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

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, I have not had an expression from the gentleman from Indiana in response to the suggestion of the gentleman from Tennessee [Mr. BYRNS] that he will say to the Senate conferees, “I have agreed to bring these amendments back to the House of Representatives,” and thereby give us an opportunity to vote on them.

Mr. WOOD. I will say to the gentleman from Texas, as I stated a while ago, I do not think there is a possibility of the situation arising which he has in mind, but I want to be perfectly frank with the gentleman from Texas, and if the Senate conferees should recede upon either one of the three amendments we would be in no attitude whatever, if we are opposed to the amendments, to bring those matters back.

Mr. GARNER of Texas. I understand then that if the Senate should recede on any one of these amendments that the gentleman would not insist upon bringing it back to the House of Representatives?

Mr. WOOD. We would be in no position to do that.

Mr. TILSON. May I ask the gentleman a question in regard to amendment 17? This is an amendment where perhaps some change in the language will be desired. It seems to me that this amendment ought to go to conference entirely unhampered, so that the language may be changed.

Mr. BYRNS. What amendment is that?

Mr. TILSON. The amendment providing \$250,000 for a study of law enforcement.

Mr. BYRNS. I will say to the gentleman that so far as that particular amendment is concerned, it seems to me the House could consider both of them, both applying to the same subject, at the same time, and I see no reason why it should not go along with the other amendments. I think this should be done in all fairness, because, as I said a while ago, there is not any question about it. It has been done before to my actual knowledge, and if the gentleman from Indiana will only say to the Senate conferees, “I have agreed with the House that I will give every Member of the House an opportunity to vote on these three amendments,” that ends the matter. It is a very simple request.

Mr. TILSON. If the gentleman will permit, take the amendment to which I have called the gentleman's attention; under the gentleman's proposal would you not have to vote it up or down? The purpose of the amendment is good, but I should not like to have it accepted in its present form. It seems to me the only thing to do is to disagree to the amendment and send it to the committee of conference, so that the conferees may use their judgment as to the proper form of the amendment.

Mr. BYRNS. The gentleman does not lose any rights.

Mr. TILSON. But the committee of conference would not have an opportunity to do anything about it, because they would have to bring the whole thing back to the House.

Mr. BYRNS. But any agreement that may be made here would not affect the right of the conference committee or any member of the conference committee to come back to the House when the vote is taken on the amendment and move to concur

in the amendment with an amendment. So the gentleman does not lose any rights with reference to that particular amendment.

Mr. CRAMTON. If the gentleman will yield, as I have said before, about all there is in this conference that is controversial is with respect to really two amendments, the \$24,000,000 amendment and the tax-refund amendment. The request that has been made ties the hand of the House conferees so that they can not confer on these amendments, and there is no use going to conference under such circumstances. Now, there is a way under the rules—and the gentlemen know it—by which they can get action to-day before we go to conference.

Mr. BYRNS. Yes; and then the Members will have an alibi in voting against this amendment.

Mr. CRAMTON. I know of some gentlemen and groups of gentlemen who are experts on looking for alibis these days.

Mr. BYRNS. The gentleman can not put me in that category.

Mr. GARNER of Texas. Will the gentleman from Indiana yield?

Mr. WOOD. Yes; I yield.

Mr. GARNER of Texas. I want to say to the gentleman from Michigan that there is a rule in the House of Representatives now by which you can consider this bill, and that is the rule bringing the bill back from committee and considering it in Committee of the Whole House on the state of the Union, just as the original appropriation bill was considered. Why do you not do it?

Mr. WOOD. I will say that we are following the course that has been followed with reference to every appropriation bill since I have been here.

Mr. CRAMTON. The gentleman from Texas is the ranking minority member of the Ways and Means Committee, and all the time that I have been in the House I have never heard the gentleman from Texas ask that that course be taken with reference to any bill that came from his committee, that he says now should be followed, not even when he claimed he wrote the revenue bill. [Laughter.]

