

INVESTIGATION BY THE COMMITTEE ON INDIAN AFFAIRS

Mr. FRAZIER. Mr. President, I report favorably, on behalf of the junior Senator from Delaware [Mr. TOWNSEND], the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, Senate Resolution 322, which provides for an appropriation of \$400 from the contingent fund of the Senate to complete the work of the subcommittee of the Committee on Indian Affairs, looking toward the investigation of Indian lands which are escaping taxation. The Senator from Oregon [Mr. STEIWER] is chairman of the subcommittee. He has stated that he needs \$400 to complete his report and have it printed and make his recommendation.

I ask unanimous consent that the resolution may be acted upon at this time.

Mr. McNARY. Mr. President, has the resolution the approval of the standing committee having jurisdiction of the matter, and also the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. FRAZIER. It has the approval of the Committee on Indian Affairs, and also of the Committee to Audit and Control.

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

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, authorized by Senate Resolution 282, agreed to June 25, 1930, to investigate the relationship between the Federal Government and those of the several States wherein are located Indian reservations or unallotted tribal lands, or any other Indian lands not subject to taxation by such States or political subdivisions thereof, with a view of developing a plan by which the Federal Government may contribute fairly and equitably toward the expenses of governmental activities in said States, hereby is authorized to expend from the contingent fund of the Senate \$400 in addition to the amounts heretofore authorized for such purposes.

ADJOURNMENT

Mr. McNARY. Mr. President, I move that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 6 o'clock p. m.) adjourned until to-morrow, Thursday, February 9, 1933, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate February 8 (legislative day of January 10), 1933

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Roderick Nathaniel Matson, of Wyoming, to be envoy extraordinary and minister plenipotentiary of the United States of America to Greece.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 8, 1933

The House met at 12 o'clock noon.

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

Again, Almighty God, the light of another day has broken on our mortal vision. The angel of Thy face stands by us, bends above us, and Thou wilt be with us when all else fails. Duties await us, responsibilities are upon us. We should despair of the Republic if the high, stern note of Christian individualism were ever weakened. We praise Thee for all the powers with which we are endowed. In the whole range of them none is more sacred than the gift of free choice. We thank Thee that we are Thy rational offspring. May we this day solemnly renew our covenant and our dedication as the responsible servants of the public weal. May this consecration mean renewed, unstinted loyalty to those historic and traditional institutions which are the fruits of free and representative government. Inspire all of us with outstanding courage and conviction, and with a splendid moral sense that will stand up under the vacillations of human nature. 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 with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 13520. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 565. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1933.

The message also announced that the Senate had agreed to the amendments of the House to a bill and joint resolution of the Senate of the following titles:

S. 4165. An act to remove existing discriminations incident to certain land grants and to subject them to the same conditions that govern other land grants of their class; and

S. J. Res. 167. Joint resolution to carry out certain obligations to certain enrolled Indians under tribal agreement.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 42. Concurrent resolution to compile, print, and bind the proceedings of Congress in connection with the exercises in memory of the late President Calvin Coolidge.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 88) entitled "An act to authorize the Postmaster General to investigate the conditions of the lease of the post office in Boston, Mass., and to readjust the terms thereof," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ODDIE, Mr. MOSES, and Mr. McKELLAR to be the conferees on the part of the Senate.

MERCHANTS AND FARMERS BANK, JUNCTION CITY, ARK.

The SPEAKER. Without objection, the Clerk will call bills on the Private Calendar unobjected to in the House as in the Committee of the Whole, beginning with No. 608.

There was no objection.

The Clerk called the first bill on the Private Calendar, H. R. 9476, for the relief of the Merchants & Farmers Bank, Junction City, Ark.

Mr. PATTERSON. Reserving the right to object, Mr. Speaker, it occurs to me that banks are usually very careful in paying out funds. It also occurs to me that if a private party were to cash a money order they would proceed to do it at their own risk. I am wondering if we should pay a bank because the bank cashed one of these money orders, when we would not pay it probably to a private party.

Mr. STAFFORD. Reserving the right to object, is the gentleman from Alabama objecting to the bill?

Mr. PATTERSON. I think we can not pass this bill just now.

The SPEAKER. Is there objection?

Mr. PATTERSON. Mr. Speaker, for the present—

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

Mr. PATTERSON. I yield to the gentleman from Arkansas if he desires to make a statement.

Mr. PARKS. On last Thursday night, Mr. Speaker, a companion bill to this bill was passed. It was unobjected to. There was a full explanation about it. I do not remember whether the gentleman from Alabama [Mr. PATTERSON] was present at that time or not. I sincerely trust the gentleman will not object to this bill when the other bill was passed, unobjected to. It is not only a meritorious case, but it is a case in which the equities are all on the side of the bank. The postmaster had a bond that was absolutely inadequate—

Mr. BACHMANN. Will the gentleman yield?

Mr. PARKS. Surely.

Mr. BACHMANN. The gentleman analyzed the evidence in connection with the other bill which is on all fours with the present bill.

Mr. PARKS. Absolutely.

Mr. BACHMANN. The only difference is that this is another bank.

Mr. PARKS. That is all.

Mr. BACHMANN. Would we not save time by having the gentleman from Alabama [Mr. PATTERSON] state what his objection is, because the gentleman from Arkansas fully stated in the RECORD the other night the facts about this matter.

Mr. PATTERSON. Would it not expedite the matter if it could be temporarily laid aside until I can look into the matter?

Mr. PARKS. That can not be done.

Mr. BACHMANN. We went into the proof thoroughly the other night. This is a meritorious bill and ought to be passed.

Mr. PATTERSON. Mr. Speaker, I will withdraw my reservation of objection.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I wish the RECORD to show that I am not satisfied with the principle involved in this bill. I withdrew my objection the other evening after considerable consideration, largely upon the statement of the gentleman from West Virginia [Mr. BACHMANN], in whose judgment I have confidence. If that bill or the present bill should be vetoed by the President, I wish to feel at liberty to oppose this bill if it is ever returned to the House. I make this statement for the RECORD so as to show that this bill did not go through the Congress absolutely by unanimous consent.

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 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 \$3,044.99 to the Merchants & Farmers Bank, of Junction City, Ark., in full settlement against the Government for money that was paid to Joe F. Tullis, who was postmaster at Upland, Union County, Ark., on post-office money orders deposited in said Merchants & Farmers Bank at different times and for different amounts, aggregating \$3,044.99, which money orders were cashed by said bank, and which had been fraudulently issued by the postmaster without the knowledge of said bank that they were fraudulent. All of said money orders were paid by the Government and the money was subsequently refunded by said bank.

With the following committee amendment:

At the end of line 6, on page 2, insert the following: "*Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*"

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, and a motion to reconsider was laid on the table.

WILMOT CASTLE CO.

The Clerk called the next bill, S. 221, authorizing adjustment of the claim of the Wilmot Castle Co.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of the Wilmot Castle Co. for the cost of repairing a sterilizer furnished under contract with the Medical Department of the Army, dated September 3, 1929, for installation in the hospital at Fort Meade, S. Dak., which was damaged on November 29, 1929, while being unloaded from a railroad freight car by a detail of enlisted men of the Quartermaster Corps of the Army stationed at Fort Meade, and for reimbursement of additional freight charges thereon necessitated by the accident, and to allow not to exceed \$262.10 in full and final settlement of said claim. There is hereby

appropriated out of any moneys in the Treasury, not otherwise appropriated, the sum of \$262.10 or so much thereof as may be necessary, for the payment of said claim.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KATHERINE R. THEBERGE

The Clerk called the next bill, S. 914, for the relief of Katherine R. Theberge.

There being no objection, the Clerk 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 Katherine R. Theberge, of New Bedford, Mass., the sum of \$1,284.14, in full satisfaction of her claim for damages against the United States for injuries suffered by her on December 1, 1928, when the automobile in which she was riding collided, near Beltsville, Md., with a United States Army ambulance.

Mr. PATTERSON. Mr. Speaker, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. PATTERSON: At the end of line 10, after the word "ambulance," insert the following: "*Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*"

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EMPLOYEES OF THE FOREST SERVICE, DEPARTMENT OF AGRICULTURE

The Clerk called the next bill, S. 968, for the relief of certain employees of the Forest Service, Department of Agriculture.

There being no objection, the Clerk 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 the following-named employees of the Forest Service, Department of Agriculture, the sums hereinafter specified, in full satisfaction of their claims against the United States for property losses sustained by them as a result of a fire which destroyed the Squaw Mountain road camp in Mount Hood National Forest near Estacada, Oreg., on September 15, 1929: Walter L. Shriner, \$115, of which \$75 represents the value of a 1917 Ford roadster and \$40 represents the value of carpenter tools; P. A. Worden, \$21, representing the price of a tent; Ben M. Joslin, \$45, representing the value of a Winona wagon; Delbert H. Shaffer, \$90, representing the difference between the value of a 1925 Ford coupe and the amount of the insurance collected thereon; A. W. Lee, \$100, representing the value of a 1917 Ford roadster; Charles Palmer, \$100, representing the value of a 1924 Chevrolet roadster; Wilbur Linn, \$35, representing the value of a 1916 Ford touring car; George Cook, \$150, representing the value of a 1925 Chevrolet roadster; and Jack Marrs, \$50, representing the value of a 1919 Harley-Davidson motor cycle.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JERRY O'SHEA

The Clerk called the next bill, S. 3536, for the relief of Jerry O'Shea.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, is any Member of the House interested in this bill? Is the chairman of the Committee on Claims here? If no one is here to answer my inquiry, I shall object.

Mr. Speaker, I object.

HAROLD LUCE

The Clerk called the next bill, H. R. 782, for the relief of Harold Luce.

Mr. EATON of Colorado. Mr. Speaker, I object.

GEORGE JOHNSON

The Clerk called the next bill, H. R. 1229, for the relief of George Johnson.

Mr. BLANTON. Mr. Speaker, I call attention to the report of The Adjutant General making the following statements:

The records further show that this soldier enlisted March 3, 1902, at Seattle, Wash., for three years. He was assigned to the Thirty-fourth Company, Coast Artillery Corps, and served with that organization until May 11, 1903, when he deserted at Fort Stevens, Oreg., a private. He never thereafter returned to his command or reported his whereabouts or the cause of his absence to the military authorities.

There is no authority of law whereby the charge of desertion of May 11, 1903, standing on the records against this soldier may be removed and an honorable discharge issued to him.

C. H. BRIDGES,
Major General, The Adjutant General.

Mr. Speaker, I object.

MARY E. DAWLEY

The Clerk called the next bill, H. R. 1905, for the relief of Mary E. Dawley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employee's Compensation Commission shall be, and it is hereby, authorized and directed to waive the statute of limitations in the application filed by Mary E. Dawley, a former employee of the State Department of the United States, for compensation under the provisions 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.

Mr. EATON of Colorado. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EATON of Colorado: Strike out all after the enacting clause and insert:

"That the United States Employees Compensation Commission is hereby authorized to consider and determine the claim of Mary E. Dawley, of the Department of State, a former employee, as to whether she suffered an injury while employed in the Foreign Service of the United States compensable under said act after the date of its enactment in the same manner and to the same extent as if the said Mary E. Dawley had made application for the benefits of said act within the 1-year period required by sections 17 and 20 thereof, provided that no benefit shall accrue prior to the enactment 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, and a motion to reconsider laid on the table.

FARMERS & MERCHANTS NATIONAL BANK, GILMER, TEX.

The Clerk called the next bill, H. R. 2597, for the relief of the Farmers & Merchants National Bank of Gilmer, Tex.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas if he does not think this bill ought to be amended so that it shows on its face what the bill covers?

Mr. SANDERS of Texas. Mr. Speaker, I may say to the gentleman that I do not object to an amendment such as he has in mind. These are the facts in the case: The money was unsigned currency and it was lost or destroyed. The bill provides for bond in double the amount.

Any amendment the gentleman wants to offer which will protect the Government is agreeable to me.

Mr. BACHMANN. The question that has been bothering me is whether or not the unsigned currency was delivered to the bank.

Mr. SANDERS of Texas. Yes.

Mr. BACHMANN. The bank receipted for it. Some time after it came into the possession of the bank it was either burned, destroyed, or thrown into the wastebasket and lost. Now the bank wants the Government to reimburse it for the amount of this unsigned currency and is willing to give bond, but the Treasury Department says a bond would not be proper insurance to the Government.

Mr. SANDERS of Texas. What would be proper insurance?

Mr. BACHMANN. I do not know. I would like the gentleman from Texas to suggest what would be proper insurance.

Mr. SANDERS of Texas. I think the bond is. This is similar to bills that have been passed in other cases. I think it is proper insurance.

Mr. BACHMANN. Has the money ever turned up?

Mr. SANDERS of Texas. The money never has turned up. This was unsigned currency. I went into this bank personally and asked them to make a statement. This unsigned currency was put on the edge of the desk where they usually put things to go into the wastebasket. It was thrown into the wastebasket and burned. The Government has not been put to a cent of loss because the currency was unsigned. The bank is offering to give bond in double the amount.

Mr. BACHMANN. Is unsigned currency negotiable in any way?

Mr. SANDERS of Texas. I do not think so.

Mr. BACHMANN. If somebody should sign it would it not then become negotiable?

Mr. SANDERS of Texas. It might; yes.

Mr. BACHMANN. In such an event it would be a charge against the Treasury of the United States?

Mr. SANDERS of Texas. The point is the bond is made double the amount. If the gentleman wants to make it three times the amount, that will be all right.

Mr. BACHMANN. It is not a question of the amount, but whether during the course of the years the bond would be sufficient security.

Mr. PATTERSON. Mr. Speaker, will the gentleman from West Virginia yield?

Mr. BACHMANN. I yield.

Mr. PATTERSON. When the Government is so well safeguarded, I do not see why the Treasury opposes the scheme. They are opposed to all such schemes.

Mr. SANDERS of Texas. The reason is the Treasury is opposed to nearly everything of this kind.

Mr. PATTERSON. Has the Treasury been advised that the bank has given the bond?

Mr. SANDERS of Texas. Of course, they will not give the bond until this bill passes, but they will make the bond in double the amount to protect the Treasury of the United States.

Mr. BACHMANN. This bill does not relieve the bank. The bank is seeking to have the Treasury reimburse it. The bank has already paid the money for this unsigned currency, and it says that if the Treasury will reimburse it it will give bond in double the amount. The question is whether, should this money in some way find its way into circulation 25, 30, 40, or 50 years hence, the bond is sufficient security to protect the Government.

Mr. SANDERS of Texas. There is no other way, and I can not understand why the bond standing there would not be sufficient security.

Mr. PATTERSON. The only question is whether the money might turn up in circulation 40 or 50 years in the future.

Mr. BACHMANN. Of course, as long as the bank is in business we have double security, because the bank would still be responsible.

Mr. SANDERS of Texas. And could they not ask for a new bond?

Mr. BACHMANN. They might in course of time.

Mr. SANDERS of Texas. I should think so.

Mr. BACHMANN. Mr. Speaker, I withdraw the reservation of objection provided the gentleman will agree to an amendment that is to be offered perfecting the bill.

Mr. SANDERS of Texas. That is all right.

There being 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 \$1,550 to the Farmers & Merchants National Bank of Gilmer, Texas.

With the following committee amendment:

Line 7, page 1, after the word "Texas," insert a colon and the following proviso: "Provided, That said Farmers & Merchants National Bank of Gilmer, Tex., shall first file in the Treasury Department a bond in the penal sum of double the amount of

the principal of said notes in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the notes described as follows: Thirty-one sheets of \$10, \$10, \$10 and \$20 notes, bearing Nos. 5497 to 5527, which were shipped by the Comptroller of the Currency to the Farmers & Merchants National Bank at Gilmer, Tex., on August 23, 1928."

Mr. BACHMANN. Mr. Speaker, I offer an amendment to the committee amendment. On page 1, line 7, after the word "Texas," strike out the colon and add a period and insert "Said sum represents the amount of incomplete currency received and receipted for by said bank on or about August 25, 1928, and which was later lost."

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: On page 1, line 7, after the word "Texas," strike out the colon, insert a period and the following "Said sum represents the amount of incomplete currency received and receipted for on or about August 25, 1928, and which was later lost."

