

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SMITH of Washington: A bill (H. R. 10514) to provide for the erection of a monument to the memory of Capt. Robert Gray; to the Committee on the Library.

By Mr. CELLER: A bill (H. R. 10515) to terminate the tax imposed by section 601 (c) (7) of the Revenue Act of 1932; to the Committee on Ways and Means.

By Mr. VOORHIS: A bill (H. R. 10516) to create a Public Works Finance Corporation, to provide for an orderly and sound use of the credit of the Government of the United States, to increase employment, to provide accurate accounting of Government expenditures and national assets, and for other purposes; to the Committee on Banking and Currency.

Also, a bill (H. R. 10517) to provide for the deportation of aliens who advocate fealty to other governments; to the Committee on Immigration and Naturalization.

By Mr. O'CONNELL of Rhode Island: A bill (H. R. 10518) to change the name of a part of M Street in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KERR: A bill (H. R. 10519) to provide that 50 percent of Federal highway-aid funds shall be applied to secondary and feeder roads, including farm-to-market roads and rural free-delivery mail routes; to the Committee on Roads.

By Mr. VOORHIS: A bill (H. R. 10520) to provide for an established Federal policy regarding unemployment; to provide for the collection of accurate facts regarding unemployment and the conditions of the people of the United States; to provide in part for the orderly handling of the unemployment problem by Congress; and to provide for the carrying on of a planned program of public works; to the Committee on Labor.

By Mr. DICKSTEIN: A bill (H. R. 10529) making unlawful the export of money to certain foreign countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SIROVICH: Joint resolution (H. J. Res. 671) to create a Bureau of Fine Arts in the Department of the Interior for the promotion of art and literature through the use of copyrighted and copyrightable material and to define the powers and duties of said bureau, and for other purposes; to the Committee on Patents.

By Mrs. HONEYMAN: Joint resolution (H. J. Res. 672) for the designation of a street to be known as Oregon Avenue, and for other purposes; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALESHIRE: A bill (H. R. 10521) granting an increase of pension to Maggie Custard; to the Committee on Invalid Pensions.

By Mr. DIES: A bill (H. R. 10522) for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.; to the Committee on Claims.

By Mr. GAMBLE of New York: A bill (H. R. 10523) for the relief of Chester J. Babcock; to the Committee on the Civil Service.

By Mr. HARLAN: A bill (H. R. 10524) for the relief of the estates of James Collins, Delbert O. Gordon, Harry Coleman, Lawrence Roush, and Lewis M. Thornton; to the Committee on Claims.

By Mr. LORD: A bill (H. R. 10525) granting an increase of pension to Sarah L. Salisbury; to the Committee on Invalid Pensions.

By Mr. SCHNEIDER of Wisconsin: A bill (H. R. 10526) for the relief of Lemke Construction Co.; to the Committee on Claims.

By Mr. SHAFER of Michigan: A bill (H. R. 10527) for the relief of the American National Bank, of Kalamazoo, Mich.; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10528) for the relief of Dr. Benjamin B. Cates; to the Committee on Claims.

PETITIONS, ETC.

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

5019. By Mr. LUTHER A. JOHNSON: Petition of Ralph W. Stell, of Corsicana, Tex., favoring House bill 9464, the Patman chain-store tax bill; to the Committee on Ways and Means.

5020. Also, memorial of Beauford H. Jester, of Corsicana, Tex., favoring a liberal appropriation for the National Youth Administration; to the Committee on Appropriations.

5021. By Mr. KEOGH: Petition of the Senate, Legislature of the State of New York, favoring the passage of the Copeland bill (S. 682) and the Barry bill (H. R. 5169); to the Committee on Education.

5022. Also, petition of the Senate, Legislature of the State of New York, concerning the Hamilton Avenue-Governors Island-Battery vehicular tunnel project; to the Committee on Appropriations.

5023. Also, petition of the Senate, Legislature of the State of New York, protesting against the passage of the Boland bill (H. R. 3134) to impose a 1-cent tax per gallon on fuel oil; to the Committee on Ways and Means.

5024. By Mr. QUINN: Resolutions of the Steel Workers Organizing Committee, Local No. 1237, McKeesport, Pa., Joseph Baron, president, favoring President Roosevelt's plan; to the Committee on Appropriations.

5025. Also, resolutions of the McKeesport Ladies' Auxiliary of the Steel Workers Organizing Committee, Lodge No. 5, Judith Widen, recording secretary, pledging wholehearted support of the President's recovery program; to the Committee on Appropriations.

5026. By Mr. THOMAS of New Jersey: Resolution signed by the four members of the board of commissioners of the city of Newark, N. J., resolving that the Works Progress Administration, contemplating a reduction in the cultural projects, make every effort for a continuance of such cultural projects within that community; to the Committee on Ways and Means.

SENATE

THURSDAY, MAY 5, 1938

(Legislative day of Wednesday, April 20, 1938)

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

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, May 4, 1938, 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 reading clerks, announced that the House had passed a bill (H. R. 8729) granting pensions and increases of pensions to needy war veterans, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

S. 1998. An act to amend the act entitled "An act to provide for the collection and publication of statistics of peanuts by the Department of Agriculture," approved June 24, 1936;

S. 2221. An act to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Cache National Forest in the State of Utah;

S. 2986. An act to amend section 6 of the act approved May 27, 1936 (49 U. S. Stat. L. 1380);

S. 3351. An act to amend the act of March 4, 1915, as amended, the act of June 23, 1936, section 4551 of the Revised Statutes of the United States, as amended, and for other purposes; and

H. R. 8039. An act to authorize the attendance of the Marine Band at the observance of the seventy-fifth anniversary of the Battle of Gettysburg, to be held at Gettysburg, Adams County, Pa., on July 1, 2, and 3, 1938.

HOUSE BILL REFERRED

On motion by Mr. GEORGE, the bill (H. R. 8729) granting pensions and increases of pensions to needy war veterans was read twice by its title and referred to the Committee on Finance.