Mr. LUCE. Will the gentleman yield? I would like to ask the gentleman from Texas whether in the case of the amendments relating to the tax refund the Senate had changed its mind or would change its mind whether any definite result would follow from bringing it back except to give our very good friend from Texas another opportunity to make one more speech on the matter?

Mr. GARNER of Texas. Let me say to the gentleman from Massachusetts that I want to see if the House of Representatives is in accord with its original expression.

Mr. CRISP. Mr. Chairman, it is apparent to all of us that the only two matters that are in controversy are the tax and prohibition amendments. It is also apparent that the membership of the House is intensely interested in both amendments; and as they have different views, before there can be a satisfactory settlement, the House must have an opportunity to vote upon both of these amendments; why would not the whole matter be settled by asking unanimous consent to take from the Speaker's table this bill and consider it in the House as in Committee of the Whole? Then, each one of the amendments will come up for consideration; you could move to concur or concur with an amendment, and the whole proposition then can be threshed out in the House. It seems to me that in matters of this kind it is better for the House itself to pass on these amendments than to commit them to three Members of the House as conferees, no matter how able they are. It seems to me it would be fair to let the House consider the two amendments, and consider them under the general rules, when they would be open to amendment.

Mr. CRAMTON. Mr. Chairman, the first request was that we should go to conference and go with hands tied so that we could do nothing. The present request is not to have any conference, but to let the House be the committee on conference. Now, that has an appealing power to the popular mind, but the gentleman from Georgia does not believe that that is a policy that ought to be followed generally in matters of legislation, because time does not permit.

Mr. GARNER of Texas. We have got all day.

Mr. CRISP. I agree with my friend as a general proposition, but when the House has no other business to transact, when we are adjourning from Friday until Monday, we have ample time to consider the two amendments.

Mr. CRAMTON. The gentleman's request, if followed, would open up for debate not only these matters that he alludes to but the claim of Lucy Knox, the claim of V. U. Irwin, claims for a few hundred dollars, and the whole 30 or 40 immaterial amendments.

Mr. CRISP. Mr. Speaker, my suggestion was to consider it in the Committee of the Whole House, which operates under the

5-minute rule, and on any one of the amendments, when there has been five minutes of debate, the gentleman can demand the previous question.

Mr. CRAMTON. Is the gentleman so afraid of debate upon these two important amendments that he wants to limit debate to five minutes?

Mr. CRISP. Oh, I said that if the majority of the House wants to limit it to five minutes, they have the power. I think these amendments ought to be very fully discussed.

Mr. WOOD. Mr. Speaker, there are two ways that can be followed in their regular order, and there is no occasion to deviate in this case from the proceeding in any other case. Gentlemen on the other side who are in favor of this amendment can move to instruct the conferees to accept the amendment, or if they want to throw it back into the House, there is a very easy way of doing that.

Mr. CRISP. Mr. Speaker, I think I have a fair knowledge of the method of procedure. Strictly following the rules, this bill should be referred to the Committee on Appropriations. That committee should consider the amendments and report the bill back to the House. It would then go to the Union Calendar, de novo, and each of the amendments could be considered. The only other way to get around that is by unanimous consent or by the Committee on Rules bringing in a rule putting it in conference. In answer to my friend's suggestion about a motion to instruct, I know it is in order to instruct the conferees before they are named, but it has always been held to be rather discourteous to the other body to appoint conferees and instruct them before they ever have a conference.

Mr. LAGUARDIA. In this instance, if we accept their amendment here we could not be discourteous.

Mr. CRISP. Oh, if we are going to accept the amendment, in that case I would see no discourtesy to them.

Mr. CRAMTON. Mr. Speaker, the request made by the gentleman from Texas [Mr. GARNER] would not rank high on the courtesy test, but the fact is that when the House sends a message to the Senate notifying them of the conference, that message does not contain any statement as to whether or not the conferees are instructed.