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

LYMAN D. DRAKE, JR.

The Clerk called the next bill, H. R. 4973, for the relief of Lyman D. Drake, jr.

Mr. BACHMANN. Mr. Speaker, I am disposed to object to this bill. If there is some one here who knows the facts, I shall be pleased to discuss it with him.

Mr. SCHAFER. I will tell the gentleman the facts. They are set out in the committee report. The beneficiary of the bill was a switchman employed by the Government in the Panama Canal Zone. By reason of defective equipment in the way of the old link-and-pin coupling he had his foot badly mutilated and partially amputated. The evidence before the committee indicates that the accident resulted through no fault of the employee. The bill carries a very small amount in view of the serious injury which this man suffered.

Mr. BACHMANN. As I understood from the report, the injury was due to the man's own neglect.

Mr. SCHAFER. It was not due to his neglect. If the gentleman knows anything about switching box cars with the old link-and-pin coupling or if he had listened to the testimony, he would readily reach a conclusion that the accident was due to defective equipment.

Mr. BACHMANN. When did this accident happen?

Mr. SCHAFER. In 1908.

Mr. BACHMANN. How many years ago is that?

Mr. SCHAFER. It has been a considerable number of years, but this Congress has been giving relief in meritorious cases, even though they are of long standing. Just because the relief which is indicated in this bill has been denied over a long period of time is no reason for not making a small appropriation to partially compensate this injured employee.

Mr. BACHMANN. What has the gentleman to say about the offer that was extended by the Panama Railroad Co. for this man to reenter the service at 44 cents an hour and waive the physical defect, retaining his position, which he voluntarily refused?

Mr. SCHAFER. A man with one-tenth of the disability that this man received in line of duty could not follow the strenuous occupation of a railroad switchman, particularly in the old days when they did not have the automatic coupling but had the old link-and-pin coupling. I may state that the entire Claims Committee carefully considered this bill and had a hearing on the bill and had the beneficiary before the committee.

Mr. BACHMANN. But this man was offered a position by the Government as a machinist at 44 cents an hour, and he did not want to work and did not take the position. They would have waived any physical defect.

Mr. SCHAFER. The gentleman is an attorney and has practiced in industrial cases and knows how long a man would hold a position when he is offered one after he has

been injured. Furthermore, the man was in a critical condition at the time.

Mr. BACHMANN. I am disposed to object, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. BACHMANN. I object.

SARD S. REED

The Clerk called the next bill, H. R. 5261, for the relief of Sard S. Reed.

Mr. STAFFORD. Reserving the right to object, as I recall, this is a case for the relief of a postmaster, and the department reported adversely, because they did not believe the postmaster had taken sufficient care in using the iron safe for the custody of the funds.

Mr. McKEOWN. No; I think the objection was made because he had not invested the semiannual amount in stamps every two weeks.

Mr. STAFFORD. Let me read from the report:

The burglary was investigated by an inspector, and it was found that the entrance to the building where the post office was located was gained by prying open one of the rear windows. The combination of the safe was broken off, as above stated, but the bolt to which the dial was attached was not punched out, nor was the interior mechanism of the safe damaged in any way. The money had been left in the inner steel chest, and the door to this chest was found open the next morning and was not mutilated in any way.

Mr. McKEOWN. The gentleman knows that these expert burglars do not depend on breaking open the safe; they can unlock these small safes. I will say to the gentleman that this was a case where they simply opened the safe. They probably knocked off the dial to mislead.

Mr. STAFFORD. Well, Mr. Speaker, I will resolve the doubt in favor of the postmaster.

Mr. PATTERSON. It occurs to me that the postmaster had a right to allow this amount.

Mr. McKEOWN. No; this is a case where the postmaster did not have the right; this claim is too large.

Mr. PATTERSON. They have the authority to allow it up to a certain amount.

Mr. McKEOWN. No; he did not have authority at that time. This is a clear case under the rules of the House.

Mr. STAFFORD. May I call the gentleman's attention to this further statement from the report.

Upon consideration of the evidence the postmaster's claim was disallowed September 29, 1927, because the funds lost in the burglary had not been protected in the manner prescribed by section 110 of the regulations, and that at least \$400 in stamp funds were lost through the postmaster's failure to make a requisition for stamp stocks during the second half of the month of April as more fully explained in a letter dated September 29, 1927, reporting the settlement of the claim, a copy of which is also inclosed.

Mr. McKEOWN. I will say to the gentleman, I think that was a boom town where that happened. If the gentleman thinks that \$800 ought not to be paid to him, I will accept an amendment to reduce it.

Mr. STAFFORD. I think it should be reduced.

The SPEAKER. Is there objection?

There being 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 Sard S. Reed, postmaster at Earlsboro, in the sum of \$1,163.70 on account of the loss of postal and fixed credit funds resulting from the burglary of the Earlsboro post office on May 1, 1927.

With the following committee amendment:

Page 1, line 5, strike out the sum "\$1,163.70" and insert "\$1,115.90."

Mr. STAFFORD. Mr. Speaker, following the suggestion of the author of the bill, I offer the following amendment in lieu of the committee amendment.

The Clerk read as follows:

Line 5, strike out "\$1,163.70" and insert "\$715.90."

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, and a motion to reconsider was laid on the table.

MARY B. HINES

The next business on the Private Calendar was the bill (H. R. 7757) for the relief of Mary B. Hines.

The SPEAKER. Is there objection?

Mr. BACHMANN. I object.

Mr. GUYER. This is a bill where a woman defending the property of the United States had her arm shot off in 1911. I think it is an outrage that she has waited this long for relief.

Mr. BACHMANN. If the gentleman will read the report, he will find that in 1911 she did not have her arm shot off. She did not have her arm taken off, as a matter of fact, until 1932.

Mr. GUYER. That does not make any difference. The amputation of the arm was because she had had it shot in 1911.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, will the gentleman from West Virginia withhold his objection until the author of the bill can make a statement?

Mr. BACHMANN. Certainly.

Mr. JOHNSON of Missouri. Mr. Speaker, the evidence shows that the claimant was a postmistress at the small town of Cedar.

Mr. BACHMANN. I understood that her husband was the postmaster.

Mr. JOHNSON of Missouri. Her husband was postmaster, and she was assistant postmistress. In 1911 a robber attempted to rob the post office. He had a gun pointed at her husband. She grabbed the arm of the bandit, and he then turned the gun upon her and shot her in her arm. She did not make any claim until this bill was presented for the reason that she and her husband got along fairly well in financial matters as long as he lived. Later they moved to Sedalia, Mo. She had a great deal of trouble with her arm, but she made no claim. Her husband died in 1926. About three years ago her arm began to cause her a great deal of trouble, from which she suffered continuously.

The bullet remained in her arm during all this time. This bill was introduced in December, 1931, and since presenting the bill, claimant's arm has been amputated. This was done at Sedalia, in February, 1932. The evidence clearly shows that she took the oath of office as assistant postmistress, and that the delay in presenting her claim was because she was not trying to get her claim allowed unless it was absolutely necessary. To-day she is wholly dependent upon charity, and has not been able to pay her hospital bills. This claimant was seriously injured in the line of duty and in defense of the property of the United States. No claim ever had more merit than this claim. I do hope, in justice to claimant, you will not object.

Mr. BACHMANN. It may be true that she is dependent upon charity, but that does not make the Government responsible. Does not the gentleman think, in order to get this claim in proper shape, so that the committee would have all of the facts, it would have been well to get a letter from the Post Office Department certifying that she was the assistant postmistress there, and giving the committee the benefit of the report of the inspector who investigated the case? All these post-office cases are investigated by an inspector.

There is not a bit of evidence here outside of an old newspaper clipping, which did not even mention her name. As far as the committee is concerned, this may be a proper case for relief, but the committee can act only on what is in the report and the facts that we gather from it. I can not, under the circumstances, with the condition the report is in, let this bill pass; but I think if the gentleman can get a report from the Post Office Department giving the committee the benefit of the report of the inspector, then, if the facts appear there to be as stated by the gentleman, perhaps I would not have any objection.

Mr. JOHNSON of Missouri. I wish the gentleman would not object at this time, or at least would let the matter go over temporarily, rather than making objection.

Mr. BACHMANN. I am very glad to have the matter go over, if the gentleman can get additional evidence.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that this bill be passed over temporarily.

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

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

The SPEAKER. Is there objection?

Mr. STAFFORD. I object, if the gentleman does not wish me to point out that there is a supplementary report.

The SPEAKER. The gentleman from Wisconsin objects.

SARD S. REED

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the proceedings whereby H. R. 5261, for the relief of Sard S. Reed, was passed be vacated in order that I may offer a minor amendment.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to vacate the proceedings whereby the bill H. R. 5261 was passed. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 5, after the word "Earlsboro," insert the word "Oklahoma."

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, and a motion to reconsider laid on the table.

ANGELO J. GILLOTTI

The next business on the Private Calendar was the bill (H. R. 8597) for the relief of Angelo J. GilloTTi.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. The War Department reports:

He was absent without leave from August 12 to 26, 1924; was tried by summary court-martial, and was sentenced to confinement at hard labor for 30 days and forfeiture of \$14 of his pay. On November 4, 1924, he deserted at the Presidio of Monterey, Calif., and did not return to military control. On October 6, 1931, he was discharged from the Army on account of desertion.

I object.

IRENE BRAND ALPER

The next business on the Private Calendar was the bill (H. R. 9223) for the relief of Irene Brand Alper.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, with the understanding from the gentleman from New York that he will protect the House in a reduction of this amount from \$15,000 to \$1,250, I shall not object.

Mr. BLACK. The committee recommends that reduction.

Mr. BLANTON. And the House will be protected in preserving that reduction in the closing days of Congress?

Mr. BLACK. Yes.

Mr. BACHMANN. Does not the gentleman think that this bill ought to be amended so that it will read that this is in full settlement of all claims against the Government of the United States?

Mr. BLANTON. That will be offered, of course. It should be in full settlement.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Irene Brand Alper the sum of \$15,000 in full settlement for an injury incurred by her when 19 years old, when she was seriously injured and crippled for life by being struck down and run over on the 14th day of August, 1921, by the United States Navy car No. 2499, in the city of New York, through the careless and negligent operation of said car by an employee of the United States Government employed at the time to operate said car.

With the following committee amendments:

Page 1, line 5, strike out "\$15,000" and insert "\$1,250."
Line 8, strike out the figures "14th" and insert in lieu thereof "11th."

The committee amendments were agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Line 5, after the word "settlement," insert "of all claims against the Government of the United States."

Mr. FITZPATRICK. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. FITZPATRICK. Suppose she has some other claim against the Government?

Mr. BACHMANN. But I am referring to this particular claim.

Mr. FITZPATRICK. Then the gentleman should make it clear and put that in.

Mr. BACHMANN. That is what I did.

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer a further amendment.

The Clerk read as follows:

Amendment by Mr. BACHMANN: Page 2, after line 3, strike out the colon and insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

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 H. SAGE, JR.

The Clerk called the next bill, H. R. 995, authorizing the President to order William H. Sage, jr., 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.

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I wish to call attention to the report from the Secretary of War, which reads as follows:

Captain Sage voluntarily resigned from the service for his own convenience. A few days prior to his resignation he was examined as to his physical condition by a board of medical officers at Walter Reed General Hospital. After a careful consideration of the medical history of the case and as a result of observation, physical examination, and X-ray findings, the board found that Captain Sage was not physically incapacitated in any degree for active service and that no physical defects were found which would interfere with his resignation from the Army or warrant a recommendation for retirement on account of physical disability.

The War Department says that the enactment of the proposed legislation would constitute preferential treatment of an individual of a class to the prejudice of others in the same category who have not been accorded similar treatment, and recommends against the bill, and I object.

If the gentleman from Virginia [Mr. WOODRUM] desires to make a statement about the matter, I will reserve my objection, but ultimately I shall be forced to object.

Mr. WOODRUM. Mr. Speaker, in the first place, this bill was introduced by my colleague, our distinguished deceased friend, Mr. Tucker. On his deathbed he asked me to look after this bill for him and to bring a message to his colleagues of his interest in it. This bill does not retire this officer, and we have passed many such bills. The War Department always objects to them, and they will tell you, if you talk to them privately, that they are forced to object because they do not want to be put into the position of consenting to a man going back before the retiring board after he has resigned.

Mr. BLANTON. Will my friend yield?

Mr. WOODRUM. I yield.

Mr. BLANTON. As to what Mr. Henry St. George Tucker said, the gentleman probably knows that I was as good a friend of our deceased colleague as he had in the House, and I would do anything in the world for him individually, consistent with my duty and under my oath, but because my friend, Henry St. George Tucker, introduced a bill that should not pass, it does not deter me from objecting when I think it ought not pass. I am going to object.

Mr. WOODRUM. I want to explain the bill.

The SPEAKER. The gentleman from Texas objects.

ORDER OF BUSINESS

Mr. RAINEY. Mr. Speaker, before presenting a resolution, which I shall present in a moment, I wish to say that if the resolution is adopted I will ask unanimous consent that the order providing for a call of the Private Calendar on to-morrow night be canceled.

I offer a resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 372

Resolved, That on Thursday, February 9, 1933, after the reading of the Journal, it shall be in order to consider bills on the Private Calendar unobjected to in the House as in Committee of the Whole, the call of bills on said calendar to begin where the last call ended.

Mr. SNELL. Reserving the right to object, as I understand, this does away with the special session to-morrow evening?

Mr. RAINEY. I intend to ask unanimous consent that the order providing for a call of the Private Calendar on to-morrow night be canceled, if this resolution is adopted.

The SPEAKER. The gentleman from Illinois stated that if the resolution was adopted he would then ask unanimous consent that the order providing for a night session to-morrow evening be vacated.

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

The SPEAKER. Is there objection?

Mr. BACHMANN. Reserving the right to object, I would like to ask the gentleman from Illinois [Mr. RAINEY] if he expects to have any definite night each week through the remaining days of Congress for the consideration of the Private Calendar?

Mr. RAINEY. Every week there will be one night devoted to the Private Calendar unless we can do it during the daytime.

Mr. BACHMANN. Can we agree tentatively so that the committees can prepare these bills and be ready for them?

Mr. RAINEY. Thursday night seems to be about the only night we are able to agree upon, so I presume it will always be Thursday night.

Mr. BACHMANN. Can we understand that on next Thursday night and the following Thursday night of each week there will be a call of the Private Calendar?

Mr. RAINEY. Unless it is possible to use some time during the day, that will be the rule.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that the order by which the House ordered a night session on the Private Calendar to-morrow night be vacated.

Mr. SCHAFER. Reserving the right to object, why can not the House consider the Private Calendar to-morrow night, and at the regular session to-morrow consider bills on the Democratic program about which we hear so much? We hear the Republicans are blocking that program. Why not take to-morrow to consider that program and have the night session on the Private Calendar?

Mr. BLANTON. O Mr. Speaker, that is bunk.

Mr. SCHAFER. Mr. Speaker, I object.

Mr. RAINEY. Then I move that the order entered for to-morrow night be canceled, Mr. Speaker.

The SPEAKER. That matter can be arranged, permit the Chair to say, without any trouble. One objection can not prevent it.

Mr. RAINEY. I may say there will be no call of the Private Calendar to-morrow night.

Mr. SNELL. Will the gentleman yield to me to ask a question?

Mr. RAINEY. I yield.

Mr. SNELL. Can the gentleman tell what will be the program on Friday?

Mr. RAINEY. We expect to have the District of Columbia appropriation bill.

Mr. SNELL. The gentleman expects to consider the District of Columbia appropriation bill on Friday?

Mr. RAINEY. The District of Columbia appropriation bill on Friday; yes, sir.

COUNTING THE ELECTORAL VOTE

At 1 o'clock p. m. the Doorkeeper, Mr. Joseph J. Sinnott, announced the Vice President of the United States and the Senate of the United States.

The Senate entered the Hall, headed by the Vice President of the United States and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the presiding officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The VICE PRESIDENT. Mr. Speaker and gentlemen of the Congress, the Senate and House of Representatives, pursuant to the requirements of the Constitution and laws of the United States, have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President. Under well-established precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been had that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers heretofore appointed will take their places at the desk.