CALL OF THE ROLL

Mr. LEWIS. I request a roll call in order to secure the presence of a quorum, and I suggest the absence of one.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	King	Overton
Andrews	Copeland	La Follette	Pittman
Ashurst	Donahay	Lee	Pope
Austin	Duffy	Lewis	Reynolds
Bailey	Ellender	Lodge	Russell
Bankhead	Frazier	Logan	Schwartz
Barkley	George	Loneragan	Schwellenbach
Berry	Gerry	Lundeen	Sheppard
Bilbo	Gibson	McAdoo	Shipstead
Bone	Gillette	McCarran	Smathers
Borah	Glass	McGill	Smith
Brown, Mich.	Green	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkeley	Hale	Maloney	Townsend
Bulow	Harrison	Miller	Truman
Burke	Hatch	Milton	Vandenberg
Byrd	Hayden	Minton	Van Nuys
Byrnes	Herring	Murray	Wagner
Capper	Hill	Neely	Walsh
Caraway	Hitchcock	Norris	White
Chavez	Holt	Nye	
Clark	Johnson, Colo.	O'Mahoney	

Mr. LEWIS. I announce that the Senator from Delaware [Mr. HUGHES] and the Senator from Oregon [Mr. REAMES] are detained from the Senate because of illness.

The Senator from Illinois [Mr. DIETERICH], the Senator from Florida [Mr. PEPPER], and the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS] are detained on important public business.

The Senator from Montana [Mr. WHEELER] is unavoidably detained.

Mr. McNARY. I announce that the Senator from California [Mr. JOHNSON] is necessarily absent from the Senate.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Pennsylvania [Mr. DAVIS] are necessarily absent.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

MESSAGE OF APPRECIATION FROM HON. EZEQUIEL PADILLA, SENATOR OF MEXICO

Mr. McADOO. Mr. President, I hold in my hand a message from Hon. Ezequiel Padilla, a Senator of the Republic of Mexico, who visited Washington a short time ago, and who received the usual courtesies extended by the Senate to distinguished representatives from other states. Senator Padilla was most appreciative of the cordiality of his reception and sends to the President and Members of the Senate the following message:

Mr. President, Honorable Members of the Senate of the United States:

It is a great honor to address your assembly, where the destinies of this great Nation and the cause of democracy in the world are debated and formulated.

In the struggle for leadership and control in which the two doctrines of government are engaged, autocracy and freedom, the United States of America undoubtedly represents the highest moral authority to defend the government of the people, by the people, and for the people.

The great spiritual work to form and preserve in our continent a group of fraternal nations unites the people of the Americas in a common destiny to face the dark questions in a world heavy with threats.

I wish to avail myself of this opportunity of addressing the honorable Senators of the United States, to extend the cordial greetings of the Mexican Senate, and to express our vehement wishes for the welfare of this great Nation.

May the relations of our two countries always be of mutual benefit under the inspiration of fraternity and of human liberties.

EZEQUIEL PADILLA,

Senator of Mexico.

BOARD OF VISITORS TO THE MILITARY ACADEMY

Mr. SHEPPARD. Mr. President, on behalf of the Senator from Virginia [Mr. GLASS] I present a notice which I send to the desk and ask that it be read:

The Clerk read the notice, as follows:

UNITED STATES SENATE,
COMMITTEE ON MILITARY AFFAIRS,
Washington, D. C., May 5, 1938.

To the Senate:

By virtue of the authority vested in me by the act approved May 17, 1928, I hereby appoint Senators BRIDGES and LODGE to represent the Senate Appropriations Committee on the Board of Visitors to the United States Military Academy during the remainder of the third session of the Seventy-fifth Congress.

CARTER GLASS,

Chairman, Senate Committee on Appropriations.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from Houston Lodge No. 697, Brotherhood of Railroad Trainmen, of Houston, Tex., praying for the adoption of Senate Resolution No. 266, increasing the limit of expenditures for the investigation of violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. COPELAND presented a resolution adopted by the New York State Woman's Republican Club, Inc., protesting against the President's proposed recovery program, which was referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the enactment of the President's proposed recovery program, which were referred to the Committee on Appropriations.

He also presented a resolution adopted at a meeting of 250 citizens of the State of New York, praying for the enactment of legislation to abolish the Federal Reserve System as at present constituted and to restore the congressional function relative to coining and issuing money and regulating the value thereof, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the board of trustees of the Yonkers (N. Y.) Public Library, favoring the enactment of the bill (H. R. 10340) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by Local No. 105, United Butchers, Meat Cutters, and Packers, of Buffalo, N. Y., favoring the enactment of the bill (S. 3390) to provide for guaranties of collective bargaining in contracts entered into, and in the grant or loan of funds by, the United States or any agency thereof, and for other purposes, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Junior Order of United American Mechanics of the State of New York, Inc., protesting against any political exile entering this country, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of the State of New York, praying for the enactment of the bill (S. 3201) to suspend immigration for permanent residence in the United States for 1 year, which was referred to the Committee on Immigration.

He also presented a resolution adopted by Accounting Lodge No. 255, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, of Utica, N. Y., protesting against the reduction in the number of employees carried by the railroads as of October 1937,

which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by Accounting Lodge No. 255, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, of Utica, N. Y., favoring an investigation of freight forwarding companies, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by Progressive Lodge No. 972, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, of Rochester, N. Y., favoring an amendment to the Railroad Retirement Act of 1937, so as to make the retirement age at 65 years compulsory, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Buffalo, N. Y., remonstrating against the enactment of the bill (H. R. 9218) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9801) to provide for the retirement, rank, and pay of Chiefs of Naval Operations, Chiefs of Bureau of the Navy Department, the Judge Advocates General of the Navy, and the Major Generals Commandant of the Marine Corps, reported it without amendment and submitted a report (No. 1712) thereon.

He also (for Mr. TYDINGS), from the same committee, to which was referred the bill (S. 3810) to extend to Chief Quartermaster Clerk David C. Buscall, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired warrant officers, reported it without amendment and submitted a report (No. 1713) thereon.

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (S. 3596) to amend section 402 of the Merchant Marine Act, 1936, to further provide for the settlement of ocean mail contract claims, reported it with amendments and submitted a report (No. 1714) thereon.

Mr. ADAMS, from the Committee on Public Lands and Surveys, to which was referred the resolution (S. Res. 274) extending the time for submittal of a report of an investigation of the domestic potash industry and matters relating thereto, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 3890) to extend the provisions of the act of June 8, 1906 (34 Stat. 225), entitled "An act for the preservation of American antiquities," and for other purposes, reported it with amendments.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 7534. A bill to protect the telescope and scientific observations to be carried on at the observatory site on Palomar Mountain by withdrawal of certain public land included within the Cleveland National Forest, Calif., from location and entry under the mining laws (Rept. No. 1717);

H. R. 8203. A bill for the inclusion of certain lands in the Kaniksu National Forest in the State of Washington, and for other purposes (Rept. No. 1718); and

H. R. 8487. A bill confirming to Louis Labeaume, or his legal representatives, title to a certain tract of land located in St. Charles County, in the State of Missouri (Rept. No. 1719).