Mr. CRISP. I think it would be more courteous to the other body for the House to have a direct vote on these matters, and if the House accepts them, then when the conferees meet with the conferees of the Senate those matters would be eliminated and be out of their jurisdiction.

Mr. BYRNS. Mr. Speaker, may I say this to the gentleman from Indiana: This matter, boiled down to a plain proposition, amounts to this: There are a great many Members of the House who wish to have an opportunity to vote on these particular amendments to which the gentleman from Texas has referred. It is a very easy proposition to give every Member of the House that opportunity, if the gentleman will simply agree to the proposition of the gentleman from Texas [Mr. GARNER]; but if that is not done, it can be properly claimed by those Members that the proposition is simply to give the conferees a chance to tie the House and prevent them from having the opportunity to express themselves, which belongs to them if they want it.

Mr. WOOD. Mr. Speaker, let me ask the gentleman from Tennessee a question. I hope gentlemen on that side have not lost all their confidence in the gentlemen at the other end of the Capitol; and, having that confidence, they can depend upon it that there will be no agreement on these amendments. I know two of the conferees who will be upon the Senate side. One of them will never recede with reference to the tax amendment. Another, the author of this other amendment, will be one of the conferees. Does the gentleman think that he is going to consent to recede and thus despoil all of his purpose in introducing it, in rehabilitating himself with his constituency? [Laughter and applause on the Republican side.]

Mr. GARNER of Texas. Mr. Speaker, in view of the statement of the gentleman from Indiana that he is certain it will come back with an opportunity for the House to express itself, why does he not agree that he will say to the conferees on the part of the Senate, "I have agreed to take these amendments back, and must take them back?" Why will not the gentleman agree to make that statement to the conferees?

Mr. WOOD. Why will not the gentleman from Texas agree to take my assurance that he can depend upon his friends on the other side?

Mr. GARNER of Texas. Ah, I am not depending upon the friends on the other side of the Capitol. I am depending upon the agreement that I can get out of the gentleman from Indiana.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, I think the RECORD ought to show distinctly that which the gentleman from Georgia [Mr. CRISP], the gentleman from Texas

[Mr. GARNER], and the gentleman from Tennessee [Mr. BYRNS] know full well—that all they have to do to get an expression from the House is to permit this consent to be granted, let the bill be sent to conference, and then, before the conferees are appointed, make such motion as they desire to instruct the conferees, and upon that they can have a debate; and they can have a roll-call vote; and that is the way to instruct the conferees. It can easily be done, and the gentlemen can get the votes they want.

Mr. BYRNS. Mr. Speaker, the gentleman from Michigan [Mr. CRAMTON] has been the great dry leader of the House, so heralded to the country. Is it the purposes of the gentleman from Michigan to move to instruct the conferees, if that is done? [Laughter on the Democratic side.]

Mr. CRAMTON. I say to the gentleman from Tennessee that I am not one of those who are swayed in the spending of the people's money by a wave of political hysteria. [Applause on Republican side.]

Mr. LAGUARDIA. And if the gentleman will yield, I say to the gentleman from Tennessee that if that distinguished dry from Michigan does not do it this wet will.

Mr. CRAMTON. The House can well understand what kind of a Senate amendment this is when the chief sponsorship of it goes to the hands of one of the most capable and most active wets in the House.

Mr. LAGUARDIA. Because we have got you on the run; that is why.

Mr. CELLER. Mr. Speaker, will the gentleman from Indiana yield?

Mr. WOOD. Yes.

Mr. CELLER. Is the gentleman afraid to have a vote on this question to-day?

Mr. WOOD. It depends entirely upon the action of this body whether there will be a vote on this matter to-day. All I am asking is that this bill take its regular course in its regular way.

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

Mr. CELLER. Why does the gentleman object to a vote on the bill to-day, and why does the gentleman from Michigan [Mr. CRAMTON] object to it?

Mr. WOOD. He is not objecting to it, and we have told you time and time again how we would get a vote on it to-day.