The tellers, Mr. GLENN and Mr. KING on the part of the Senate, and Mr. GIFFORD and Mr. JEFFERS on the part of the House, took their places at the desk.

The VICE PRESIDENT. The Chair hands to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

Mr. JEFFERS (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that Franklin Delano Roosevelt, of the State of New York, received 11 votes for President, and John Nance Garner, of the State of Texas, received 11 votes for Vice President.

The VICE PRESIDENT. If there be no objection, the Chair will omit in the further procedure the formal statement just made, and will open in alphabetical order and pass to the tellers the certificates showing the votes of the electors in each State, and the tellers will read, count, and announce the result in each State as was done with respect to the State of Alabama.

There was no objection.

The tellers then proceeded to read, count, and announce, as was done in the case of Alabama, the electoral votes of the several States in an alphabetical order.

The VICE PRESIDENT. Gentlemen of the Congress, the certificates of all the States have now been opened and read, and the tellers will make final ascertainment of the result and deliver the same to the Vice President.

The tellers delivered to the Vice President the following statement of the result:

The undersigned, OTIS F. GLENN and WILLIAM H. KING, tellers on the part of the Senate; LAMAR JEFFERS and CHARLES L. GIFFORD, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the 4th day of March, 1933.

Electoral vote for President and Vice President

Electoral votes of each State	State	For President		For Vice President	
		Franklin D. Roosevelt, of New York	Herbert Hoover, of California	John N. Garner, of Texas	Charles Curtis, of Kansas
11	Alabama.....	11	-----	11	-----
3	Arizona.....	3	-----	3	-----
9	Arkansas.....	9	-----	9	-----
22	California.....	22	-----	22	-----
6	Colorado.....	6	-----	6	-----
8	Connecticut.....	-----	8	-----	8
3	Delaware.....	-----	3	-----	3
7	Florida.....	7	-----	7	-----
12	Georgia.....	12	-----	12	-----
4	Idaho.....	4	-----	4	-----
29	Illinois.....	29	-----	29	-----
14	Indiana.....	14	-----	14	-----
11	Iowa.....	11	-----	11	-----
9	Kansas.....	9	-----	9	-----
11	Kentucky.....	11	-----	11	-----
10	Louisiana.....	10	-----	10	-----
5	Maine.....	-----	5	-----	5
8	Maryland.....	8	-----	8	-----
17	Massachusetts.....	17	-----	17	-----
19	Michigan.....	19	-----	19	-----
11	Minnesota.....	11	-----	11	-----
9	Mississippi.....	9	-----	9	-----
15	Missouri.....	15	-----	15	-----
4	Montana.....	4	-----	4	-----
7	Nebraska.....	7	-----	7	-----
3	Nevada.....	3	-----	3	-----
4	New Hampshire.....	-----	4	-----	4
16	New Jersey.....	16	-----	16	-----
3	New Mexico.....	3	-----	3	-----
47	New York.....	47	-----	47	-----
13	North Carolina.....	13	-----	13	-----
4	North Dakota.....	4	-----	4	-----
26	Ohio.....	26	-----	26	-----
11	Oklahoma.....	11	-----	11	-----
5	Oregon.....	5	-----	5	-----
36	Pennsylvania.....	-----	36	-----	36
4	Rhode Island.....	4	-----	4	-----
8	South Carolina.....	8	-----	8	-----
4	South Dakota.....	4	-----	4	-----
11	Tennessee.....	11	-----	11	-----
23	Texas.....	23	-----	23	-----
4	Utah.....	4	-----	4	-----
3	Vermont.....	-----	3	-----	3
11	Virginia.....	11	-----	11	-----
8	Washington.....	8	-----	8	-----
8	West Virginia.....	8	-----	8	-----
12	Wisconsin.....	12	-----	12	-----
3	Wyoming.....	3	-----	3	-----
531		472	59	472	59

OTIS F. GLENN,
WILLIAM H. KING,
Tellers on the part of the Senate.
LAMAR JEFFERS,
CHARLES L. GIFFORD,
Tellers on the part of the House of Representatives.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Franklin D. Roosevelt, of the State of New York, has received for President of the United States 472 votes.

Herbert Hoover, of the State of California, has received 59 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

John N. Garner, of the State of Texas, has received for Vice President of the United States 472 votes.

Charles Curtis, of the State of Kansas, has received 59 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 4th day of March, 1933, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The VICE PRESIDENT. Gentlemen, the purposes for which the joint convention has been called having been accomplished, the presiding officer dissolves the joint convention, and the Senate will return to its Chamber.

The SPEAKER resumed the chair.

Mr. SNELL. Mr. Speaker, I desire to take this opportunity to express publicly my personal congratulations to our able and efficient Speaker, who to-day has been so overwhelmingly elected Vice President of the United States. [Applause, the Members rising.] May I wish him success

in his new position, and may it be as pleasant to him as his service of many years in the House has been. I know I express the will of all your colleagues in the House when I extend to you our sincere congratulations and good wishes for the future. [Applause.]

The SPEAKER. Mr. Minority Leader, may I express my appreciation for your kind words concerning my service as Speaker and accept your congratulations upon my election as Vice President?

I do not think it out of order for me to say publicly what I have said privately—I would rather remain in the House of Representatives. [Applause.] I have enjoyed my service here. My ears and my eyes and whatever intellect I may have may be over there, but my heart will always be in the House of Representatives.

MILITARY STOREKEEPER

The Clerk called the next bill on the Private Calendar, H. R. 1536, to provide for the appointment of a military storekeeper.

The SPEAKER pro tempore (Mr. BANKHEAD). Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, from my acquaintance with the bill I can not see why the Congress should, by congressional enactment, give a preferential status or preferred rank to some preferred person in the War Department, regardless of how meritorious the service of such subordinate or Army official may have been. I realize that on one or two occasions we have recognized such service by special act by conferring military rank upon some department official, but while such cases may have been meritorious, I do not think we should extend this to some noncommissioned officer of the War Department.

Mr. JAMES. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. JAMES. Michael Iltz is an outstanding character. From my experience in the Army and out of the Army, Michael Iltz, commonly known as Mike, is the most efficient enlisted man I have ever seen. Anyone who has ever traveled on an Army transport knows Michael Iltz.

Mr. BLANTON. Is he married or single?

Mr. JAMES. He is single; and under this bill will get less money than he is now getting.

Mr. BLANTON. The department reports that he will get \$1,789 more under the bill if he is single than he now receives.

Mr. JAMES. If the gentleman will read the supplemental report he will find that he will get \$250 less under this bill than he is now getting.

Mr. BLANTON. The War Department states that if single he will get \$1,789 a year more. The supplemental report is signed by an individual and not by the War Department.

Mr. JAMES. If the gentleman will read the supplemental report, dated April 12, 1932, he will find that he will get \$250 less under this bill than he is now getting.

Mr. BLANTON. That is not from the War Department?

Mr. JAMES. Yes; in a supplemental report through a letter dated April 12, 1932, which letter was written at my suggestion.

Mr. BLANTON. The War Department said it would cost \$1,789 a year more if he were a single man than he now receives. On account of the friendship we all have for our distinguished colleague from Michigan, it hurts like everything to object to this bill, but ultimately I am going to object to it. If, however, our friend wants to make an explanation, I will withhold my objection.

Mr. JAMES. I want to say a few words about this man.

Mr. BLANTON. If we grant \$1,789 a year extra pay to every good fellow named "Mike" in the United States, the Treasury will soon be empty.

Mr. JAMES. As I have stated, this man will get \$250 less under this bill than he is now getting.

Michael Iltz enlisted in 1898 as a private, and after the war was over volunteered as a nurse in yellow-fever cases in Cuba. After this he went to Samoa and served about 13 years in foreign service, when he was retired. When the

World War broke out he tried to get back into the Army, but could not get back because the War Department wanted to use him for demonstrating a field kitchen which he had patented and turned over to the Government without cost. After the war was over he went into the Army Transport Service. He is now in the Army Transport Service as quartermaster on the largest transport we have, the *Republic*.

Mr. BLANTON. The supplemental report which the gentleman refers to here is from some one named George Van Horn Moseley; who is he?

Mr. JAMES. Deputy Chief of Staff of the Army.

Mr. BLANTON. Why did not this come from the War Department?

Mr. JAMES. It did come from the War Department.

Mr. BLANTON. He simply signs it as George Van Horn Moseley.

Mr. JAMES. He is Deputy Chief of Staff.

Mr. BLANTON. Everything that comes from the War Department is signed officially by some official authorized to speak for the War Department.

In this supplemental report it is stated that our good friend Mike now draws \$4,649.80. How much more does he want to draw?

Mr. JAMES. He will draw less by \$250.

Mr. BLANTON. Why do you want to bother him if he is now drawing \$4,649.80?

Mr. JAMES. Because he would like to be a major when he retires.

Mr. BLANTON. So that socially he can sit a little higher at the table somewhere?

Mr. JAMES. No; he will not sit at any particular table.

Mr. BLANTON. Right now I think when a man is drawing \$4,649.80 he ought to be satisfied.

I object, Mr. Speaker.

UNION SHIPPING & TRADING CO.

The Clerk called the next bill, S. 2531, for the relief of the Union Shipping & Trading Co.

The SPEAKER pro tempore. Is there objection?

Mr. EATON of Colorado. Reserving the right to object, can anyone give an explanation why this bill should provide for a special rule of evidence as is set forth?

Mr. BLANTON. Mr. Speaker, this bill involves \$85,000 and is too large to be passed under unanimous consent, and I object.

H. P. MILLIGAN

The Clerk read the next bill, H. R. 928, for the relief of Howard P. Milligan.

The SPEAKER pro tempore. Is there objection?

Mr. EATON of Colorado. Reserving the right to object, I would like to ask the author of the bill if this is the same beneficiary for whom a bill was passed nearly four years ago, and after being passed by the Senate was vetoed by the President?

Mr. SCHAFER. It is the same individual. It was not vetoed by the President. The President failed to sign it. He did not prejudice it by a veto. He failed to sign it because of an objection by the War Department. The War Department indicated that it would establish a precedent, but as a matter of fact it does not establish a precedent.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to call the attention of the sometimes careful legislator from Milwaukee to what the War Department says. The Acting Secretary of War says:

It is my opinion that special legislation of the type carried in this bill could be justified only in exceptional cases where the beneficiaries' attainments and qualifications are of such high standard that their reappointment to the active list would be a distinct benefit to the service. The case of former Major Milligan does not constitute such an exception. He was one of the officers selected for discharge in order to accomplish the reduction in the commissioned personnel required by the acts of Congress approved June 30, 1922, and September 14, 1922.

He says further:

Further, the War Department is consistently opposed to legislation which would single out an individual of a class for preferential treatment not accorded to others of that class.

Accordingly I recommend that H. R. 13440 be not favorably considered by your committee and be not enacted into law.

If we are going continually to show preferential treatment of our friends scattered over the country here and there, ultimately we are going to have more men on the pay roll than we have off. There will not be enough people left off the pay roll to pay the taxes or to even raise enough money to pay the annual pensions and emoluments.

There are plenty of men who served the country in France who ought first to be taken care of.

Mr. SCHAFER. I want to say that this man, Mr. Milligan, has had exceptional service. He was the director of infantry training in the Wisconsin University, and he got into a difficulty over some social affair. The department only sends the best men to these universities for training.

Mr. BLANTON. Why is it that the War Department recommends one way and the committee recommends another?

Mr. SCHAFER. The gentleman knows that the War Department is not always infallible. The proceedings were a star-chamber affair and no record kept.

Mr. BLANTON. I am not for giving special rights to anybody. I am for giving all the American people equal rights.

Mr. SCHAFER. Then the gentleman should object to every bill on the calendar, because every one gives some one a preference that others do not have.

Mr. BLANTON. Mr. Speaker, I object.

ENROLLMENT OF CERTAIN PERSONS WITH THE OMAHA TRIBE OF INDIANS

The next business on the Private Calendar was the bill (H. R. 2319) to investigate the claims of and to enroll certain persons, if entitled, with the Omaha Tribe of Indians.

The SPEAKER. Is there objection?

Mr. EATON of Colorado. Mr. Speaker, I object, and in this connection put into the RECORD a statement of Judge Shiras in the case of Sloan against United States, One hundred and eighteenth Federal Reports, at page 283, in a case decided October 31, 1902, in which he states, regarding the persons whose names are included in this bill:

In numerous reports of the allotting officers introduced in evidence in these cases it is reported that none of the several claimants was recognized by the tribe as members entitled to allotment, and these findings of fact have been approved by the Secretary of the Interior, and they will, for the reasons stated, be accepted as final by this court in the further consideration of these suits.

I submit for your further consideration the report of Indian Commissioner C. J. Rhoads on January 20, 1932:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 20, 1932.

Memorandum for the Secretary.

The accompanying letter of December 23, 1931, from Hon. EDGAR HOWARD, chairman House Committee on Indian Affairs, requests report on H. R. 2319, a bill to investigate the claims of and to enroll certain persons, if entitled, with the Omaha Tribe of Indians.

Briefly, the proposed legislation is to enroll 48 persons, including the various members of the Frost, Barada, and other related families with the Omaha Tribe of Nebraska, and to appropriate funds for them in lieu of lands and payments with the tribe of which they claim to have been deprived.

The records show that the applications of certain members of the families referred to for enrollment with the Indians mentioned were rejected by the department in 1891, as the applicants were not residing with the Omaha Tribe at the time of the treaty of March 6, 1865 (14 Stat. L. 667), were not included in the certified roll of 1871 submitted by the Omaha council containing the names of all Indians and mixed-blood persons entitled to rights on the Omaha Reservation, and belonged to the mixed-blood families provided with allotments on the Nemaha Reservation, Nebr., by the Omaha Tribe under the tenth article of the treaty of July 15, 1830 (7 Stat. L. 328). Subsequently, some of the applicants entered suit in the United States Circuit Court of Nebraska under the acts of August 15, 1894 (28 Stat. L. 305), and February 6, 1901 (31 Stat. L. 760), alleging that they had been unlawfully denied land allotments on the Omaha Reservation.

The court held in an opinion rendered October 31, 1902 (118 Fed. Rep. 283), that with the exception of two of the plaintiffs, namely, Thomas L. Sloan and Garry P. Myers, none of the plaintiffs was entitled to the rights sought. The court held also that the act of August 7, 1882 (22 Stat. L. 341), relating to the lands of the Omaha Tribe of Indians in Nebraska, and providing that, with the consent of the tribe, allotments in severalty should be made from certain lands within its reservation, superseded all previous legislation on the subject, and dealt with the tribe as it existed on

the date of the act; and that the right to allotments thereunder was not confined to such persons as were members of the tribe at the date of the treaty of March 6, 1865, and entitled to allotments under its provisions.

It was also held by the court that in some exceptional cases persons might be recognized to be members of the tribe, and as such entitled to allotments, although not upon the reservation when the act of 1882 took effect; but such recognition should be limited to such persons, if any, whom the tribe clearly deemed to be members.

In this connection attention is respectfully invited to the case of Sloan v. United States (118 Fed. Rep. 283), which goes fully into the facts and contains a history of the matter. Reference is made also to the hearings before the Senate Committee on Indian Affairs, Sixty-fifth Congress, second session, on S. 3992, to investigate the claims and to enroll certain persons therein referred to with the Omaha Tribe, which hearings were printed in 1918, and are entitled "Claims of Certain Indian Tribes."

Similar bills have been introduced from time to time in Congress, but have failed to be enacted, as adverse reports have been made thereon by this department.

In view of the court decision mentioned, and as the persons named in the bill have not been recognized by the Omaha Tribe as members thereof, it is recommended that the instant bill be not enacted into law.

C. J. RHOADS, Commissioner.

The SPEAKER pro tempore. Is there objection?

Mr. EATON of Colorado. Mr. Speaker, I object.

Mr. HOWARD. Mr. Speaker, will the gentleman withhold his objection until the author of the bill may have opportunity to make a statement?

Mr. EATON of Colorado. I reserve my objection.

Mr. HOWARD. Mr. Speaker, I am the author of the bill. I call the attention of the gentleman and the attention of the House to the fact that the tribal council of the Omaha Tribe of Indians has unanimously requested the passage of this legislation. It does not seek to immediately enroll anybody. It seeks to give the Secretary of the Interior a chance to investigate and to enroll these certain persons if, in his judgment, he deems it proper. That is all.