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

H. R. 6351. A bill to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Va., by the Secretary of

the Interior through the National Park Service, and for other purposes (Rept. No. 1716);

H. R. 7688. A bill to authorize the addition of certain lands to the Modoc, Shasta, and Lassen National Forests, Calif. (Rept. No. 1721);

H. R. 7689. A bill to authorize the addition of certain lands to the Shasta and Klamath National Forests, Calif. (Rept. No. 1722);

H. R. 7690. A bill to authorize the addition of certain lands to the Plumas, Tahoe, and Lassen National Forests, Calif. (Rept. No. 1723); and

H. R. 8008. A bill to provide for the purchase of public lands for home and other sites (Rept. No. 1715).

Mr. KING (for Mr. TYDINGS), from the Committee on the District of Columbia, to which was referred the bill (H. R. 10004) to amend an act entitled "An act to incorporate the Mount Olivet Cemetery Co. in the District of Columbia," reported it without amendment and submitted a report (No. 1720) thereon.

Mr. BANKHEAD, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 6830) to prohibit the exportation of tobacco seed and plants, except for experimental purposes, reported it with an amendment.

Mr. O'MAHONEY, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 5685) to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Angeles National Forest in the State of California, reported it with amendments and submitted a report (No. 1724) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 3908) to authorize certain officers of the United States Army to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered, reported it with an amendment and submitted a report (No. 1725) thereon.

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (S. 3397) to amend title 45, chapter 2, section 51, of the Code of Laws of the United States, reported it without amendment.

Mr. ASHURST, from the Committee on the Judiciary, to which was referred the bill (H. R. 6656) making the 11th day of November in each year a legal holiday, reported it without amendment.

Mr. WAGNER, from the Committee on Banking and Currency, to which was referred the bill (S. 3948) to amend so much of the Reconstruction Finance Corporation Act, as amended, as relates to railroads, reported it with amendments and submitted a report (No. 1726) thereon.

AUTHORITY TO COMMITTEE ON APPROPRIATIONS TO SUBMIT REPORT

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Committee on Appropriations may be authorized to file its report on the agricultural appropriation bill during any recess which may be taken by the Senate today if the report shall be completed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

AUTHORITY TO COMMITTEE ON BANKING AND CURRENCY TO SUBMIT REPORT

Mr. WAGNER. Mr. President, there has been an agreement in the Committee on Banking and Currency to report favorably a bill to the Senate, but the report is not quite finished, and I ask unanimous consent that during the recess of the Senate between this evening and Monday next the committee may have authority to file the report.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. McNARY:

A bill (S. 3963) to authorize the acquisition of forest lands adjacent to and over which highways, roads, or trails are constructed or to be constructed wholly or partially with Federal funds in order to preserve or restore their natural beauty, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. WALSH:

A bill (S. 3964) to prohibit judges of the district courts of the United States from participating in cases involving matters in which they have acted as counsel, and for other purposes; to the Committee on the Judiciary.

By Mr. McADOO:

A bill (S. 3965) granting an increase in pension to Edward H. Hill; to the Committee on Finance.

By Mr. GIBSON:

A bill (S. 3966) to amend the Canal Zone Code, approved June 19, 1934; to the Committee on InterOceanic Canals.

By Mr. McNARY:

A joint resolution (S. J. Res. 290) for the designation of a street to be known as "Oregon Avenue," and for other purposes; to the Committee on the District of Columbia.

By Mr. O'MAHONEY:

A joint resolution (S. J. Res. 291) to create a temporary National Economic Committee; to the Committee on the Judiciary.

AMENDMENT TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. BARKLEY (for Mr. HUGHES) submitted an amendment intended to be proposed by Mr. HUGHES to the second deficiency appropriation bill, 1939, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill, to insert the following:

"For replacement of barracks destroyed by fire at Fort DuPont, Del., \$413,500, as authorized by Public, No. 394, Seventy-fifth Congress, approved August 26, 1937."

MARKING OF PACKAGES CONTAINING WILD ANIMALS AND BIRDS—AMENDMENT

Mr. BILBO submitted an amendment intended to be proposed by him to the bill (H. R. 5812) to amend section 243 of the Penal Code of the United States, as amended by the act of June 15, 1935 (49 Stat. 378), relating to the marking of packages containing wild animals and birds and parts thereof, which was ordered to lie on the table and to be printed.

AMENDMENT OF BANKRUPTCY ACT OF 1898—AMENDMENTS

Mr. FRAZIER submitted amendments intended to be proposed by him to the bill (H. R. 8046) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and to repeal section 76 thereof and all acts or parts of acts inconsistent therewith, which were referred to the Committee on the Judiciary and ordered to be printed.

JOSEPH W. HANLEY

Mr. ELLENDER submitted the following resolution (S. Res. 275), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate is hereby authorized and directed to appoint Joseph W. Hanley a messenger, who shall be paid at the rate of \$1,740 per annum from the contingent fund of the Senate until otherwise provided by law.

REGULATION OF INTERSTATE TELEPHONE RATES (S. DOC. NO. 176)

Mr. BONE. Mr. President, in a recent number of the Harvard Law Review appeared a very fine and very illuminating article dealing with the regulation of interstate telephone rates. This article was written for the Harvard Law Review by Mr. Carl I. Wheat, now one of the able members of the legal staff of the Federal Communications Commission, in charge of certain aspects of their telephone and telegraph inquiry. Mr. Wheat is a member of the California bar, as well as a member of the bar of the Supreme Court of the United States. He was formerly chief counsel of the

Railroad Commission of the State of California and public-utilities counsel for the city of Los Angeles. He has been telephone rate counsel for the Federal Communications Commission. I feel very certain that the subject matter of his article is one which will appeal very much not only to Members of the Senate but to lawyers generally. I ask that the article be printed as a Senate document. It is not a very lengthy article, being much less than 50 pages.

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

OKLAHOMA'S ADMINISTRATION OF OLD-AGE ASSISTANCE LAW

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD excerpts from the official hearings of the Social Security Board on the question of Oklahoma's administration of the old-age assistance law, which appear in the Appendix.]