Mr. CRAMTON. I would welcome a vote on it to-day, but the gentlemen on the gentleman's side of the House are trying to put it off for a week or two.

Mr. GARNER of Texas. Mr. Speaker, I desire to submit a unanimous-consent request.

Mr. WOOD. There is one unanimous-consent request pending now.

The SPEAKER. The Chair does not know whether he can recognize the gentleman from Texas to make a unanimous-consent request while another unanimous-consent request is pending.

Mr. GARNER of Texas. That has been done a number of times, Mr. Speaker; it is just a question of whether or not the Speaker desires to give me recognition.

The SPEAKER. The Chair recognizes the gentleman for that purpose.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent that the deficiency bill be taken from the Speaker's table and the Senate amendments be considered in the House as in Committee of the Whole House on the state of the Union immediately.

The SPEAKER. The gentleman from Texas asks unanimous consent that the deficiency bill be taken from the Speaker's table and the Senate amendments be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. DENISON. Mr. Speaker, I object until the request of the gentleman from Indiana be put to the House.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry. Is a preferential motion at this time in order?

The SPEAKER. No; it is not. The question is, Is there objection to the request of the gentleman from Indiana?

Mr. GARNER of Texas. Mr. Speaker, I object until the gentleman gives the assurance asked of him.

Mr. WOOD. I have given all the assurance that is necessary to protect the gentleman from his fears and I have also tried to protect the gentleman from his own folly.

Mr. GARNER of Texas. Mr. Speaker, I renew my request for unanimous consent that we immediately take the bill from the Speaker's table and consider the Senate amendments in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection?

Mr. WOOD. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

MRS. THOMAS R. MARSHALL

The SPEAKER. The Chair lays before the House the following telegram.

The Clerk read as follows:

Members of House of Representatives, Washington, D. C.:

I am deeply grateful to you for your consideration of my welfare in passing a bill granting me a pension and I am also grateful for the manner in which the matter was consummated. May I express my thanks for your confidence and esteem and assure you of my appreciation.

MRS. THOMAS R. MARSHALL.

[Applause.]

PERSONAL PRIVILEGE

Mr. CELLER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CELLER. I ask recognition on a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. CELLER. Mr. Speaker, the Washington Post this morning contains a statement to the effect that the Democrats seem to be lined up as a group to put the appropriation over, meaning the appropriation for the additional \$24,000,000—

SEVERAL MEMBERS. That is not a question of personal privilege.

The SPEAKER. The Chair does not think it is a question of personal privilege.

Mr. CELLER. Then, Mr. Speaker, I withdraw it.

RETURN TO THE SENATE OF SENATE JOINT RESOLUTION 171

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 32 and agree to the same.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate Concurrent Resolution 32

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the joint resolution (S. J. Res. 171) entitled "Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. JACOBSTEIN, for one week, on account of illness in his family.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. 5178. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear*; to the Committee on Interstate and Foreign Commerce.

BIRTHDAY OF MAJOR STEDMAN

Mr. CANNON. Mr. Speaker, turning to matters less controversial, I wish to call attention to the fact that this is the eighty-eighth anniversary of the birth of our distinguished colleague Major STEDMAN, of North Carolina. [Applause.]

Major STEDMAN is the only Confederate veteran of the Civil War now serving in either House of the Congress. I am certain I express the sentiment of the Members of the House in wishing him many happy returns of the day. [Applause, Members rising.]

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

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

On a division (demanded by Mr. CELLER) there were—ayes 195, noes 93.

So the motion was agreed to; accordingly (at 12 o'clock and 47 minutes p. m.), the House adjourned until to-morrow, Wednesday, January 30, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, January 30, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON EXPENDITURES

(10.30 a. m.)

To authorize the President to consolidate and coordinate governmental activities affecting war veterans (H. R. 16530).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station (H. R. 16608).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Authorizing the appropriation of the sum of \$50,000 to enable the Secretary of State to cooperate with the several governments, members of the Pan American Union, in the undertaking of financing and building an inter-American highway or highways (H. J. Res. 355).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 2

(10 a. m.)