Mr. EATON of Colorado. It is 50 years now since this enrollment was completed, and upon the statute of 1901 these identical individuals covered by this bill, who were then at least 31 years younger than they are now, were unable to make their proof. I object.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOWARD. That is whether or not the Speaker knows of any action taken by the society of objectors which will lead to the necessary objection to everything in the nature of an Indian bill?

The SPEAKER pro tempore. The Chair is unable to state any conclusion on that question, and in addition doubts very much whether that is a parliamentary inquiry.

DONGJI INVESTMENT CO.

The next business on the Private Calendar was the bill (H. R. 2872) for the relief of the Dongji Investment Co. (Ltd.).

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. Mr. Speaker, I object.

Mr. HOUSTON of Hawaii. Mr. Speaker, will the gentleman reserve his objection?

Mr. BACHMANN. Yes.

Mr. HOUSTON of Hawaii. I would like to see whether I can not remove the objection. This is a bill to relieve this eleemosynary corporation of a surcharge that was made against it when it was not able to perform its contract with the Navy Department. In the first place, the Navy Department went into the open market for the purpose of obtaining what is known as ohia keel blocks, which are blocks of a certain kind of wood grown only in the Hawaiian Islands. The Dongji Investment Co. was the only company that submitted a bid, so that the Navy Department was not in a position of having accepted this bid when it might have taken a lower one. Subsequently the company was not able to fulfill its contract, because it had difficulty with the timber that was cut, and it forfeited the contract, and the department then went out in the open market and purchased the ohia keel blocks, and surcharged this institution with the greater amount of money it cost them. It probably would have cost the Navy Department that in the first place

if they had gotten it from a recognized dealer in lumber, but they took it from this eleemosynary institution, which had not yet established its saw mills and did not have an established business, under the idea that the Navy would get the thing cheap, but the Navy found out they could not get it. The Navy Department will not have lost any money if this bill is passed. The corporation has assets only of the value of about \$15,000, against which there are outstanding some liabilities of \$30,000, and the chances are that they will not be able to collect and will merely drive the institution completely out of business.

Mr. BACHMANN. Mr. Speaker, I think the gentleman has stated the facts rather correctly.

Mr. HOUSTON of Hawaii. The department approves the bill.

Mr. BACHMANN. I am opposed to relieving bonding companies and insurance companies who require the principal to pay them a premium for the chance that they take, and the United States Fidelity & Guaranty Co. went security for the faithful performance of this contract for the Navy Department to the extent of \$2,300.

Mr. HOUSTON of Hawaii. That is correct.

Mr. BACHMANN. If the legislation passes, the bonding company will be relieved after they have collected the premium on the bond, for making good in the performance of this contract, and I must object as long as this legislation will have anything to do toward relieving a bonding company that has been paid for the chance that it took. I object.

EXPLOSIONS AT NAVAL AMMUNITION DEPOT, LAKE DENMARK, N. J.

The Clerk called the next bill, H. R. 5444, to provide an additional appropriation as the result of a reinvestigation, pursuant to the act of February 2, 1929 (45 Stat., p. 2047, pt. 2), for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosions at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, on a former occasion when the Private Calendar was being called a bill of similar import of an omnibus nature providing for reascertainment of the damages by the Comptroller General over those ascertained by the Secretary of the Navy was objected to. I have examined both bills, and I can not see wherein the bills differ, except that the present bill relates to different claimants.

Mr. STEWART. The gentleman will notice that the Comptroller General, Mr. McCarl, has approved each of these items. They are very small. These people have been kept out of their money since 1926. This terrible explosion took place there in my district. A naval arsenal blew up and spread destruction for miles in every direction. Most of those people are poor people and can ill afford to be kept out of this money.

Mr. STAFFORD. I am not acquainted with the legislation whereby we delegated to the Comptroller General the reascertainment of the amount of the claims, but I am directing the attention of the gentleman from New Jersey to the fact that a bill of similar import, involving other claimants, was objected to on the prior call of the Private Calendar.

Mr. STEWART. Yes.

Mr. BLANTON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BLANTON. The gentleman will note that by a special bill passed by the Congress, the matter was referred to the Comptroller General of the United States for reinvestigation and reascertainment of the amount. Both the Navy Department and the Comptroller General recommend the payment of this exact amount covering the various claims specified. For that reason I have not objected to the bill, because when the Navy Department and the Comptroller General both pass upon them, I never object to them.

Mr. STAFFORD. I examined the other bill to which objection was made and I can not see any reason why objection should have been entered. I am only calling atten-

tion to the fact that objection was made, and I thought there might be some reason why the other bill was objectionable and this was not.

Mr. SCHAFER. Reserving the right to object, I objected to the other bill, which my colleague has just called to the attention of the House, and I am going to object to this bill. The Navy Department made an investigation and it considered the amount of damages that was properly payable. Certain of the claimants were not satisfied with the findings as to the amounts determined by the Navy Department. Then there was jammed through the Congress legislation ordering the Navy Department to turn about-face and to increase, in a few cases, the original amounts which they determined. In view of the fact that this bill is to indicate that the Navy Department was incompetent when it made its first findings, which were not accepted by a few of the claimants, I am going to object to it.

Mr. STEWART. Will the gentleman reserve his objection?

Mr. SCHAFER. I will reserve the objection.

Mr. STEWART. I think the gentleman can understand that in the confusion following such a major catastrophe as occurred there it would be impossible to obtain a full list of claimants and a full statement of the damages. The matters to which the gentleman referred took place when I was not a Member of this Congress, but when my predecessor, Mr. Ackerman, had introduced this bill, but it was not presented in time, and it therefore came to me for consideration. I sincerely hope the gentleman, in view of the fact that the property of these people was destroyed and that they have been kept out of their money for such a long time will reconsider his position.

Mr. SCHAFER. I have no objection to the claims which were not already acted upon by the Navy Department and the amount of damages set by the Navy Department. What I object to is the portion of this bill which includes a certain small percentage of claimants who would not accept the actual findings of the Navy Department as to damages, and then, under an act of Congress, the Navy Department reopened and reviewed those few claims and increased the amount of damages. Certainly they should not have any second review just because they protested the findings of a qualified naval board in the first instance.

Mr. McSWAIN. Will the gentleman yield?

Mr. SCHAFER. I yield.

Mr. McSWAIN. Could the gentleman meet that by allowing this bill to pass the objection stage and then offering an amendment to that effect?

Mr. SCHAFER. If the gentleman is willing to prepare the amendment, that might be possible. I have been working on these private claims in the Claims Committee, and I do not feel like preparing amendments myself. If the gentleman will prepare an amendment and take out of this bill the claims which were increased over the original findings of the Navy board, I shall not object.

Mr. STAFFORD. Every one of the claims in this bill provides for an increase over the original adjudication.

Mr. BLANTON. Will the gentleman yield?

Mr. SCHAFER. I yield.

Mr. BLANTON. The gentleman from New Jersey [Mr. STEWART] says he has the bill which has been reported and which the gentleman from Wisconsin says he approves of. Would the gentleman agree to allow the gentleman from New Jersey to ask unanimous consent to substitute that bill for the bill now under consideration?

Mr. BACHMANN. Is that the bill which was objected to in the last Congress?

Mr. BLANTON. That was the bill that carried the amounts which the gentleman from Wisconsin said he would not object to.

Mr. BACHMANN. I would oppose that bill if it is the same bill that was objected to before in the last Congress.

Mr. BLANTON. Does it not carry a less amount than is carried in the bill under consideration?

Mr. SCHAFER. Mr. Speaker, in view of the convincing argument of the gentleman from Texas, and in view of the fact that I leave my mind open for consideration of facts on the Private Calendar bills, I will withdraw my reservation of objection.

Mr. BACHMANN. Well, reserving the right to object, I do not think this bill ought to pass under the circumstances. Only the other night there was a bill of the same kind, providing for other claimants, growing out of the same accident, and that bill was objected to. Now, on the same facts, after that bill has been turned down, here we are taking another part of it and passing it.

Mr. BLANTON. Here is the difference: The gentleman from West Virginia knows that Gen. J. R. McCarl, the Comptroller General, is called by everybody the most cold-blooded official of the United States in passing on claims against this Government. Whenever J. R. McCarl approves a claim we can rest assured that there is merit in it, that it is just, and that it is due by the United States Government.

This claim was submitted to Gen. J. R. McCarl. He is answerable to nobody else on earth except the Congress. He is not responsible to any other power on earth except the Congress. He has approved this claim. He has approved every item in the bill. He recommends that the bill be passed in settlement of the claims—all little claims, some in very small amounts. I hope the gentleman from West Virginia will not stop this bill. I was one of those who objected to the other one.

Mr. BACHMANN. Why does not the gentleman ask unanimous consent that we pass this bill and along with it the one which was objected to previously?

Mr. BLANTON. That one also ought to be submitted to General McCarl to pass on.

Mr. BACHMANN. It was submitted to him; they are all on the same basis.

Mr. STEWART. He has passed on all of them.

Mr. BLANTON. I shall not interpose any objection to this bill which General McCarl recommends.

Mr. BACHMANN. Is the gentleman from Texas in a position to give assurance to the House that if this bill passes we will not be relieving some insurance company which has been paid a premium for the protection of the property?

Mr. BLANTON. I do not know. I am not going to say that, because I do not know. I do know that the Comptroller General of the United States, in whom I have implicit confidence, says it ought to be paid.

Mr. BACHMANN. I will agree with the gentleman along that line, but I think we should at least have assurance that in passing this bill we are not relieving some insurance company that has been paid a premium for carrying the risk.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, a detailed examination of the various appendixes covering all these claims will show that they are in very small amounts, and it is to be inferred that they were not covered by any surety company. Most of these are not for damages covered by fire insurance but arise from damage to property which is not generally covered by fire insurance.

Mr. BLACK. Can not the objection of the gentleman from West Virginia be met by an amendment to the effect there shall be no assignment of any of these claims to any insurance company?

Mr. BACHMANN. When our good friend Mr. Ackerman, who preceded the gentleman from New Jersey [Mr. STEWART] was here he introduced a bill which provided for payment of all these numerous claims. Some insurance companies were included. However, they had already been given a premium for accepting the responsibility, and the bill was defeated in the last Congress for that particular reason. The bill comes up again, and indirectly we are going to relieve insurance companies.

Mr. BLACK. Mr. Speaker, I will accept any amendment the gentleman offers to the effect that there shall be no assignment of any award under this bill to any insurance company.

Mr. BACHMANN. If we are going to pass this bill with appropriate amendments and safeguards, we ought to have the understanding that we will pass the other one which was objected to the other night. The two bills are on all fours. If the gentleman will prepare the proper amendment, I shall be pleased to look at the other bill again.

Mr. BLANTON. We can not pass two bills at the same time.

Mr. BLACK. Mr. Speaker, I ask unanimous consent that this bill be passed for the time being to permit opportunity to prepare an amendment, to be called up later in the afternoon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FRANCES SOUTHARD

The Clerk called the next bill, H. R. 7038, for the relief of Frances Southard.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this is a case of where a child ran into the truck rather than the truck running into the child.

Mr. COCHRAN of Missouri. The facts show just the opposite. Has the gentleman read the affidavits?

Mr. STAFFORD. I have read the affidavit of Jenny C. Rousseau, and the facts as gleaned from the bill are these: The children were returning from school—

Mr. COCHRAN of Missouri. The corner is blocks away from the public school.

Mr. STAFFORD. Returning from school, crossing the regular crosswalk, and one of the children ran across the street not at the regular crosswalk—

Mr. COCHRAN of Missouri. There is no such thing as a regular crosswalk in St. Louis. No marks of any kind at the crossing.

Mr. STAFFORD. Not at the regular crosswalk, but some 10 or 15 feet beyond the regular crosswalk. It is true that the evidence rather supports the contention that the truck driver turned the corner rather sharply. If the truck driver had not turned the corner sharply there would not be any basis for the claim against the Government.

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

Mr. STAFFORD. I yield.

Mr. BUCHMANN. I have this in mind; this evidence is conflicting. The two women say that the child was crossing at the regular crosswalk. The boys who testified before the coroner at the inquest testified that the child was not crossing at the regular crosswalk. So in that respect the witnesses differ as to whether the child was crossing at the proper place.

I think there is some merit in this claim. If the gentleman will agree to a limitation of \$2,500, I shall not object.

Mr. COCHRAN of Missouri. I am simply making this statement in the absence of the author of the bill, who has been called to the department on important business, and because I know the situation at this corner. The city had just removed a traffic light there and a left-hand turn had never been permitted until a few days before this accident.

Mr. BACHMANN. Quite generally the committee has followed the rule that where the beneficiary is an adult the amount is \$5,000, and in the case of a child the amount is less.

Mr. COCHRAN of Missouri. In the absence of the author of the bill, I shall take the responsibility of accepting the gentleman's amendment.

Mr. BLACK. I think probably we might as well accept the amendment, but while we are accepting so many of these reductions I do not want this to be established as a general principle.

Mr. BACHMANN. I may say to the chairman of the Committee on Claims that prior to his becoming chairman of the committee there was a rather definite understanding among the different committees handling such matters that where an adult lost his life the amount should be \$5,000 and in the case of a child it should be less than that amount. This child was only 9 years old.

Mr. COCHRAN of Missouri. It is late in the session and the bill can not be reached again, and I shall take the responsibility of accepting the amendment, in the absence of my colleague.

Mr. BACHMANN. I think the bill should be further amended by putting in the age of the child.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Frances Southard, of St. Louis, Mo., to compensate her in full for all claims she may have against the United States arising out of the death of her son, William Southard, who was struck by an automobile truck belonging to the United States Government in the city of St. Louis on the 10th day of March, 1930.

With the following committee amendment:

Page 1, line 10, after the figures "1930," insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer an amendment to strike out, in line 4, "\$5,000" and insert "\$2,500."

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: On page 1, line 4, strike out "\$5,000," and insert in lieu thereof "\$2,500."

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer a further amendment, in line 7, page 1, after the word "Southard," insert the words "aged 9."

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 1, line 7, after the word "Southard," insert "aged 9."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

PETER BESS

The Clerk called the next bill, H. R. 657, for the relief of Peter Bess.

There being 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 Peter Bess, of West Springfield, Mass., the sum of \$500, which sum represents the payment by him of a fine originally imposed in violation of the law by the United States District Court of Massachusetts and subsequently revoked by an order of the said court.

With the following committee amendment:

Page 1, line 10, after the word "court," insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, there should be a further correction of this bill; and I offer an amendment, after the word "court" and before the committee amendment, add a comma and the following, "on June 18, 1930."

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: After the word "court," in line 10 on page 1, insert a comma and the words "on June 18, 1930."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WILLIAM H. AMES

The Clerk called the next bill, H. R. 1842, for the relief of William H. Ames.

Mr. HOPE and Mr. GRISWOLD reserved the right to object.

Mr. TINKHAM. Mr. Speaker, this is a very simple case. An automobile in which the claimant was riding was in collision with a vehicle owned and operated by the American Railway Express Co. when that organization was under the control of the United States Government. The claimant was permanently injured. The Government did not contest the liability; in fact, made him an offer of \$1,000. While the negotiations were in progress and, apparently, they were in progress for some time, the statute of limitations ran. The statute of limitations having run, Mr. Ames's only relief was through an act of Congress, so this bill was introduced.

Mr. HOPE. Will the gentleman yield?

Mr. TINKHAM. In just a moment.

I want to read one statement which appears on page 2 of the committee report.

It says:

It can not be doubted that Mr. Ames was misled by frequent visits from the claim agent. He was lulled into a sense of security and led to believe that he could effect settlement without bringing suit against the director general.

Mr. PITTENGER. If the gentleman will yield, I wrote that report, and ordinarily I would not write that kind of a report, but in going over the files and the record I used that language because it is correct. I know the methods of some of these claim agents; they deliberately mislead the man, fool along and do not get anywhere, but after the time the statute of limitations has expired—

Mr. BLANTON. There is no question of internationalism in this bill, is there?

Mr. TINKHAM. Not at all.