COMMENCEMENT ADDRESS AT CATHOLIC UNIVERSITY BY SENATOR LONERGAN

[Mr. WALSH asked and obtained leave to have printed in the RECORD a commencement day address at Catholic University, Washington, D. C., delivered by Senator LONERGAN in June 1936, which appears in the Appendix.]

PRESSURE FOR SPENDING PROGRAM

[Mr. HOLT asked and obtained leave to have printed in the RECORD a radio address delivered by him on May 4, 1938, on the subject of the spending program and pressure to pass it, which appears in the Appendix.]

WORLD PEACE THROUGH WORLD TRADE—ADDRESS BY THOMAS J. WATSON

[Mr. POPE asked and obtained leave to have printed in the RECORD an address entitled "To World Peace Through World Trade," delivered by Thomas J. Watson, president of the International Chamber of Commerce, before the American Section Banquet—Improving International Relations, at the Mayflower Hotel, Washington, D. C., on Monday, May 2, which appears in the Appendix.]

DEBTS OF FORMER INDEPENDENT GOVERNMENTS

Mr. LEWIS. Mr. President, I ask the Senate to indulge me for a few brief moments.

We are informed by the history of the day that there is a gathering in Rome from which historians might deduce that there is a repetition of the meeting between Caesar and Pompey or, perchance, one such as transpired between Scipio and Hannibal that subsequently resulted in Hannibal's defeat and the destruction of Carthage. We are now confronted by a new triumvirate that will do for the commerce of the United States what the Caesars did to the civilization of old Rome—destroy it.

I bring to the attention of the Senate that, among other things transpiring, is a public statement that these masters of government insist that governments that preceded them having been now overturned by revolution or evolution, the present governments are not obligated to the creditors of the old governments. It is insisted by the new governments that the former debts are wiped out by the revolution and adoption of the new order. They cite—and I think with commendable accuracy—the precedent of the United States after the Colonies achieved their independence passing an act proclaiming that the Revolution had wiped out the obligations the Colonies owed to England as debts for England, the mother of the Colonies.

I wish to call to the attention of the Senate that these governments very frankly concede that their purpose is now to unite in common cause for the success of commerce and prosperity among themselves and such other acquisition as they feel is essential to their welfare. But I must ask my colleagues to consider that the very clear object of these new combinations is directly opposed to the United States, not in enmity, to us, as a nation, but in opposition to the extension of our commerce and industries in Europe.

At the same time may I invite the Senate to note America and her situation? Austria today owes \$30,000,000,000 in her dollar bonds. Approximately \$20,000,000 of these bonds

are held by citizens or financial institutions of the United States of America.

In addition to this, the private obligations of industrial institutions in Austria, due to Americans today, exceeds \$4,000,000. The banks of the city of New York which are supposed to receive the deposit of interest announce that none that are due are being paid, that all are defaulted. We invite attention to the fact that in the case of these American debts, not the slightest effort is being made to guard them or protect them. I am pained to say there is but a repetition to the United States, by the new combined Germany and Italy, of that with which we have been treated by France, England, Italy, and our other debtors of Europe. It may be from necessity, but we should insist on the recognition and restoration of these debts due us.

Mr. President, in view of that fact, which cannot now be disputed, we note that in the Parliament of Great Britain, the Premier, Mr. Chamberlain, found it agreeable to rise and announce that the combination between England and Italy had the approval of the President of the United States. When his statement was called in question by Mr. Robertson, the Labor member, upon the ground that there was no foundation for such a statement, it was revealed that that which the President had uttered was nothing more than something of a congratulation that these countries had come to some terms of peace and amity. But in the meantime, Mr. President, how stands the United States?

Let me be bold, perchance audacious, to ask, What is my Government now doing, looking to its protection in this particular movement of transformation and revolution? What steps are we taking to protect the American citizen in his honest possession of securities which he purchased and paid for, and which are now being openly repudiated, with something of an expression of pride in the perfection of the repudiation? It seems as if this, my country, follows again its former custom of postponing action or taking no step to protect its people who are creditors. We are not now asserting our protest against the injustices now threatened.

Mr. President, the time has come when this Government should demand of these nations which have joined together to protect their purposes that as they are debtors, there should be new joint undertakings. These should be made to supersede the old ones, which are now lifeless in the Treasury of the United States. These new undertakings should be joint undertakings of these government debtors. These new undertakings should be turned over to the United States as something of a security for the debt. Even, sir, if we cannot hope for prompt payment of the principal or payment of the interest, we can at least have that acknowledgment of the obligation, and something disclosed to our American public that shows that the Government of the United States is at last considering the welfare of the citizens of the United States.

Mr. President, I rise, taking advantage of the hospitality, I might add, and the generosity of the Senate to break into this calendar day to bring to its attention the fact that the steps I suggest, if now taken, can give to us some prospect of payment. If we wait and allow these new governments in their amalgamation of power to ignore us and our right, and we at no time make any demand for our rights, these debtors will take it for granted that they have a right to repudiate the debts, as they now announce they have done. They seem to keep this repudiation before them as something of an achievement in their behalf against us; and if we utter no protest and take no steps to protect our fellow citizens, we shall be in the exact position we were in before as to European war debtors, where we shall be scorned in our attempt, sniffed at in our undertaking, and hereafter, sir, be, I may say, not only ignored but insulted in every form that decency would protest each time we seek some collection in behalf of America, or some recognition of these obligations.

Mr. President, I protest against the United States now presuming to do what I read in a speech of an eminent officer of our Government it is on the eve of doing. I protest against the new trade treaties made with this new com-

bination of conquerors until something be done by them that will recognize the debts they owe to this country, and give some understanding to America that this Government is at least looking about to protect the American citizen, and that we will not hesitate to announce to foreign governments, wherever they are, the intention of this country to protect the honest debts of our American citizens, and in this connection to denounce whatever action shall be taken by these governments, however powerful they may be, that has for its object the repudiation of the debts owed by them to the United States, and the discrediting of this our America.

I thank the Senate for allowing me to break in upon its deliberations at this moment.

CONSIDERATION OF UNOBTAINED TO BILLS ON THE CALENDAR

The VICE PRESIDENT. Yesterday, the Senate adopted an order that the Calendar should be called today for the consideration of unobjected bills. The clerk will state the first bill on the calendar.

The first business on the calendar was the bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

PUBLIC EDUCATION ASSISTANCE

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. KING. Let the bill go over.