To amend sections 116, 118, and 126 of the Judicial Code (H. R. 13567).

JOINT COMMITTEE ON PUBLIC LANDS

(10.30 a. m.)

To consider Northern Pacific land grants.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider general legislation.

COMMITTEE ON RIVERS AND HARBORS

(9.30 a. m.)

To authorize the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor (S. 1710).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

784. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year ending June 30, 1929, for the Navy Department, amounting to \$442,680 (H. Doc. No. 539); to the Committee on Appropriations and ordered to be printed.

785. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Navy Department for the fiscal year 1929, in the sum of \$51,150.02, for the relief of contractors (H. Doc. No. 540); to the Committee on Appropriations and ordered to be printed.

786. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ended June 30, 1923, for the National Advisory Committee for Aeronautics, amounting to \$258.17 (H. Doc. No. 541); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LUCE: Committee on the Library. H. J. Res. 392. A joint resolution to provide for the erection on Government land of a permanent building for the use of the American National

Red Cross; without amendment (Rept. No. 2270). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Colorado: Committee on Irrigation and Reclamation. H. R. 14674. A bill authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado; with amendment (Rept. No. 2271). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REECE: Committee on Military Affairs. H. R. 3675. A bill for the relief of Paul Wallerstein; without amendment (Rept. No. 2266). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 9530. A bill for the relief of W. L. Inabnit; without amendment (Rept. No. 2267). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. H. R. 14850. A bill authorizing and directing the United States Employees' Compensation Commission to pay Leo Byrne at the rate of \$100 a month, and for other purposes; without amendment (Rept. No. 2268). Referred to the Committee of the Whole House.

Mr. LUCE: Committee on the Library. H. J. Res. 33. A joint resolution to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell; without amendment (Rept. No. 2269). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Claims was discharged from the consideration of the bill (S. 2859) for the relief of Francis J. Young, and the same was referred to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 16694) to establish a naval airship base in one of the Pacific Coast States; to the Committee on Naval Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 16695) providing for the necessary surveys, studies, investigations, and engineering of the Southern Lassen reclamation project in Lassen County, Calif., and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. HASTINGS: A bill (H. R. 16696) providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. PEAVEY: A bill (H. R. 16697) to maintain the level of the Great Lakes; to the Committee on Rivers and Harbors.

By Mr. HAWLEY: A bill (H. R. 16698) to add certain lands to the Crater Lake National Forest; to the Committee on the Public Lands.

By Mr. YON: A bill (H. R. 16699) authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Lillian, in Baldwin County, Ala., to the mainland of Escambia County, Fla.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 16700) authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes; to the Committee on the District of Columbia.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 16701) to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.; to the Committee on Military Affairs.

By Mr. ANDRESEN: Joint resolution (H. J. Res. 393) to provide for the printing with illustrations and bound in cloth 320,000 copies of the special report on the diseases of cattle; to the Committee on Printing.

Also, joint resolution (H. J. Res. 394) to provide for the printing with illustrations and bound in cloth 110,000 copies of the special report on the diseases of the horse; to the Committee on Printing.

By Mr. SIROVICH: Resolution (H. Res. 302) that a committee of five members be appointed by the Speaker to investigate the administration of bankruptcy practice in the southern and eastern districts of New York; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. CARSS: Memorializing the Congress of the United States that it is the sense of the members of the Minnesota Legislature that national legislation should not be enacted curtailing State rights with respect to transportation and with respect to the grain-growing industry; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 16702) granting an increase of pension to Anna R. Decker; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 16703) granting an increase of pension to Maria A. King; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16704) to equalize the basis for longevity pay and retirement of Warrant Officer Edward F. McCarron, United States Army; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 16705) granting an increase of pension to George Buzan; to the Committee on Pensions.