Mr. BLANTON. When the gentleman says "he was lulled into," and so forth, there were no Federal agents who thus lulled him? There were no stool pigeons, or wire tapping?

Mr. TINKHAM. No agents and no stool pigeons and no wire tapping involved. [Laughter.]

Mr. GRISWOLD. The bill calls for \$2,000, but there is no medical testimony as to what the injuries were. The assistant director general says:

Mr. Ames received a severe injury of the right upper arm, the effects of which were rapidly disappearing, and that in his opinion there would be no permanent disability, and that he would probably be entirely well in two weeks.

That was the statement made by Dr. George W. Moss.

Mr. PITTENGER. If the gentleman will turn over to page 5, he will find a letter from Mr. Ames stating:

On account of wife being an invalid for the past six years and under the constant care of a nurse, and I myself being confined to the house for the past four years, we find ourselves at the age of 80 and 74 years, reduced financially and our life savings practically exhausted.

Mr. GRISWOLD. That is a letter from the claimant himself. All the medical testimony there is in this report is the man would be well in two weeks.

Mr. TINKHAM. He was a man well along in years at the time of the accident. He was offered \$1,000.

Mr. HOPE. I object.

BETHEL CEMETERY CO.

The Clerk read the next bill on the calendar, H. R. 2217, for the relief of the Bethel Cemetery Co., the Presbyterian Church, Harold S. Stubbs, George Morgan, Edward Stapp, William J. Howard, David J. Seacord, Mary L. McIntire, Emma E. Foard, Herbert C. Hannigan, Sisters of St. Basil, Edward Bedwell, and Rachel A. Loveless.

Mr. STAFFORD. Reserving the right to object, here is a provision for appropriating \$964.29 for the repair of a pump or waterworks furnishing water for cemetery purposes.

Mr. GOLDSBOROUGH. This is the Bethel Association. They use these waterworks for the whole cemetery.

Mr. STAFFORD. As I understand, this claim arises out of the Government's increasing the depth of the Chesapeake & Delaware Canal, making it a sea-level canal, making it necessary to pump water—

Mr. GOLDSBOROUGH. Not to pump, but for an injury to these wells.

Mr. STAFFORD. It is rather difficult for me to understand how they could suffer a damage of a thousand dollars merely by interfering with existing wells.

I do not understand about these other claimants. Here is a church at \$146, and then there is a man named Stubbs for \$175.45. All these seem to have arisen since the last session at which we passed a bill recognizing the principle in the case of two claimants. All of a sudden they crop up as weeds after a freshet.

Mr. BACHMANN. Am I right about this? At the last session, when the calendar was called, did we not pass a claim reimbursing a man because his cellar was flooded and he had to cement it and pump the water out of it?

Mr. STAFFORD. Yes; that is all growing out of this.

Mr. GOLDSBOROUGH. Oh, no; that is a mistake. They did not all grow out of this.

Mr. STAFFORD. They arose out of the construction work in connection with the Delaware & Chesapeake Canal.

Mr. PITTINGER. That was some other claim.

Mr. STAFFORD. Yes. It seems the claims are developing fast over on the far shore of Maryland.

Mr. GOLDSBOROUGH. The claim mentioned is a claim which passed the Senate that I had no connection with. It was introduced by Senator Bayard; it had to do with something about a cellar up near Wilmington, on this same canal. That is a matter with which I had no connection whatever. I do not believe the bill ever passed.

Mr. STAFFORD. It passed when we last considered the Private Calendar.

Mr. GOLDSBOROUGH. In the Seventy-first Congress the bill passed both the House and the Senate and was signed by the President. It provided for the relief of 25 individuals at Chesapeake City. After the bill had been reported, or about the time it was to be reported by the Committee on Claims, these other individuals, whose names appear in the bill which we are now considering, presented their claims to me, and I thought it would be fair to include it in a separate bill. They are not afterthoughts at all. The War Department sent a man down there to make an investigation.

Mr. STAFFORD. My eye lights immediately, I do not know why, on the name in this private act the gentleman hands me of the Bethel Cemetery Co.

Mr. GOLDSBOROUGH. I will explain that.

Mr. STAFFORD. One of the claimants in this bill received \$166.51. If we had in that act incorporated the perfecting clause that the money should be in full payment of all claims, I do not think this cemetery company would be here now asking for an additional sum of \$964.29.

Mr. GOLDSBOROUGH. I think that was put in the bill, but of course subsequent legislation repeals prior legislation.

Mr. STAFFORD. Yes; it was put in, in full settlement of all claims against the Government, arising by reason of losses sustained by these various persons, among others the Bethel Cemetery Co. Why is the Bethel Cemetery Co. trying to get an added claim against the Government and nearly \$1,000?

Mr. GOLDSBOROUGH. They spent the \$166, and thought that they were going to get water, but did not get water. It was then necessary for them to dig other wells in order to get water, which is absolutely necessary for the maintenance of that cemetery, which is 2 miles east of Chesapeake City and covers a very large area. They had to do a lot of work up there before they got water, and I will say to the gentleman that the War Department made a very careful examination and say here that the Bethel Cemetery Co. has receipted bills for \$1,286.76, so that the \$964.29, the amount of the present claim of said company, is additional to the \$166.51 in the previous claim. The War Department further

says that the claim in equity is just and payable by the Government.

Mr. BACHMANN. Of course, if they had gone on there prospecting more for water they could have added more expense.

Mr. GOLDSBOROUGH. But they got the water, and the claim is over.

Mr. BACHMANN. But the question the gentleman from Wisconsin is interested in, as am I, is whether or not they ought to be paid that much in this particular instance.

Mr. STAFFORD. I have difficulty in bringing myself to the conclusion that this additional expenditure is for replacement and putting them in the same condition as they were before. They have gone to added expense, and seem to have simply said that "Uncle Sam is rich and we have not got adequate water, so we may as well put in a fine water works and get some more."

Mr. GOLDSBOROUGH. Oh, I have personal knowledge of that well, and it is about the same kind of well that they had before.

Mr. STAFFORD. Mr. Speaker, the assurance of the gentleman that he has personal knowledge is sufficient for me and I withdraw the reservation of objection.

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 to the Bethel Cemetery Co. \$964.29, the Presbyterian church \$141.28, Harold S. Stubbs \$175.45, George Morgan \$27.72, Edward Stapp \$105.89, William J. Howard \$40.25, David J. Seacord \$47.50, Mary L. McIntire \$68.25, Emma E. Foard \$125, Herbert C. Hannigan \$64.48, Sisters of St. Baisl \$687.57, Edward Bedwell \$87.58, and Rachel A. Loveless \$96.76, out of any money in the Treasury not otherwise appropriated, in full settlement of all claims against the Government of the United States by reason of the losses and damages caused, respectively, to the said Bethel Cemetery Co., the Presbyterian Church, Harold S. Stubbs, George Morgan, Edward Stapp, William J. Howard, David J. Seacord, Mary L. McIntire, Emma E. Foard, Herbert C. Hannigan, Sisters of St. Baisl, Edward Bedwell, and Rachel A. Loveless by reason of the damages to the wells on the properties of the said claimants caused by the lowering of the water level of the Chesapeake and Delaware Canal at the town of Chesapeake City, in Cecil County, in the State of Maryland.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

HOWARD M'KEE

The Clerk called the next bill, H. R. 6275, for the relief of Howard McKee.

Mr. SCHAFER. Mr. Speaker, I object.

Mr. JOHNSON of Oklahoma. Will the gentleman withhold his objection?

Mr. SCHAFER. Yes; I will.

Mr. JOHNSON of Oklahoma. I am not the author of this bill, but I am familiar with the claim. It is sponsored by the distinguished gentleman from Colorado [Mr. TAYLOR].

In the year of 1917, when there were many thousands of Government troops at Fort Sill, near the city of Lawton, Okla., a great fire swept the city of Lawton and destroyed property of many citizens there, because of the fact that the Government was using all the water for troops and none could be had to fight the fire. It was clearly a case wherein the Government was at fault; and all of the other parties whose property was destroyed and who submitted their claims have been paid by special bills introduced by me and, as I recall, passed Congress in 1929. This claimant knew nothing about the original bill at the time, and for that reason only was left out in the preparation of my bill. This claimant is not a constituent of mine, but his claim is a just one, and I sincerely trust that the gentleman from Wisconsin will be good enough to withdraw his objection.

Mr. SCHAFER. There is one thing I would like to have cleared up. Does the gentleman know whether or not this property was covered by insurance? If it was covered by insurance, of course, the gentleman understands this will be for the relief of the insurance company.

Mr. PITTINGER. Will the gentleman yield?

Mr. SCHAFER. I yield.

Mr. PITTENGER. I can answer that. It was not covered by insurance. I investigated that for the Member who introduced the bill.

Mr. SCHAFER. He had no insurance?

Mr. PITTENGER. No; he had none.

Mr. SCHAFER. I withdraw the objection, Mr. Speaker. There being 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 \$915 to Howard McKee, of Rifle, Colo., as compensation in full for loss of property destroyed by the fire on September 24, 1917, in the city of Lawton, Okla., such loss having been the result of the inability of the fire department of the city of Lawton to control said fire because of lack of water, all available water for fire-fighting purposes having been appropriated and being used by the War Department in connection with the training of soldiers at Fort Sill and Camp Doniphan: *Provided*, That before said claim is allowed and paid, the Comptroller General of the United States shall make an investigation of said claim to determine the extent and amount of said loss and damage, and said claim shall be adjusted in amount not in excess of the amount set out herein and upon certificate issued to said claimant by the said Comptroller General of the United States.

With the following committee amendment:

Page 2, line 10, after the word "States," insert a colon and the following: "*Provided further*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

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.

ALFRED SOLLUM

The Clerk called the next bill, H. R. 10732, to adjudicate the claim of Alfred Sollum, a homestead settler on the drained Mud Lake bottom, in the State of Minnesota.

Mr. STAFFORD. Mr. Speaker, the author of this bill advised me to-day that this claim has been incorporated in permanent legislation, and asked me to move on his behalf that the bill lie on the table.

The SPEAKER pro tempore. Without objection, the bill will lie on the table.

There was no objection.

JOSEPH E. MYERS

The Clerk called the next bill, H. R. 5704, authorizing the Secretary of War, under the direction of the President, to order Joseph E. Myers, major, United States Army, retired, before a retiring board for a rehearing of his case and upon the findings of such board, either confirm his retirement under the provisions of section 24-b, act of Congress of June 4, 1920, or place him on the retired list, as provided by section 1251 of the Revised Statutes, for disability incurred in line of duty.

Mr. GRISWOLD. Mr. Speaker, reserving the right to object, this bill seeks to place on the retired list a major who was retired under class B right after the war, and it would place him back and retire him now as a major when his first physical disability, if he had one, occurred when he was a lieutenant.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. GRISWOLD. Yes. I yield.

Mr. HILL of Alabama. The bill would not necessarily place him on what we call the regular retired list. All the bill provides is that the Secretary of War shall convene a board, that the board shall investigate the case and say whether or not this man should have been placed on the retired list in the first instance, or whether he should have been retired as class B. If the board should determine that an injustice had been done, and this man had received a wrong,

then the Secretary of War would have the power to place him on the regular retired list. The original injury occurred in line of duty when this man was a lieutenant in Cuba, back in 1902. For many years afterwards the man continued in service and his physical condition grew gradually worse, due in no small measure to his service in the Army.

Mr. GRISWOLD. It is my understanding from the report and from the report of the War Department that this man never at any time made application to retire because of physical disability.

Mr. HILL of Alabama. He did not.

Mr. GRISWOLD. He was retired because following the World War and the necessity of getting rid of the less capable officers, he appeared before the retiring board and they classed him as class B, due to that. Now he wants to come in under the physical-disability clause, which will bring him as a retired officer \$1,072.50 a year more than he is getting now.

Mr. HILL of Alabama. This is not my bill and I have no personal interest in the matter. I happen to be chairman of a subcommittee of the Committee on Military Affairs which held a very thorough and exhaustive hearing on this bill, and after having had all the evidence presented to that subcommittee, we were unanimous in the opinion that this man had been done an injustice, and that he had received a wrong that should be redressed.

Mr. BLANTON. Will the gentleman yield?

Mr. HILL of Alabama. I yield.

Mr. BLANTON. As to the matter of injustice, permit me to say the Secretary of War in his report says:

A careful investigation of the record of Major Myers indicates that he was not the victim of either error or injustice, and that his rights, as well as those of the Government, were carefully safeguarded in the course of the proceedings which culminated in his retirement. He is physically and mentally sound and the department is consistently opposed to special legislation of the type carried in this bill, which would discriminate in favor of an individual of a class when others in the same category are not similarly favored.

The War Department recommends that this bill be not favorably considered, and that it be not enacted into law.

Mr. HILL of Alabama. May I say during my 10 years of service on the Committee on Military Affairs I have never known the War Department to favorably recommend any of these bills. The language which the gentleman has read to the House is what we might term the usual form language that the War Department uses with reference to these matters. The gentleman from Texas must remember this fact: That if this man was unjustly retired by being placed in class B, that was an error on the part of the War Department, and the War Department does not come here and confess error in these matters.

Mr. BLANTON. The gentleman knows, as a member of the Military Affairs Committee, that all of the personnel of the Army, through the War Department, get every single advancement they are entitled to naturally, and under the rules and regulations of the department. Now, for Congress to step in and give some extra advancement, that means thousands of dollars a year to the Treasury and to the taxpayers, in addition to continually going over the head of the War Department and the Navy Department and putting thousands of men on the pension rolls in addition to those who are entitled to pensions, will bankrupt this Government if it is not stopped.

Mr. HILL of Alabama. Let me say to the gentleman that I agree with him; but this is an exception because an injustice has been done. Mistakes are made by officers in the Army just as mistakes are made by Members of Congress and everyone else in the world.

Mr. BLANTON. And the gentleman from Oregon [Mr. MARTIN] knows that I am talking good logic when I am backing up the War Department and the Navy Department in these recommendations. The gentleman is with me on it.

Mr. HILL of Alabama. I am sure the gentleman from Oregon will state that some errors have been made by these different boards.

Mr. BLANTON. Not many errors have been made.

Mr. MARTIN of Oregon. I will state very frankly that these officers who were class B'd have every chance in the world of beating the board, but had I been running the War Department I would have class B'd a great many of them.

Mr. EATON of Colorado. Mr. Speaker, I demand the regular order.

Mr. HILL of Alabama. Will the gentleman withhold his demand for the regular order for a moment?

Mr. EATON of Colorado. I will.

Mr. HILL of Alabama. I have a letter from Maj. Gen. G. F. Morrison, who was chairman of the board that class B'd this man. Major General Morrison says this:

I have carefully read the recent letters from your former commanding officers. As I told you at the time I, as a member of the board, would not have placed you in class B had such evidence been available. With this information before me I can not but believe you entitled to the redress sought.

There is no doubt about the fact that all the evidence was not presented to the board that class B'd this man, and he really did not have his day in court. He has been done a serious injustice. The bill ought to pass. It simply gives him another hearing before a board.

Mr. EATON of Colorado. This man is now getting \$150 a month. He seeks to have himself designated in a higher rank so he may get \$250 a month.

Mr. HILL of Alabama. No; he is not seeking to have himself placed in a higher rank.

Mr. EATON of Colorado. That is what appears in the report from a statement on behalf of the War Department signed by Patrick J. Hurley, Secretary of War.

Mr. HILL of Alabama. What this man seeks is to remove the stigma from his good name and have an opportunity to present his case again. The Committee on Military Affairs believes he should have this chance. We are not now passing on the justice of this man's case, but are providing that he may have it passed upon. I am sure the gentleman from Colorado would be the last one in this House who would want to have him deprived of his rights.

Mr. EATON of Colorado. The gentleman is absolutely correct.

Mr. HILL of Alabama. I hope the gentleman will at least give this man a chance.

Mr. EATON of Colorado. The report of the Secretary of War clearly shows this man was not the victim of either error or injustice. This is legislation in favor of a special class; for that reason I object.

GEORGE CALDWELL

The Clerk called the next bill, H. R. 3611, a bill for the relief of George Caldwell.

Mr. GRISWOLD. Mr. Speaker, I object.

Mr. SWING. Mr. Speaker, will the gentleman withhold his objection that I may point out what I believe is an obvious discrimination and injustice warranting favorable consideration of this case?