Mr. THOMAS of Utah. Mr. President, as I gave notice several days ago, I now move that the substitute which lies on the desk be adopted in lieu of the committee amendment.

The VICE PRESIDENT. Bills on the calendar are being considered by unanimous consent. Under that procedure the Senator may not move a substitution, but he may ask unanimous consent to have it made.

Mr. THOMAS of Utah. I ask unanimous consent that that be done.

Mr. VANDENBERG. Mr. President, I do not want this issue raised under today's procedure.

Mr. BARKLEY. Mr. President, all the Senator from Utah is asking is that the third print of the bill which will be taken up, if and when the bill is taken up, be printed as a substitute, so that persons who desire to read the bill will know what is proposed to be done.

Mr. VANDENBERG. I have no objection in the world to that, if that is all that is requested.

Mr. THOMAS of Utah. That is all.

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

Mr. GERRY. Mr. President, I could not hear what the Senator from Utah said. Reserving the right to object, I wish to know what the Senator wants to do.

Mr. THOMAS of Utah. All I ask to have done is that the substitute may take the place on the calendar of the committee amendment which is already there. As the Senate will remember, there was an original bill; then there was a committee amendment to the bill; and now there is a substitute. The three measures are becoming confused, and if we use one bill only it will avoid confusion.

The VICE PRESIDENT. The Chair understands that the Senator from Utah asks unanimous consent that he may substitute for the bill now on the calendar a bill which has been reported, and that it may stay on the calendar for consideration in the future. Is there objection?

Mr. GERRY. I object.

The VICE PRESIDENT. Objection is made. The bill will be passed over.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 2106) for the allowances of certain claims not heretofore paid for indemnity for spoliations by the French prior to July 31, 1801, was announced as next in order.

Mr. VANDENBERG and Mr. McKELLAR. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.
The bill (S. 1760) to promote the safety of scheduled air transportation was announced as next in order.

Mr. McKELLAR and Mr. WHITE. Let the bill go over.
The VICE PRESIDENT. The bill will be passed over.
The bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate commerce, and for other purposes, was announced as next in order.

Mr. BARKLEY. Let the bill go over.
The VICE PRESIDENT. The bill will be passed over.
The bill (H. R. 6215) to repeal provisions of the income tax requiring lists of compensation paid to officers and employees of corporations was announced as next in order.
Mr. KING. Let the bill go over.
The VICE PRESIDENT. The bill will be passed over.
The bill (S. 2410) to amend the Judicial Code, as amended, was announced as next in order.

Mr. KING. Mr. President, the Senator from Montana [Mr. WHEELER], the chairman of the committee reporting the bill, is not here, and in his absence I feel that we ought not to take up the measure. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.
The joint resolution (S. J. Res. 144) proposing an amendment to the Constitution of the United States prohibiting child labor was announced as next in order.

Mr. BARKLEY. Let the joint resolution go over.
The VICE PRESIDENT. The joint resolution will be passed over.

The bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching was announced as next in order.

SEVERAL SENATORS. Let the bill go over.
The VICE PRESIDENT. The bill will be passed over.
The bill (S. 2482) to provide for the assignment of officers of the Navy for duty under the Department of Commerce and appointment to positions therein was announced as next in order.

Mr. KING. Let the bill go over.
The VICE PRESIDENT. The bill will be passed over.
The resolution (S. Res. 140) authorizing an investigation of the delivery or nondelivery of mail to establishments where industrial strife is in progress was announced as next in order.

The VICE PRESIDENT. This resolution is reported adversely, and, without objection, will be passed over.
The bill (S. 2024) to amend the civil-service law to permit certain employees of the legislative branch of the Government to qualify for positions under the competitive classified civil service was announced as next in order.

Mr. KING. Let the bill go over.
The VICE PRESIDENT. The bill will be passed over.
The joint resolution (S. J. Res. 178) consenting to an interstate compact relating to flood control in the Merrimack River Valley was announced as next in order.

Mr. MINTON. Let the joint resolution go over.
The VICE PRESIDENT. The joint resolution will be passed over.
The bill (S. 1351) to amend the Packers and Stockyards Act, 1921, as amended, and for other purposes, was announced as next in order.

Mr. GILLETTE. Let the bill go over.
The VICE PRESIDENT. The bill will be passed over.
The joint resolution (S. J. Res. 176) favoring employment by the Works Progress Administration of persons unable to find employment in private industry was announced as next in order.

Mr. KING. Let the joint resolution go over.
The VICE PRESIDENT. The joint resolution will be passed over.

The bill (H. R. 6586) to regulate the transportation and sale of natural gas in interstate commerce, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, several Senators who are interested in this matter are absent. I ask that the bill go over.
Mr. BARKLEY. Mr. President, will the Senator withhold his objection?

Mr. KING. I withhold it.
Mr. BARKLEY. Let me say to the Senator from Indiana [Mr. MINTON] and to the Senate that I understand the Senator from Montana [Mr. WHEELER], the chairman of the Committee on Interstate Commerce, from which this bill is reported, is very anxious to have it considered and disposed of.
Mr. AUSTIN. Mr. President, I object to the consideration of the bill.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Objection being made, the bill will be passed over.
The bill (S. 1424) to repeal that provision in the act of March 2, 1917 (39 Stat. L. 976), directing the making of allotments to Indians of the Mission Indian Reservation, Calif., was announced as next in order.

Mr. FRAZIER. Let the bill go over.
The PRESIDING OFFICER. The bill will be passed over.

SEKIZO TAKAHASHI

The joint resolution (H. J. Res. 141) to authorize the issuance to Sekizo Takahashi of a permit to reenter the United States was considered, ordered to a third reading, read the third time, and passed.

RESOLUTION AND BILL PASSED OVER

The resolution (S. Res. 177) requesting recommendations from the Tariff Commission concerning rates of duty on textile imports was announced as next in order.

Mr. McCARRAN and Mr. BARKLEY. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (H. R. 5812) to amend section 243 of the Penal Code of the United States, as amended by the act of June 15, 1935 (49 Stat. 378), relating to the marking of packages containing wild animals and birds and parts thereof, was announced as next in order.

Mr. GILLETTE. Let the bill go over.
The PRESIDING OFFICER. The bill will be passed over.

INVESTIGATION OF POLICIES EMPLOYED IN DISTRIBUTION OF MOTOR VEHICLES

The joint resolution (S. J. Res. 229) directing the Federal Trade Commission to investigate the policies employed by manufacturers in distributing motor vehicles, and the policies of dealers in selling motor vehicles at retail, as these policies affect the public interest, was announced as next in order.