By Mr. McMILLAN: A bill (H. R. 16706) granting a pension to George W. Adams; to the Committee on Pensions.

By Mr. McREYNOLDS: A bill (H. R. 16707) for the relief of Robert Edward Carson; to the Committee on Military Affairs.

By Mr. MOORE of Ohio: A bill (H. R. 16708) granting a pension to Catharine McLaughlin; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 16709) granting a pension to Mary C. Mount; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 16710) for the relief of certain employees of the Alaska Railroad; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 16711) to correct the military record of Henry B. Jones; to the Committee on Military Affairs.

Also, a bill (H. R. 16712) to correct the military record of John McGee; to the Committee on Military Affairs.

By Mr. WARE: A bill (H. R. 16713) granting a pension to Fannie Snyder; 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:

8441. Petition of Aero Club of Washington Chapter of the National Aeronautic Association, urging the Congress provide an airport at Gravelly Point; to the Committee on Military Affairs.

8442. Memorial of the Second National Conference on the Merchant Marine, meeting in Washington, D. C., indorsing the Americanization of the merchant marine; to the Committee on the Merchant Marine and Fisheries.

8443. By Mr. GARBER: Petition of the National Association of Retail Druggists, in support of the Capper-Kelly fair trade bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

8444. Also, petition of Fred Capshaw, Corporation Commission of Oklahoma, in support of amended Parker bus bill (H. R. 15621); to the Committee on Interstate and Foreign Commerce.

8445. Also, petition of the Southwestern Millers' League, Kansas City, Mo., in support of House bill 16346, amended bill from House bill 15267; to the Committee on Ways and Means.

8446. Also, petition of Canadian Mill & Elevator Co., El Reno, Okla., in support of House bill 16346, amended bill from House bill 15267; to the Committee on Ways and Means.

8447. Also, petition of the Anti-Saloon League of America, with reference to deficiency appropriation bill (H. R. 15848); to the Committee on Appropriations.

8448. By Mr. O'CONNELL: Petition of the Brooklyn Chapter, Reserve Officers' Association, Brooklyn, N. Y., favoring sufficient appropriations to train 26,000 reserve officers; to the Committee on Appropriations.

8449. Also, petition of Henry C. Pelton and Grace Rainey Rogers, of New York City, favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

SENATE

WEDNESDAY, January 30, 1929

The Chaplain, Rev. Z^eBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who art above all, yet in all, who knowest our need of Thee, since Thou hast placed it there, and who knowest our desire for Thee, since Thou understandest our inmost thoughts, send us forth to meet the challenge of this day conscious of our fellowship with Thee, who hast made us in Thine image. Fill our hearts with thankfulness for the gift of life with its great adventure, its golden opportunity, its zeal, its triumphs, its failures that quicken us, its pain and sorrow that chasten and ennoble us. Help us to drink to the full of the beauty and strength of the world, knowing that they come from Thee as gifts of love to us. Make us aware of life ablaze with the presence of God, and above all give us the mind of Him who reveals the majesty of every common task and sheds the light of heaven upon our path, Jesus Christ, Thy Son, 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.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 198) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 32) requesting the President to return to the Senate the joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1731. An act to provide for the further development of vocational education in the several States and Territories;

S. 3453. An act for the relief of Clara Percy;

H. R. 4589. An act for the relief of Dan A. Morrison;

H. R. 12236. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, and to provide a means for further investigation and payment in certain cases;

H. R. 14150. An act to amend section 279 of the Judicial Code;

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the United States Coast Guard cutter *Bear*;

S. J. Res. 198. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929; and

H. J. Res. 365. Joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes.

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 940. An act for the relief of Michael J. Fraher;

H. R. 2098. An act for the relief of Alonzo Northrup;

H. R. 3268. An act for the relief of John G. DeCamp;

H. R. 8341. An act to provide for appointing Clarence Ulery a warrant officer, United States Army;

H. R. 12113. An act providing for the acquirement by the United States of privately owned lands situated within certain