Mr. GRISWOLD. Mr. Speaker, I reserve the objection to permit the gentleman to make a statement.

Mr. SWING. Captain Caldwell entered the Regular Army as a private in 1895 and served more than 20 years. When the World War started he had been six years in the rank and grade of ordnance sergeant. The War Department then took him out of the position of ordnance sergeant and successively promoted him to second lieutenant, first lieutenant, and captain. Then finally came the general law for reduction of the number of officers, and he was retired with the rank only of warrant officer. If he had been left alone in his position of ordnance sergeant, with the longevity which the general law allows, he would have been at the end of the war much better off. But because of his ability and patriotism, he was promoted successively to the positions where he could and did render the greatest and best service to his country. Now he is penalized because of that same patriotism, ability, and service by being retired at a lower grade paying approximately \$85 per month.

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

Mr. SWING. I yield.

Mr. GRISWOLD. That was done of his own volition. For business reasons, according to the report, he asked to be retired as a captain and accept one year's pay, probably because he could get it in cash, in preference of being retired as a warrant officer and getting \$85.10 the rest of his life. He chose the lump sum and retirement as a captain.

Mr. SWING. Then the gentleman must not have read the report.

Mr. GRISWOLD. Yes; I have read the report.

Mr. SWING. The report says Caldwell has been retired as a warrant officer. Did the gentleman read his record of distinguished service and the decorations for valor beyond the call of duty during the World War, including the French croix de guerre, citations in orders, for conspicuous bravery, by General Pershing and Marshal Petain?

Mr. GRISWOLD. Yes; and I give him all the credit in the world for those things.

Mr. SWING. He received the decoration for bravery from France and was recommended for the distinguished-service medal of his own country.

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

Mr. SWING. I yield.

Mr. BLANTON. I wish to call the attention of the gentleman from California to what Hon. Dwight F. Davis, Secretary of War, said:

There appears to be no reason why the beneficiary of this bill 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.

He says this bill ought not to be passed and recommends against it.

Mr. SWING. It was obviously this man's intention and desire to continue his service to his country in the Army, but he was up against the gun. When a man is shown the door, and he takes his hat and says he will go, can it be said he left of his own volition? This man did not want to retire. He wanted to serve, and his distinguished war record entitled him to continue. But if the interests of the Government were best served by a reduction in the number of Army officers, some notice ought to be taken of the hardship and injustice done this splendid officer by retiring him in a grade that leaves him far worse off than if he never had been promoted above ordnance sergeant, which position he held at the opening of the war. If retired in that grade and rank, with his earned longevity, he would now be drawing \$138 per month instead of \$85, now allowed him.

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

Mr. SWING. I yield.

Mr. STAFFORD. The gentleman was in Congress when the Committee on Appropriations thought it was good policy to save \$30,000,000 by reducing the officer personnel. The only way to reduce the officer personnel was to eliminate some of the men, and those eliminated were the least desirable. Those eliminated as the least desirable were given one year's pay. Does the gentleman think it justified that one should be singled out for preferred consideration by being brought back on the pay roll of the Government as a retired officer?

Mr. SWING. Unless there was some outstanding service which would merit this, and in this case a reading of the report discloses such service.

Mr. BLANTON. Will the gentleman yield?

Mr. SWING. Yes.

Mr. BLANTON. I have in my scrapbook the report of one of my friend's state-wide speeches in California promising the people of that State to reduce the expenses of this Government. His speech appealed to me so much that I am now following it by helping to stop the passage of this bill.

Mr. SWING. I have not seen the speech, but the gentleman makes a very good one. I do not want economy at the expense of an injustice to any man. If this man had been permitted to continue in his then capacity of ordnance sergeant he would be drawing the pay now as a retired ordnance sergeant of \$138, whereas he is penalized for his

promotions and only draws \$85. He would have been better off not to have been a commissioned officer, but he responded to the call of his country and took the commissioned rank, where he could best serve his country.

Mr. GRISWOLD. Mr. Speaker, I object.

ESTELLE M. GARDINER

The Clerk called the next bill, H. R. 5270, for the relief of Estelle M. Gardiner.

Mr. BACHMANN. Mr. Speaker, I object.

Mr. OLIVER of New York. Will the gentleman reserve his objection?

Mr. BACHMANN. I reserve the objection.

Mr. OLIVER of New York. Mr. Speaker, this was an accident to a constituent of mine, under these circumstances: There is an avenue up our way about as wide as Pennsylvania Avenue. If we take this [indicating] as north and this as south and this as a crossway, a mail truck was going north on this side; Mr. Gardiner stepped off of this corner and went across the street on the cross walk. A car was going south and the mail truck was coming up here [indicating], and as Mr. Gardiner stepped from behind this other car the mail truck hit him and knocked him down, and in a couple of weeks he died.

The department itself says that there was negligence on the part of the driver, and if the gentleman from West Virginia will read that report he will find it so states.

Mr. BACHMANN. I may say to the gentleman from New York that I have read this report very carefully. When I saw that my good friend, the gentleman from New York, had introduced this bill I read it again to be sure, because I know his ability as a lawyer and his fairness, and I wanted to be sure I was right. So I have read that report very carefully.

Mr. OLIVER of New York. I can not understand why the gentleman is not convinced after reading the report.

Mr. BACHMANN. I may say to the gentleman there are two reasons. One is that there was a contributing cause for this man's death, and the other is that the claimant here appears to be a sister of the deceased, and there is no showing in the record that she was absolutely dependent or that the deceased was employed and qualified to contribute toward her support. I could eliminate this feature were the dependent the mother or a dependent father or a child, but the gentleman will appreciate that we are going far afield when we include brothers and sisters, unless they establish sole dependency, in trying to compensate them for the death of some member of the family.

Mr. OLIVER of New York. The sister has submitted a letter, which is not in the report, showing that the deceased was her sole support.

Mr. BACHMANN. I do not find that in the report.

Mr. OLIVER of New York. It is not in the report, but the committee has the letter.

Mr. BACHMANN. The gentleman will appreciate that all we have to go on in these cases is the printed report and we must follow the report. If there is anything of that sort in the case I would be pleased for the gentleman to clear it up.

Mr. OLIVER of New York. The letter was filed with the committee a long time ago, stating that the deceased was her sole support. There was no rebuttal from the department and there was no necessity to submit any further proof than her assertion, when her statement was the fact.

Mr. BACHMANN. But I do not find in this statement of the beneficiary that he was her sole support. I understand she paid the funeral bill and he could not have been supporting her to any great extent if she had to pay the funeral bill.

Mr. OLIVER of New York. He had given her money from time to time out of which she paid the funeral bill.

Mr. BACHMANN. Does the gentleman know whether the deceased was employed or not?

Mr. OLIVER of New York. The deceased was employed. I understand he was an architect. She says in this letter,

"Consequently, my brother being my sole support, I am left practically with no income."

This is her statement and the department would have rebutted this statement if it were not true. The committee may have left this out of the report, and I am sorry it left it out.

Mr. BACHMANN. Does the gentleman know the amount he contributed to the support of this sister?

Mr. OLIVER of New York. My best information is \$150 a month and all that the committee recommends is \$5,000.

Mr. BACHMANN. I am willing to accept the gentleman's statement when he assures the House with respect to this particular item that the deceased was gainfully employed and was supporting his sister to the extent of \$150 a month. What does the gentleman from New York say about the contributing cause of this man's death, a chronic cardio-renal disease, which is a heart and kidney condition?

Mr. OLIVER of New York. As the gentleman well knows, when a man is injured in an automobile accident and dies directly as a result of such injury two weeks later on, you do not go back to see whether he has some kidney complaint or headache, or something of that sort. This man was 63 years old when several bones were broken and he was bruised and thrown down on the street and it could not be said that he died of some kidney complaint.

Mr. BACHMANN. Would this man have died if it had not been for this chronic disease?

Mr. OLIVER of New York. Of course he would have died in the years to come, because he was 63 years old and did not have such a long life expectancy.

Mr. BACHMANN. In view of what the gentleman has said relative to these two inquiries, if the gentleman will accept an amendment striking out \$5,000 and inserting \$2,500, I shall not object.

Mr. OLIVER of New York. The amendment is forced upon me and I am glad to accept it.

Mr. BACHMANN. I do not want the gentleman to accept it in that way.

Mr. OLIVER of New York. I am saying that somewhat facetiously. If the gentleman, who has the power to destroy my bill thinks that is the right amount, I am not going to argue with the gentleman. I have too high a regard for the gentleman's sense of justice to do that. The gentleman has a duty here and I accept the amendment with grateful thanks to the gentleman for his attitude.

There being 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 Estelle M. Gardiner the sum of \$10,000 damages suffered by reason of her brother, John Henry Gardiner, being struck and fatally injured by a Government automobile which was driven by an employee of the Post Office Department.

With the following committee amendment:

Page 1, line 6, strike out the figures "\$10,000" and insert "\$5,000."

Mr. BACHMANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend the committee amendment by striking out "\$5,000" and inserting in lieu thereof "\$2,500."

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

Mr. BACHMANN. I offer the following amendment.

The Clerk read as follows:

Page 1, line 6, after the figures "\$2,500," insert "in full settlement of all claims against the Government of the United States."

The amendment was agreed to.

Mr. BACHMANN. I offer the following amendment.

The Clerk read as follows:

At the end of the bill strike out the period, insert a comma, and add the following: "in the city of New York on August 4, 1930."

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

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, and a motion to reconsider was laid on the table.

DELLA O'BRIEN

The Clerk read the next bill on the calendar, H. R. 7128, for the relief of Della O'Brien.

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. I will reserve an objection.

Mr. BOLTON. What is the gentleman's objection based on? This is a very meritorious case. The girl was killed through no fault of her own but by the negligence of the driver of a post-office truck. She was the sole support of her mother and sister.

Mr. BACHMANN. How old was she?

Mr. BOLTON. Twenty-seven years of age.

Mr. BACHMANN. I will not object.

There being 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 Della O'Brien, of Cleveland, Ohio, the sum of \$10,000 in full settlement of all claims against the Government of the United States on account of the death of Nora O'Brien, daughter of the said Della O'Brien, resulting from injuries received February 9, 1931, when a United States mail truck struck her: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 6, strike out "\$10,000" and insert "\$5,000."

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I move to strike out the last word. I do so at this time for the reason that in going over the Private Calendar I have noticed that one gentleman in the House, a Member of the Committee on Claims, has taken a lot of his own time in preparing reports upon these bills on the Private Calendar.

I can not let this opportunity pass without paying the gentleman a little compliment for the time he has taken in order to perfect some of these measures in order to assist Members in getting their bills considered on the Private Calendar. I think it is very appropriate at this time to tell the House of the very fine work in this connection which has been done by the gentleman from Minnesota [Mr. PITTINGER]. [Applause.]

Mr. BLACK. Mr. Speaker, I rise in opposition to the motion but not to the sentiment of the gentleman from West Virginia [Mr. BACHMANN]. I want to join in the tribute the gentleman from West Virginia paid the gentleman from Minnesota [Mr. PITTINGER]. I have not seen in my time in the House any harder-working member of any committee on which I have served than the gentleman from Minnesota. It is all right to say a few kind words for him. He is leaving us at the end of this session. He has a very important bill before the Committee on Claims which the Committee on Claims has studied very carefully. It is at some place on the calendar and relates to the Minnesota fire claims. I

hope the House will recognize his great service to the Committee on Claims in respect to the Private Calendar by at least giving proper consideration to his own bill. [Applause.]

Mr. BLANTON. Mr. Speaker, the office of our friend from Minnesota [Mr. PITTINGER] is close to mine, and I have observed many times how he works at night as well as in the daytime. I would go a long way to do a kindness to our friend from Minnesota, and when his bill comes up I may or may not object to it. The chances are that I shall, but I say this while we are passing, that all good things might likewise be said about our friend from New York [Mr. BLACK]. Our friend from Minnesota works because he likes to work, while our friend from New York does not do any more work than he has to, but he is busy all the time. [Laughter.] A man who is chairman of the Committee on Claims has to work. He can not get out of it. But I want to compliment him for the genial way in which he goes along with us fellows here, who do the hard work on these bills on the floor of the House. Whenever he makes an agreement with us, you can bet your head on it that he is going to stand by it and see to it that the House is protected in any agreement that is made about a bill. He is always ready to listen to suggestions, and he always has a smile to go along with us. I take my hat off to him. [Applause.]

The pro forma amendment was withdrawn, and the bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ANNIE M. EOPOLUCCI

The next business on the Private Calendar was the bill (H. R. 5150) for the relief of Annie M. Eopolucci.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. BLOOM. Mr. Speaker, will the gentleman reserve his objection?

Mr. SCHAFER. I reserve my objection.

Mr. BLOOM. Mr. Speaker, may I ask the gentleman from Wisconsin what his objection is?

Mr. SCHAFER. It is self-evident, the reason why I object. This is a bill to grant insurance benefits to the relative of some one who was killed before we entered the World War. It is a bill to take money out of the insurance fund of the Veterans' Bureau, which the veterans who have paid insurance premiums have an interest in, and pay an insurance claim on a policy which did not exist for a death which occurred prior to our entrance into the World War.

Mr. BACHMANN. When did we enter the World War?

Mr. BLANTON. In 1917, on April 6.

Mr. BACHMANN. That is when the war risk insurance act was passed and this occurred on April 1. The war risk insurance act went into effect on April 6.

Mr. BLANTON. Oh, no.

Mr. BLOOM. Will the gentleman permit me to explain this case?

Mr. BACHMANN. Let me clear this one point. Referring to page 2 of the report, I find a statement that the war risk insurance act went into effect on April 6, 1917.

Mr. BLANTON. The gentleman will remember that the war resolution was voted after midnight of April 6, 1917, along about 2 or 3 o'clock in the morning.

Mr. BACHMANN. I call attention to what the report says.

Mr. BLOOM. Please let me explain. On April 1, 1917, the ship on which this young man was serving was torpedoed. He had been in the service for 10 years prior to this time. When this young sailor boy went into the lifeboat, the lifeboat contained food and water and that was the last time that anyone saw the boy or the sailors that were in the lifeboat. It was adrift in the open sea. The Navy Department to-day claims that the young man officially died on the 1st of April, according to their records. There is no telling whether this young man was alive on April 6. He may have been alive on April 6, and this widowed mother is claiming for the death of her son only the same as all widowed mothers have received in war insurance for the death of their sons. It is not taking any-

thing out of the Treasury that she is not entitled to. She gave her all for our country, and under the circumstances I do not think that the Navy Department or the War Department has a right to claim that the boy was dead on April 1. Suppose he was adrift on the high seas on April 6 or 7. The report shows that he had enough food and water in this boat to last him for 10 days.

So therefore this widowed mother is entitled to the same consideration as all other mothers. Let me say this also to the gentleman, that this lady is not a constituent of mine. This lady lives in the District of Columbia. She is a widowed mother, and at least she is entitled to some consideration.

Mr. SCHAFFER. Will the gentleman yield?

Mr. BLOOM. Certainly.

Mr. SCHAFFER. The gentleman has made a very impressive argument, and I will say to the gentleman that I will not object to the consideration of the bill if the gentleman will offer an amendment that the payment of the money will come out of the Treasury of the United States, so that it is not taken out of the war-risk insurance fund under the Veterans' Bureau.

Mr. BLOOM. Well, we have voted \$2,500 and \$5,000 to people who were killed by accidents on the streets, and here is a widowed mother asking for no more than everyone else has received.

Mr. SCHAFFER. Will the gentleman yield?

Mr. BLOOM. Yes.

Mr. SCHAFFER. I realize that, but the gentleman realizes that the veterans who have paid insurance premiums have an interest in this insurance fund. Certainly the gentleman should not object to having this come out of the Treasury of the United States instead of out of the insurance fund of the Veterans' Administration.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLOOM. Certainly.

Mr. STAFFORD. Last week when we were considering the independent office establishment appropriation bill, the gentleman having charge of the bill [Mr. WOODRUM] acquainted the House with the fact that the Government is paying millions and millions of dollars out of the Treasury on insurance claims. Further, we can not, in the administration of this bill, if it is put into effect, provide for piecemeal, monthly payments, through the Treasury Department as is the case in the administration of the war insurance act. This bill seeks to grant to this widowed mother the payment of all accumulated monthly installments to which she would be entitled up to date, and then to continue the plan up to the extent of \$5,000. The administration necessarily, if it is going to carry out the purpose of the bill, must be by the Veterans' Administration.