Mr. MINTON. Mr. President, this joint resolution should be indefinitely postponed, as a similar measure was passed at the last call of the calendar.

The PRESIDING OFFICER. Without objection, the joint resolution will be indefinitely postponed.

BILL AND RESOLUTION PASSED OVER

The bill (S. 1443) to designate the month of February in each year as the Month of American Music was announced as next in order.

Mr. KING. Let the bill go over.
The PRESIDING OFFICER. The bill will be passed over.
The resolution (S. Res. 216) favoring governmental adjustment of the purchasing power of the dollar so as to attain 1926 wholesale commodity price levels was announced as next in order.

Mr. VANDENBERG. Let the resolution go over.
The PRESIDING OFFICER. The resolution will be passed over.

SAFEGUARDING OF THE PUBLIC HEALTH

The Senate proceeded to consider the bill (S. 3073) to safeguard the public health, which was read, as follows:

Be it enacted, etc., That (a) in order to safeguard the public health against the distribution of drugs which have not become generally recognized as safe for use, no person shall introduce or deliver for introduction into interstate commerce any drug composed, in whole or in part, of any substance or combination of

substances, which substance or combination is not generally recognized as safe for use in the dosage and with the frequency and duration prescribed, recommended, or suggested in the labeling thereof, unless the packer of such drug holds a notice of a finding by the Secretary that such drug is not unsafe for use.

(b) To enable the Secretary to make a finding on any such drug the packer thereof shall submit to the Secretary (1) full reports of investigations which have been made to show whether or not such drug is safe for use; (2) a full list of the articles used as components of such drug; (3) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug; (4) a full statement of the composition of such drug; (5) such samples of such drug and of the articles used as components thereof as the Secretary may require; and (6) specimens of all proposed labeling for such drug.

(c) To aid and advise him in making such finding the Secretary is hereby authorized to create a board consisting of one representative from each of the following organizations: The Public Health Service of the United States Treasury Department, the American Institute of Homeopathy, the American Medical Association, the United States Pharmacopoeial Convention, the American Pharmaceutical Association, and the Food and Drug Administration of the Department. No person who has a financial interest in the manufacture or distribution of any drug shall serve on such board. The Secretary is authorized to pay to each member of the board who is not a representative of a Federal department \$25 per day for each day he is engaged in the work of the board. The appropriation for the enforcement of the Food and Drugs Act is hereby specifically made available for such purpose, and for travel and other expenses of all members of the board in accordance with the fiscal regulations of the Department.

(d) If the Secretary, after having received the aid and advice of such board, finds that (1) such investigations include tests by all existing methods reasonably applicable to such drug; (2) the results of such tests do not show that such drug is unsafe for use as prescribed, recommended, or suggested in the labeling thereof; (3) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are adequate to preserve the identity, strength, quality, and purity thereof; and (4) that such drug otherwise complies with the other provisions of the Food and Drugs Act, he shall issue to such packer a notice of finding that such drug is not unsafe for use. In case the Secretary refuses to issue such notice he shall notify the packer of his reasons for such refusal.

(e) The Secretary shall promulgate regulations for exempting from the operation of this section drugs intended solely for investigational use by persons qualified by scientific training and experience to make investigations as contemplated by this section.

(f) This section shall not be construed to apply to drugs subject to the Virus, Serum, and Toxin Act of July 1, 1902 (U. S. C., 1934 ed., title 26, ch. 4).

Mr. KING. Mr. President, I should like to have an explanation of this bill.

Mr. COPELAND. Mr. President, the bill is intended to guard the public against such deaths as occurred from the sale of Elixir Sulfanilamide. I myself have been objecting to the bill in the hope that a general food and drug bill might be passed. There is one now on the House Calendar, but it has been so long delayed that I think we ought to pass this bill.

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

Mr. COPELAND. I yield.

Mr. VANDENBERG. Are there not objections to the bill which have developed since it was reported?

Mr. COPELAND. There are objections, and there will be objections from now to the end of time, but, so far as I can judge, the bill is in such form that it is safe to pass it.

Mr. VANDENBERG. The Senator can see no value to the objections which have been made?

Mr. COPELAND. I have not been impressed by them.

Mr. WHITE. Mr. President, is there a report on the bill?

Mr. COPELAND. I do not see a report in my file.

Mr. WHITE. There is none in mine.

Mr. COPELAND. The bill was introduced at the time when a large number of deaths occurred throughout the country from the sale of the elixir of which I have spoken. It developed that there was no means of protection, through the Public Health Service or the Bureau of Food and Drugs, to make certain that new preparations were given proper examination in order to insure that they were safe for human consumption. That is the purpose of the bill. Objections have been raised to it from various sources, but as objections have been withdrawn new ones have been made. It is the old history of any attempt to provide control in the matter of drugs. My conviction is—and, of course, I leave the matter to the Senate—that the bill ought to be passed.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

BILL PASSED OVER

The bill (H. R. 6410) granting a pension to Mary Lord Harrison was announced as next in order.

Mr. WALSH. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MARKING OF PACKAGES CONTAINING WILD ANIMALS OR BIRDS

Mr. HATCH. Mr. President, I was called out of the Chamber, and I ask unanimous consent to return to Calendar No. 1350, being House bill 5812, a measure in which the Senator from Iowa [Mr. GILLETTE] is very much interested, and to which he desires to offer an amendment.

The PRESIDING OFFICER. Is there objection to returning to order of business 1350?

There being no objection, the Senate proceeded to consider the bill (H. R. 5812) to amend section 243 of the Penal Code of the United States, as amended by the act of June 15, 1935 (49 Stat. 378), relating to the marking of packages containing wild animals and birds and parts thereof.

Mr. GILLETTE. I propose an amendment, which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to strike out all of the section, beginning on page 1, line 8, down to and including line 12, on page 2, and in lieu thereof to insert the following:

SEC. 243. All packages or containers in which wild animals or birds, or the dead bodies or parts thereof (except furs, hides, or skins of such animals, for which provision is hereinafter made), or the eggs of such birds are shipped, transported, carried, brought, or conveyed, by any means whatever from one State, Territory, or the District of Columbia to, into, or through another State, Territory, or the District of Columbia, or to or from a foreign country, shall be plainly and clearly marked, labeled, or tagged on the outside thereof with the names and addresses of the shipper and consignee and with an accurate statement showing by number and kind the contents thereof: *Provided*, That packages or containers in which migratory birds included in any convention to which the United States is a party, or the dead bodies or parts thereof or eggs of such birds, are shipped, transported, carried, brought, or conveyed, as aforesaid, shall be marked, labeled, or tagged as prescribed in any such convention or law or regulation thereunder.