Mr. BACHMANN. Will the gentleman yield?

Mr. BLOOM. I yield.

Mr. BACHMANN. The gentleman from Wisconsin [Mr. SCHAFFER] makes the point that there were no premiums paid on this insurance and it is taken out of the war-risk insurance fund.

Mr. STAFFORD. But in the administration of that fund the Government is contributing millions and millions of dollars because the premiums are not adequate to meet the requirements of the law. The United States Treasury is paying millions of dollars to this fund.

Mr. BACHMANN. In other words, as I understand the point made by the gentleman from Wisconsin [Mr. SCHAFFER], she is getting a preference that no others are getting.

Mr. STAFFORD. Oh, no; suppose this person had died on April 7. He would not have contributed a single premium. All those who died between April 6 and the time when we passed the law, on October 6, 1917, did not pay any premiums, but we paid the beneficiaries as if they had paid premiums.

Mr. BACHMANN. I agree with the gentleman absolutely, but the gentleman from Wisconsin [Mr. SCHAFFER] was directing his attention to that particular thing. I think this was the first boy killed in the World War. It is an outstanding, meritorious case, and I think it ought to be paid,

but the question is whether it ought to be paid out of this fund or out of the Treasury of the United States.

Mr. SCHAFFER. Will the gentleman yield?

Mr. BLOOM. Certainly.

Mr. SCHAFFER. Because my colleague from Wisconsin [Mr. STAFFORD] has muddled the waters and, by indirection, tried to indicate that I did not know what I was talking about, I call attention to the fact that this bill does set out a special class, because it provides for the payment under the same conditions as if he had lived and had made a bona fide application for war-risk insurance. If he had lived and made a bona fide application for war-risk insurance, the money would have come out of the insurance fund in which all veterans have an interest.

Mr. BACHMANN. But this man could have been alive at the time the war risk insurance law was passed.

Mr. SCHAFFER. Oh, yes. Two months ago we thought we might have beer before Christmas, too. I object, Mr. Speaker, unless the gentleman will offer an amendment to pay it out of the United States Treasury.

Mr. BLOOM. Will the gentleman reserve his objection, please?

Mr. SCHAFFER. Yes.

Mr. BLOOM. The gentleman must remember that this boy had no opportunity to pay anything into the war-risk insurance. The boy was out on the open sea, and there is no telling if this boy was alive on the 7th or the 8th. He still would not have paid one cent to the war-risk insurance if he had been alive on the 7th or 8th, and if he had died then the mother would be entitled to this money. I am sorry the gentleman takes exception to the remarks made by some other gentleman, but if the gentleman knew this case—

Mr. STAFFORD. I owe an apology to the House for intruding myself into the discussion of this bill and muddying the waters.

Mr. BLOOM. If the gentleman knew this case as well as I do he would not object, because this widowed mother lost two sons in the war and she is entitled to some consideration.

Mr. SCHAFFER. Will the gentleman yield?

Mr. BLOOM. Yes; certainly.

Mr. SCHAFFER. There is a great difference in the case of this automatic payment of insurance where death occurred prior to the enactment of the act, but by passing this bill as it is reported, you are giving the same benefits in the case of a death which occurred prior to the World War that you would have given if the soldier had lived and had made an application for insurance.

Mr. BACHMANN. How does the gentleman know he died before we were in the World War?

Mr. SCHAFFER. Then I will ask the gentleman how he knows he would have made an application for insurance? I know many who did not make applications for war-risk insurance.

Mr. BLOOM. May I say this? He does not have to make application. It automatically comes to him. He does not have to make application, because he was on the high seas. This young man should receive the benefit of the doubt. This widowed mother lost two sons in the World War and is now going around trying to get a job.

Mr. SCHAFFER. Maybe we can settle this in a minute. Under the language now carried in the bill the beneficiary will receive \$5,000 because the boy died before the insurance law was enacted. Therefore the expenditure will come out of the Treasury of the United States directly through the Veterans' Administration and not out of the insurance fund of the veterans.

Mr. BACHMANN. Certainly.

Mr. BLOOM. In a way; yes.

Mr. SCHAFFER. Will the gentleman look into the matter and take it up with the Veterans' Bureau to make sure this money will not be taken out of the insurance fund?

Mr. BLOOM. I shall be very pleased to do that.

Mr. SCHAFFER. Mr. Speaker, with that understanding, I withdraw my objection.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I hope the gentleman will consent to this amendment: "But without any allowance for interest on such principal amount or deferred installments."

Mr. BLOOM. I will accept the amendment.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized and directed to pay to Annie M. Eopolucci, mother of John E. Eopolucci, all such installments of money which she would be entitled to receive if the said John E. Eopolucci who, while serving as a member of the armed guard of the United States Navy on the steamship *Aztec*, lost his life when said steamship was torpedoed and sunk on April 1, 1917, this while in the active naval service of the United States, had made a valid application for war-risk insurance in the sum of \$5,000 under the war risk insurance act, as amended, had named the said Annie M. Eopolucci as his beneficiary and had died while such insurance was in effect, and, further, that it shall be held that such insurance shall be held to have matured as of the date of death and shall be paid retroactively such installments as may be due on the date of the enactment of this act.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 2, line 5, after the word "act," insert the following: "but without any allowance for interest on such principal amount or deferred installment."

The amendment was agreed to.

Mr. STAFFORD. I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of the bill add the following: "Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

M'NEILL-ALLMAN CONSTRUCTION CO.

The Clerk called the next bill, H. R. 6435, authorizing the relief of the McNeill-Allman Construction Co. (Inc.); of W. E. McNeill, Lee Allman, and John Allman, stockholders of the McNeill-Allman Construction Co. (Inc.); and W. E. McNeill, dissolution agent of McNeill-Allman Construction Co., to sue in the United States Court of Claims.

Mr. EATON of Colorado. Mr. Speaker, I object.

Mr. DOUGHTON. Mr. Speaker, will the gentleman reserve his objection?

Mr. EATON of Colorado. I will reserve it to permit the gentleman to make a statement.

Mr. DOUGHTON. This, in my opinion, is a very meritorious claim. It has been considered twice by the Committee on the Judiciary. On one occasion elaborate hearings were held and every phase of the matter was gone into.

Mr. EATON of Colorado. How did the Committee on the Judiciary acquire jurisdiction?

Mr. DOUGHTON. I am not a lawyer. I could not tell the gentleman. It was referred there in two Congresses, by the Parliamentarian, I presume. I did not have it referred there.

This is a claim, if the gentleman will indulge me, of a corporation formed in 1921 for the purpose of road construction. In 1922 they made their income-tax return and soon afterwards discovered they had reported a profit of \$11,000, whereas they had sustained a loss of \$3,474. They took the matter up with the collector of internal revenue and asked for a refund. They received notice from the income-tax division of the collector's office that they would probably receive a notice of overassessment within three or four years, and consequently were misled or lulled to sleep,

and the time elapsed within which they could bring suit according to law.

This bill asks only that they be permitted to go to the Court of Claims and that the matter may be adjudicated on its merits.

This is certainly a very meritorious claim.

Mr. EATON of Colorado. My objection is based upon several grounds. First, this case has never been considered by the Committee on Claims of the House.

Second. There is no report from anybody, the Commissioner of Internal Revenue or anyone else, as to the justice of this claim, or that there is anything due or coming to these people.

Third. On page 3460 of the CONGRESSIONAL RECORD for the first session of the Seventy-second Congress, the policy of the House in connection with claims for refund of taxes upon which the statute of limitations had run was set forth by the Speaker, and I ask unanimous consent to incorporate that statement at this place. In short, it is that these claims on which the statute of limitations has run shall not be subject to favorable consideration by unanimous consent. The statement of the Speaker is as follows:

The SPEAKER. Permit the Chair to make a statement with regard to this bill.

The Committee on Ways and Means of the House of Representatives, of which the Chair had the honor to be a member, thoroughly considered the question of waiving the statute of limitations with reference to taxes that were paid to the United States Treasury. In a survey the committee found that there were something over \$4,000,000,000 against which the statute of limitations had been invoked. The Chair notices in the report on this bill that the Treasury Department calls attention to that fact.

The Chair makes this statement with a view to calling it to the attention of the gentleman from Idaho. If the precedent of waiving the statute of limitations on taxes paid to the United States Treasury is established, the Chair wonders where the limitation will stop, especially in view of the fact that there are now more than \$4,000,000,000 in the Treasury in claims against which the statute of limitations has run.

Mr. DOUGHTON. Does not the gentleman think we should give consideration to the claim of people who have been misled by officials of the Government?

Mr. EATON of Colorado. There are millions of dollars and probably billions of dollars represented by claims based upon so-called misstatements or misrepresentations of officials of the Government; but in this case, no matter what the gentleman's statement is, the Committee on Claims, which handles hundreds of these claims in every Congress, has had no opportunity to pass upon the claim.

Mr. DOUGHTON. The bill carries no money provision; it simply carries the right to sue; it simply provides that the statute may be waived and that the case may be adjudicated on its merits. It does not carry any appropriation whatever. It just gives them the right to have the claim heard and settled on its merits.

Mr. EATON of Colorado. That is why the gentleman is here.

Mr. DOUGHTON. I imagine it is.

Mr. EATON of Colorado. Yes; and many similar bills have been rejected in this Congress representing millions of dollars.

Mr. DOUGHTON. Not similar claims to this in which the people were misled or lulled to sleep by statements of an official of the Government. In this case I have a letter signed by the chief of the Income Tax Bureau, which caused the taxpayer to believe he would receive notice of over-assessment.

Mr. EATON of Colorado. Mr. Speaker, I object.

NAVAL AMMUNITION DEPOT, LAKE DENMARK, N. J.

The SPEAKER pro tempore. The Clerk will call the bill H. R. 5444, Private Calendar No. 629, under the previous order of the House.

The Clerk called the bill (H. R. 5444) to provide an additional appropriation as the result of a reinvestigation, pursuant to the act of February 2, 1929 (45 Stat. 2047, pt. 2), for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosions at

the naval ammunition depot, Lake Denmark, N. J., July 10, 1926.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$14,090.55 be appropriated, out of any money in the Treasury of the United States, to make payment of claims for property damage, death, or personal injury due to the explosions at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, to the respective persons and in the respective amounts as recommended by the Comptroller General of the United States and as fully set forth in House Document No. 716, Seventy-first Congress, third session, pursuant to the act of March 2, 1927 (44 Stat., pt. 3, p. 1800), and the act of February 2, 1929 (45 Stat., pt. 2, p. 2047).

Mr. STEWART. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEWART: Page 2, after line 6, insert "No part of the sums herein appropriated shall be paid to any insurance company or other indemnifier, nor shall any claimant be paid for the whole or that part of any claim for damages which has been paid to such claimant by an insurance company or other indemnifier."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

DONGJI INVESTMENT CO. (LTD.)

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 628, a bill for the relief of Dongji Investment Co. (Ltd.), to which I objected because it sought to relieve a bonding company. An amendment like the one just adopted will be offered to this bill.

Mr. BLANTON. Mr. Speaker, we do not want to establish the precedent now of going back to bills that have been objected to. We had an understanding with the gentleman from New Jersey about this particular bill, but there will be other requests coming in here and we ought to go through with the calendar.

Mr. BACHMANN. Mr. Speaker, this is a kind of church organization over there, composed of a number of poor people who are involved in this case.

Mr. BLANTON. I shall not object to going back to this bill, but I shall object to any similar requests.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to return to Calendar No. 628. Is there objection?

There was no objection.

The Clerk called the bill (H. R. 2872) for the relief of the Dongji Investment Co. (Ltd.).

Mr. SCHAFER. Mr. Speaker, reserving the right to object, we went back to this bill after the gentleman made the statement that it was for the relief of a church. We find the title of the bill is for the relief of the Dongji Investment Co. Do investment companies run churches over there?

Mr. BACHMANN. Yes; this organization was incorporated under this name. It is composed of a number of poor people at this place who were protected under this organization, and the only thing I am trying to do is to say that the bonding company is not to be reimbursed. The rest of the claim is very meritorious.

Mr. CULKIN. Perhaps the investment is in the next world.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Dongji Investment Co. (Ltd.), an Hawaiian corporation, organized under the laws of the Territory of Hawaii, be, and it is hereby, released from any and all claims for damages which the United States of America may have against it arising out of its breach of contract No. N311S-2830, dated March 18, 1929, by and between the Dongji Investment Co. (Ltd.) and the United States of America.

Mr. BACHMANN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: On page 1, line 6, after the word "damages," insert a comma and the following: "in excess of the amount of the performance bond given by such company."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WILLIAM J. COCKE

The Clerk called the next bill, H. R. 6283, for the relief of William J. Cocke.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to call attention to the report on this bill. The Secretary of War states as follows:

The claim from Mr. Cocke was first submitted to the War Department in 1919, but after an adverse ruling had been made thereon by the Judge Advocate General on August 28, 1919, claimant presented his case to the War Department Claims Board, which, on November 5, 1920, denied the claim on merits and because of lack of jurisdiction. It was thereupon filed as case No. C-355, with the Court of Claims. By reference to volume 59, page 969, Court of Claims Reports for 1923-24, it will be seen that the suit was dismissed without formal opinion on January 28, 1924. Later the claim was reopened in said court but the case was again dismissed by that tribunal on two grounds, namely, because the plaintiff had no legal right to recovery, and because the amount of loss was not ascertainable.

The department reports against this bill. If passed, it would take \$9,116.88 out of the Treasury, and I object.

Mr. BACHMANN. Reserving the right to object, in addition to that, there was a provision in the contract relieving the Government of responsibility.

Mr. BLANTON. There was such a provision in the contract.

Mr. WEAVER. Will the gentleman withhold his objection?

Mr. BLANTON. I withhold it.

Mr. WEAVER. This is a good illustration of how gentlemen do not digest the reports.

Mr. BLANTON. We have digested that part of it.

Mr. WEAVER. The gentleman read it correctly. I will say to you that this man entered into a contract with the War Department.

Mr. BACHMANN. If the gentleman can show that this man has a meritorious claim, I will not object.

Mr. BLANTON. Let me say to the gentleman that Patrick Hurley, Secretary of War, says:

The Government's obligation thereunder has been discharged. It is the view of this department that William J. Cocke is not entitled to any compensation other than what he has already received in connection with transactions pertaining to these agreements, and favorable consideration of this bill is not recommended.

Mr. WEAVER. In answer to the gentleman I will have to explain the contract and bids. During the war the War Department advertised for bidders to take away the garbage from the various war camps established in the South. One was at Greenville, S. C. William J. Cocke entered into a contract with the Government, my Government and your Government, that they would deliver to him the garbage of that camp.

In order to carry out his part of the contract he was compelled to purchase a large number of hogs—and this is the way adopted by the War Department for the disposition of the garbage—and in addition to buying the hogs he had to build pigsties, purchase trucks, to help get rid of the garbage, and they did not deliver to him a single pound. If you say that is fair treatment, then I have nothing more to say.

Mr. BLANTON. I am only giving the gentleman what the Secretary of War says. He says there was this provision in the contract:

Nothing herein contained shall be deemed to impose any obligation on the part of the United States to guarantee the delivery of any specific quantity of garbage.

Mr. STAFFORD. The opinion of the Court of Claims is just the opposite to the gentleman's bald statement that they did not deliver any garbage to him.

Mr. WEAVER. Let me read what the Court of Claims says about it:

The complaint of the plaintiff centers exclusively around the fact that under the contract he was to receive all of the garbage of the specified classification to be delivered to him by the Government at certain transfer points fixed by the commanding officer of the camp, and this is precisely what the contract provided. In

so far as the nonobservance of this covenant is involved, the case is free from difficulty. It was not carried out. Large quantities of garbage which the plaintiff should have had were diverted, some of it stolen, and much of it sold to other parties. The plaintiff had established at approved points outside the camp extensive pigsties, purchased a number of hogs, and was fully equipped to fatten the same upon the garbage he expected to receive.

Mr. STAFFORD. The gentleman made a prefatory statement that none of the garbage was delivered to this man.

Mr. BACHMANN. That does not mean that none of the garbage was delivered.

Mr. WEAVER. There may have been a small quantity delivered. It said it was not carried out, and large quantities which it had were sold to other parties. The court stated in its opinion that this resulted in absolute financial disaster to this claimant.

Mr. EATON of Colorado. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

TWENTIETH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following communication which was read:

DEPARTMENT OF STATE,
Washington, February 8, 1933.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I inclose for your records a photostat copy duly certified of the certificate dated February 6, 1933, which I have issued pursuant to section 160, title 5, of the United States Code, certifying that the twentieth amendment has become valid to all intents and purposes as a part of the Constitution of the United States.

Very truly yours,

H. L. STIMSON.

(Inclosure: Certified photostat copy of certificate dated February 6, 1933.)

SENATE JOINT RESOLUTION REFERRED

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

S. J. Res. 248. Joint resolution to amend the joint resolution entitled "Joint resolution to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes," approved January 14, 1933; to the Committee on the District of Columbia.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 5357. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near Astoria, Oreg.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Thursday, February 9, 1933, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

916. A letter from the Secretary of War, transmitting for the consideration of Congress draft of a proposed bill to authorize credit in the accounts of Capt. L. P. Worrall, Finance Department; to the Committee on Claims.

917. A letter from the Secretary of War, transmitting a letter pursuant to the rivers and harbors act of July 3, 1930, from the Chief of Engineers, United States Army, dated January 26, 1933, submitting data for the revised edition of Preliminary Examinations, Surveys, Projects, and Appropriations; to the Committee on Rivers and Harbors.

918. A letter from the Secretary of War, transmitting a letter, pursuant to the rivers and harbors act of July 3, 1930, from the Chief of Engineers, United States Army, on preliminary examination and survey of Keweenaw water-

way, Michigan, and south shore, Lake Superior, in the vicinity of Keweenaw Point, Mich.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FITZPATRICK: Committee on Military Affairs. H. R. 14282. A bill to confer the degree of bachelor of science upon graduates of the Naval, the Military, and the Coast Guard Academies; without amendment (Rept. No. 1986). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 14059. A bill authorizing the Secretary of the Interior in behalf of Indians to purchase the allotments of deceased Indians, and for other purposes; without amendment (Rept. No. 1987). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 14432. A bill to extend temporary relief of water users on irrigation projects on Indian reservations, and for other purposes; with amendment (Rept. No. 1988). Referred to the Committee of the Whole House on the state of the Union.

Mr. COCHRAN of Missouri: Committee on Expenditures in the Executive Departments. House Joint Resolution 547. Joint resolution to exclude certain temporary employees from the operation of the economy act; without amendment (Rept. No. 1989). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MALONEY: A bill (H. R. 14601) to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. ALMON: A bill (H. R. 14602) to revive and reenact the act entitled "An act granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across Elk River between Lauderdale and Limestone Counties, Ala.," approved February 16, 1928; to the Committee on Interstate and Foreign Commerce.

By Mr. CONNERY: A bill (H. R. 14603) to require contractors and subcontractors for the erection of public buildings or the performance of other public work for the United States or the District of Columbia, to file statements under oath of wages paid, hours of labor, etc., and for other purposes; to the Committee on Labor.

By Mr. CAMPBELL of Iowa: A bill (H. R. 14604) to authorize the discharge of obligations to pay money by the payment of legal tender; to the Committee on the Judiciary.

By Mr. KELLY of Pennsylvania: A bill (H. R. 14605) to amend the air mail act of February 2, 1925, as amended by the acts of June 3, 1926, May 17, 1928, and April 29, 1930, further to encourage commercial aviation; to the Committee on the Post Office and Post Roads.

By Mr. CAMPBELL of Iowa: Joint resolution (H. J. Res. 593) proposing an amendment to the Constitution of the United States, authorizing Congress to fix the price of unmanufactured food products; to the Committee on the Judiciary.

MEMORIALS

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

Memorial of the Legislature of the State of Oregon, urging an appropriation for the improvement of Willamette River in Oregon; to the Committee on Rivers and Harbors.

Memorial of the Legislature of the State of Arizona, memorializing Congress to enact a measure which will afford the needed relief, providing, if necessary, for the refinancing by the Federal Government of all legitimate farm loans

on a long-term basis; to the Committee on Banking and Currency.

Memorial of the Legislature of the State of Oregon, memorializing Congress to pass Senate bill 1197, known as the Frazier bill; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BARTON: A bill (H. R. 14606) granting a pension to Mary M. Norris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14607) granting a pension to Nancy V. Mosher; to the Committee on Invalid Pensions.

By Mr. BIDDLE: A bill (H. R. 14608) for the relief of Chester Vernon Barclay; to the Committee on Military Affairs.

By Mr. FREEMAN: A bill (H. R. 14609) granting an increase of pension to Martha M. Tryon; to the Committee on Invalid Pensions.

By Mr. HOGG of Indiana: A bill (H. R. 14610) granting a pension to Grace A. Harper; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 14611) granting an increase of pension to Agnes D. Bloom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14612) granting a pension to Arthur C. Isenberg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14613) granting a pension to Orvis R. Beckwith; to the Committee on Invalid Pensions.

By Mr. MAAS: A bill (H. R. 14614) to authorize the presentation of a distinguished-flying cross to Maj. Francis T. Evans, United States Marine Corps; to the Committee on Naval Affairs.

By Mr. MAJOR: A bill (H. R. 14615) for the relief of William H. Harris; to the Committee on Military Affairs.

By Mr. PARKER of New York: A bill (H. R. 14616) granting a pension to Luella Bresnahan; to the Committee on Invalid Pensions.

By Mr. RAMSPECK: A bill (H. R. 14617) for the relief of Hooper Alexander, jr.; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10259. By Mr. CULLEN: Petition of the National Retail Dry Goods Association, requesting a reduction of governmental expense which will insure substantial relief to all taxpayers; to the Committee on Ways and Means.

10260. By Mr. DELANEY: Petition of America's Wage Earners' Protective Conference of New York City, urging the early passage of House bill 14413, which will provide employment for hundreds of thousands of American workers; to the Committee on Ways and Means.

10261. Also, petition of Valdemar A. Miller, of the Colonial Council of St. Thomas and St. John, Virgin Islands, advocating the transfer of the Virgin Islands to the Navy Department; to the Committee on Insular Affairs.

10262. Also, petition of the W. T. Rawleigh Co., of Freeport, Ill., recommending the prompt elimination, reduction, or postponement of all governmental activities which can be dispensed with without injury to the public safety and protection, the money saved to be used for indispensable emergency relief; to the Committee on Ways and Means.

10263. Also, petition of Our Navy, the standard magazine of the United States Navy, protesting against the large cut in the salaries of enlisted men in the Navy; to the Committee on Naval Affairs.

10264. Also, petition of the Substitute Post Office Employees' Association, urging the passage of House Joint Resolution 576, which will return to all substitute employees the money deducted from their salaries; to the Committee on Expenditures in the Executive Departments.

10265. By Mr. DOWELL: Petition signed by 42 persons of Earlham, Iowa, urging the prohibiting of shipping arms to countries at war; to the Committee on Foreign Affairs.

10266. By Mr. DRIVER: Petition of the Legislature of the State of Arkansas, memorializing Congress to enact into law an act to authorize the Federal Farm Board to dispose of the surplus cotton and wheat held by the said board; to the Committee on Agriculture.

10267. Also, petition of the Legislature of the State of Arkansas, urging immediate passage of the Glenn-Smith bill; to the Committee on Irrigation and Reclamation.

10268. By Mr. GARBER: Petition of the Farmers' Educational Cooperative Local Union, No. 161, Farry, Okla., urging enactment of the allotment plan for the relief of agriculture and legislation for the refinancing of farm indebtedness; to the Committee on Agriculture.

10269. Also, petition of the W. T. Rawleigh Co., Freeport, Ill., urging economy in Government expenditures; to the Committee on Expenditures in the Executive Departments.

10270. Also, petition of America's Wage Earners' Protective Conference, New York City, urging enactment of House bill 14413 or similar legislation to protect American industries against the flood of foreign imports from countries with depreciated currencies; to the Committee on Ways and Means.

10271. Also, petition of the National Cooperative Council, Washington, D. C., asking opposition to all proposals for abolition of the Farm Board or transfer of any of its functions of assistance to farmers' cooperatives; repeal of section 9 of the marketing act, with the provision that the Farm Board compensate cooperatives for losses they were led into by the Farm Board's stabilization program; no reduction in the Farm Board budget greater proportionately than the reduction of budgets of other Federal agencies; and replenishment of the revolving fund to the extent of the depletion through donation of cotton and wheat to the Red Cross, such funds to be used by the Farm Board only in furthering the program of assistance to cooperatives; to the Committee on Agriculture.

10272. Also, petition of the Independent Petroleum Association, urging enactment of legislation to prevent the dumping of foreign products from countries with depreciated currencies; to the Committee on Ways and Means.

10273. Also, petition of the Philadelphia Chamber of Commerce, urging support of House bill 11642; to the Committee on Interstate and Foreign Commerce.

10274. Also, petition urging support of railway pension bills, S. 4646 and H. R. 9891; to the Committee on Interstate and Foreign Commerce.

10275. By Mr. HOWARD: Resolution adopted by the Nebraska State Senate in the forty-ninth regular session, memorializing the Congress to act favorably on Senate bill 1197, known as the Frazier bill, which has for its aim and purpose the liquidation and refinancing of agricultural indebtedness, and to encourage and promote agricultural commerce and industry, the said purpose of the bill to benefit agriculture; to the Committee on Agriculture.

10276. By Mr. LINDSAY: Petition of Valdemar A. Miller, of the Colonial Council of St. Thomas and St. John, Virgin Islands, favoring the return of the islands to the Navy Department jurisdiction; to the Committee on Insular Affairs.

10277. By Mr. LUCE: Petition of residents of Newton, Brighton, and Brookline, Mass., favoring the stop-alien-representation amendment; to the Committee on the Judiciary.

10278. By Mr. RAINEY: Petition of Mary Scroggins and four other citizens of Eldred, Ill., opposing reduction in the wages of Navy men; to the Committee on Appropriations.

10279. Also, petition of Albert H. Straight, of Mount Vision, N. Y., and 101 other residents of the State of New York, favoring the Sparks stop-alien-representation amendment; to the Committee on Rules.

10280. By Mr. RUDD: Petition of America's Wage Earners' Protective Conference, New York City, favoring the

enactment of the Connery bill, H. R. 14413, or similar legislation; to the Committee on Labor.

10281. Also, petition of Valdemar A. Miller, fourth appointed member, Colonial Council of St. Thomas and St. John, Virgin Islands, favoring the transfer of the Virgin Islands back to the Navy Department jurisdiction; to the Committee on Insular Affairs.

10282. By Mr. SPENCE: Petition of E. E. Taglaner and others, of Covington, and Rella Tompkins and others, of Ghent, Ky., protesting against the repeal of the eighteenth amendment, etc.; to the Committee on the Judiciary.

10283. By Mr. STULL: Petition of Fred D. Barker Post, No. 363, American Legion, Ebensburg, Pa., opposing any reduction in appropriations to veterans; to the Committee on Appropriations.

10284. By Mr. WYANT: Petition of Lodge No. 1528, Sons of Italy, Latrobe, Pa., protesting against continuance of furlough provision in the economy law beyond the present fiscal year, thus sending out to the country a note of hope instead of one of despair; to the Committee on Ways and Means.

10285. Also, petition of Thomas B. Anderson Post, No. 515, the American Legion, Latrobe, Pa., protesting against continuance of furlough provision in the economy law beyond the present fiscal year, thus sending out to the country a note of hope instead of one of despair; to the Committee on Ways and Means.

10286. By the SPEAKER: Petition of the city of Binghamton, N. Y., requesting that the Treasury Department be empowered to build a new post office in Binghamton on Washington-Henry Street; to the Committee on Public Buildings and Grounds.

SENATE

THURSDAY, FEBRUARY 9, 1933

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

O Thou who art the confidence of all the ends of the earth, who stilleth the roaring of the seas and the tumult of the people, who maketh the outgoings of the morning and evening to rejoice; hearken unto our prayer, for unto Thee shall all flesh come. Be merciful unto us, O God, be merciful unto us, for our soul trusteth in Thee, and under the shadow of Thy wings shall be our refuge until these calamities be overpast. Remove from us all doubt and fear and fill us with the spirit of true godliness. Dedicate us day by day to the joyful service of Thy will in this our generation, and own us as Thy children in time and in eternity. Through Jesus Christ our Lord.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the calendar day of Wednesday, February 8, when, on request of Mr. Fess 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. Chaffee, one of its clerks, announced that the House had passed the bill (S. 914) for the relief of Katherine R. Theberge, with an amendment, in which it requested the concurrence of the Senate.

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

H. R. 657. An act for the relief of Peter Bess;

H. R. 1905. An act for the relief of Mary E. Dawley;

H. R. 2217. An act for the relief of the Bethel Cemetery Co., the Presbyterian Church, Harold S. Stubbs, George Morgan, Edward Stapp, William J. Howard, David J. Seacord, Mary L. McIntire, Emma E. Foard, Herbert C. Hannigan, Sisters of St. Baisl, Edward Bedwell, and Rachel A. Loveless;

H. R. 2597. An act for the relief of the Farmers & Merchants National Bank of Gilmer, Tex.;

H. R. 2872. An act for the relief of the Dongji Investment Co. (Ltd.);

H. R. 5150. An act for the relief of Annie M. Eopolucci;

H. R. 5270. An act for the relief of Estelle M. Gardiner;

H. R. 5444. An act to provide an additional appropriation as the result of a reinvestigation, pursuant to the act of February 2, 1929 (45 Stat. 2047, pt. 2), for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosions at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926;

H. R. 6275. An act for the relief of Howard McKee;

H. R. 7038. An act for the relief of Frances Southard;

H. R. 7128. An act for the relief of Della O'Brien;

H. R. 9223. An act for the relief of Irene Brand Alper; and

H. R. 9476. An act for the relief of the Merchants & Farmers Bank, Junction City, Ark.

TWENTIETH AMENDMENT TO THE CONSTITUTION—CHANGE IN DATE OF INAUGURATION

The VICE PRESIDENT laid before the Senate a letter from the Secretary of State, transmitting, for the records of the Senate, a photostat copy, duly certified, of the certificate dated February 6, 1933, issued by him pursuant to section 160, title 5, of the United States Code, certifying that the twentieth amendment has become valid to all intents and purposes as a part of the Constitution of the United States, which, with the accompanying certificate and proclamation by the Secretary of State, dated February 6, 1933, regarding the amendment to the Constitution fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, was ordered to lie on the table.

The VICE PRESIDENT also laid before the Senate a letter from the Governor of Connecticut, transmitting certified copy of a resolution adopted by the Legislature of the State of Connecticut ratifying an amendment to the Constitution of the United States fixing the commencement of the terms of the President and Vice President and Members of the Congress and fixing the time of the assembling of Congress, which, with the accompanying paper, was ordered to lie on the table and to be printed in the Record, as follows:

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, February 3, 1933.

The Hon. CHARLES CURTIS,
Vice President of the United States, Washington, D. C.

SIR: I have the honor to transmit herewith to you a certified copy of the resolution ratifying the proposed amendment to the Constitution of the United States, fixing the commencement of the terms of the President and the Vice President and the Members of the Congress and fixing the time of the assembly of the Congress, which proposed amendment was ratified by the Connecticut House of Representatives on January 26, 1933, and by the Senate of the State of Connecticut on January 27, 1933.

I have the honor, sir, to be, your obedient servant,

WILBUR L. CROSS.

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY,
GENERAL ASSEMBLY,
January session, A. D. 1933.

Resolution ratifying the proposed amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembly of Congress

Whereas the Seventy-second Congress of the United States of America, in both Houses by a constitutional majority of two-thirds thereof, has made the following proposition to amend the Constitution of the United States in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress

"Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of said Constitution when ratified by the legislatures of the several States as provided in the Constitution:

"ARTICLE —

"SECTION 1. The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of