All packages or containers in which the furs, hides, or skins of fur-bearing wild animals are shipped, transported, carried, brought, or conveyed, by any means whatever, from one State, Territory, or the District of Columbia to, into, or through another State, Territory, or the District of Columbia, or to or from a foreign country shall be plainly and clearly marked, labeled, or tagged on the outside thereof with the names and addresses of the shipper and consignee.

Mr. BORAH. Mr. President, will not the Senator explain the amendment?

Mr. GILLETTE. Mr. President, this bill is intended to amend what was known as the Hepburn Act, which was put on the statute books through the outstanding efforts of two former Iowans, Representative Hepburn and Representative Lacey. It prohibits the shipping of the bodies or parts of dead animals or birds in interstate commerce unless there is on the outside of the container the names of the consignor and the consignee, and a statement of the contents. That is the original act.

The pending bill was intended to change the provision about marking the container, so as to require nothing on the outside but the names of the consignor and the consignee. The bill was urged by those engaged in commerce in furs. They felt that the law was subjecting them to unfair conditions because possible highjackers would be apprised of the valuable contents of a container, and it was an invitation to break in and highjack the contents.

The amendment I have offered has been drafted by the Biological Survey. It will protect those engaged in the commercial transfer of and traffic in furs, and at the same time save the valuable conservation features of the act.

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

Mr. GILLETTE. I yield.

Mr. WHITE. Would not the bill facilitate shipment out of a State of game or fish killed in violation of the law of the State, if those killing it could cover it up, package it, and send it out without marking it?

Mr. GILLETTE. The original act was for the definite purpose of preventing that. The bill, as presented, would leave the door wide open.

Mr. WHITE. From the Senator's explanation I thought that the shippers were required to place on the package only the names of the consignor and the consignee, that they could omit a description of the contents of the package.

Mr. HATCH. As to furs only.

Mr. WHITE. It applies only to furs?

Mr. HATCH. Yes.

Mr. WHITE. It would not apply to fish or game caught in violation of the laws of a State?

Mr. GILLETTE. No; it was because of that omission that I have been objecting to the bill without this proviso.

Mr. HATCH. Mr. President, the point the Senator from Maine has raised is well taken, and the defect should have been corrected. The bill was designed primarily to protect the fur industry, and the other feature was not thought of; but the Senator from Iowa has prepared an amendment which corrects the very situation the Senator from Maine has in mind.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

Mr. SCHWARTZ. Mr. President, what effect would this bill have on illicit trappers throughout the West who are killing beaver and other animals out of season and shipping their hides in interstate commerce? Would the bill give them protection?

Mr. GILLETTE. With the amendment which has been agreed to, the only change the bill would make in existing law would be to exempt dealers in the skins of fur-bearing animals from being required to put on the box a list of the furs.

Mr. SCHWARTZ. I object.

The PRESIDING OFFICER. Does the Senator object to the amendment?

Mr. SCHWARTZ. No; I object to the bill.

Mr. BILBO. Mr. President, before the bill is passed over, I should like to offer an amendment to the bill to perfect it. I ask that the amendment be printed.

The PRESIDING OFFICER. The amendment will be received and printed.

Objection being heard, the bill as amended will be passed over.

COURT OF PATENT APPEALS

The bill (S. 475) to establish a Court of Patent Appeals was announced as next in order.

Mr. LEWIS. Mr. President, I must ask that this bill go over, in view of the fact that some constituents of mine desire to be heard.

Mr. McADOO. Mr. President, I do not know what the Senator's object in asking that the bill go over may be, but I may say that hearings were held by the Committee on Patents, and we do not contemplate having any further hearings on the measure.

Mr. LEWIS. It may be that my constituents wish to educate their Senator as to what to inform the Senate about the vice of the bill. I must object to the bill.

Mr. McADOO. The Senator should be informed already because I have conferred with him about it.

Mr. LEWIS. I must object to the bill.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

RESOLUTION AND BILL PASSED OVER

The resolution (S. Res. 207) providing for an investigation of the National Labor Relations Act by the National Labor Relations Board was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 2829) authorizing more complete development of that portion of the Santa Rosa Island conveyed to the county of Escambia, State of Florida, by the Secretary of War, was announced as next in order.

Mr. BARKLEY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PROHIBITION OF BLOCK BOOKING AND BLIND SELLING

The bill (S. 153) to prohibit and to prevent the trade practices known as "compulsory block booking" and "blind selling" in the leasing of motion-picture films in interstate and foreign commerce, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. NEELY subsequently said: Mr. President, during my unavoidable absence from the Chamber on public business, action on Calendar No. 1434, Senate bill No. 153, to prevent certain trade practices in the leasing of motion-picture films in interstate and foreign commerce, was postponed because the necessary unanimous consent for immediate consideration was refused.

I do not suggest reconsideration of the Senate's action, but now give notice that after next Monday I shall utilize all available means to pass this important measure.

A bill identical with the one in question was on the Senate Calendar in 1936. But its consideration was repeatedly prevented by a single objection. The passage of the bill which is now on the calendar has been unanimously recommended by the Committee on Interstate Commerce.

Let me invite attention to the fact that this measure has received the enthusiastic endorsement and support of practically every well-known civic, educational, and religious association in the country. A few of the organizations which, through their spokesmen, are urging the passage of the bill, are as follows: The Parent-Teachers Association; the Young Men's Christian Association; the Young Women's Christian Association; the Knights of Columbus; the National Educational Association; the Churches of Christ in America; the Catholic Boys' Brigade of the United States; the Catholic Daughters of America; the Women's Christian Temperance Union; the Catholic Order of Foresters; the Editorial Council of the Religious Press; the Motion Picture Research Council; the National Women's Trade Union League of America; the National Council of Young Men's Christian Associations; the National Sentinels; General Convention, Protestant Episcopal Church; Friendly Society (Episcopal) United States of America; Women's Educational and Industrial Union; American Association of University Women; the National Grange; the Women's Home Missionary Society of the Methodist Episcopal Church; American Home Economics Association; Association for Childhood Education; Allied States Association of Motion Picture Exhibitors.

If this bill is further denied orderly consideration, it will be offered as an amendment to every measure which is progressing through the Senate and to which a point of order would afford no protection against a rider.

L. M. CRAWFORD

The bill (H. R. 1249) for the relief of L. M. Crawford was considered, ordered to a third reading, read the third time, and passed.

GUY SALISBURY

The bill (H. R. 6479) for the relief of Guy Salisbury, alias John G. Bowman, alias Alva J. Zenner, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2864) to correct the military record of Clayton R. Miller was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ORVILLE FERGUSON

The bill (H. R. 4018) for the relief of Orville Ferguson was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 6689) for the relief of George Rendell, Alice Rendell, and Mabel Rendell was announced as next in order.

Mr. KING. I should like to have an explanation of the bill. The PRESIDING OFFICER. The bill will be passed over.

COMPENSATION IN IMMIGRATION AND NATURALIZATION SERVICE

The bill (H. R. 1543) to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND. Mr. President, in connection with House bill 1543—and I realize the bill has been objected to, and that I am speaking by courtesy of the Senate—I intend to offer an amendment in the nature of a substitute because the bill would fall under the same criticism and would bring the same veto as the one relating to the Customs Service. But I have an amendment which has been prepared by those in authority which will meet the objections sure to be raised to the pending bill because of the similarity to the customs employees' bill. I give notice now of my intention to present it.

The PRESIDING OFFICER. Objection has been heard, and the bill will be passed over.

Mr. COPELAND subsequently said: Mr. President, I ask unanimous consent to present an amendment in the nature of a substitute for House bill 1543, being a bill to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes, being Calendar No. 1520, and ask that it be treated as an amendment pending to the bill when the bill again comes before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COPELAND's amendment, in the nature of a substitute for House bill 1543, is as follows:

That from and after July 1, 1938, field employees other than immigrant inspectors of the United States Immigration and Naturalization Service who have served or may hereafter serve 2 or more years, and have attained or may hereafter attain satisfactory efficiency ratings, shall be paid at no less than the average rates of compensation specified for the grades to which their positions have been or may hereafter be allocated pursuant to the provisions of the Classification Act of 1923, as amended (U. S. C., title 5, sec. 673): *Provided*, That the average of the salaries of the total number of persons under any grade in this service or appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Classification Act of 1923, as amended. The appropriation of such sums as may be necessary for the classification of such positions and the payment of such average rates of compensation is hereby authorized, and the first limitation of the proviso to section 7 of such Classification Act of 1923, as amended, shall not be held to apply. Nothing herein contained shall operate to reduce the compensation of any such field employee.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 1634) to provide for the education of all types of physically handicapped children, to make an appropriation of money therefor, and to regulate its expenditure, was announced as next in order.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 973) for the relief of the city of Baltimore was announced as next in order.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 684) for the relief of the city of New York was announced as next in order.

Mr. BARKLEY. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1291) for the relief of the State of Connecticut, was announced as next in order.

Mr. BARKLEY. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 21) directing the Comptroller General to readjust the account between the United States and the State of Vermont was announced as next in order.

Mr. KING. I ask that the joint resolution be passed over. The PRESIDING OFFICER. The joint resolution will be passed over.

RELIEF OF THE STATE OF CONNECTICUT

Mr. LONERGAN. Mr. President, I ask unanimous consent to return to Calendar 1524, being Senate bill 1291, for the relief of the State of Connecticut.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, reserving the right to object, I should like to have an explanation of that bill.

Mr. LONERGAN. Mr. President, this claim has passed the Senate twice in the last few years. The amount due was computed in 1928. Similar claims have been approved for Maryland, Delaware, Massachusetts, New York, North Carolina, Pennsylvania, South Carolina, and Virginia. I talked with the Senator from Nebraska [Mr. BURKE] about an hour ago. He has withdrawn his objection to the allowance of this claim. The claim is meritorious. The amount is due and was computed only 10 years ago. There is nothing stale about the claim, as the committee has reported it.

The PRESIDING OFFICER. Does the Senator from Utah wish to object to the immediate consideration of the bill?

Mr. KING. Mr. President, I may say to my friend from Connecticut that there are a number of bills on the calendar providing for compensation to States, to which objections have constantly been made. Does the bill, the consideration of which the Senator is now urging, fall in the same category as the other measures to which I have called attention?

Mr. LONERGAN. Is it not a fact that similar claims for large sums made by the States which I have enumerated have been allowed?

Mr. KING. I notice a bill on the calendar for the relief of the city of Baltimore; there is another bill on the calendar for the relief of the city of New York, and one for the relief of the State of Vermont. I was wondering whether, if we should pass the bill which the Senator from Connecticut is now advocating, we should not permit the passage of the other three measures.

Mr. LONERGAN. If they are just claims, I should say yes.

Mr. KING. I was wondering whether they fall in the same class.

Mr. LONERGAN. That I do not know. If the claims are meritorious they should be allowed.

Mr. VANDENBERG. The Senator from Vermont [Mr. AUSTIN] made it plain the other day that if we passed one of the bills of this general nature we should pass them all.

Mr. LONERGAN. That is perfectly agreeable to me. If a claim is just, it should be allowed.

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

Mr. LONERGAN. I yield.

Mr. AUSTIN. Mr. President, I have not heard any Senator give a just reason as to why these claims should not be paid. They are legal obligations of the United States Government. It is a shameful thing for the Government of the United States to claim a statute of limitations or anything corresponding to it in order to defeat the payment of these just claims. I give notice that some day we are going to undertake to secure the passage of these bills.

Mr. LONERGAN. I hope the Senator from Utah will withdraw his objection.

Mr. McKELLAR. The bills in question are of the same character. I have no objection to taking them all up for consideration.

Mr. BARKLEY. Mr. President, the Senator from Nebraska [Mr. BURKE], who reported all these bills adversely, is now in the Chamber. Personally, I should like to hear a word of explanation from him.

Mr. BURKE. Mr. President, the subcommittee appointed by the Committee on Claims considered the four claims. They are all ancient and stale, and largely all claims for

interest. It seems to me it would be a shocking thing—not to do as the Senator from Vermont suggests—but to consider passing these bills at this time, when the Federal Government has taken over so many obligations which the States ought to perform in the matter of relief, and has poured out millions of dollars from the Federal Treasury to do things that every State and local community ought to do for itself. These States now to come in and say, "A hundred years ago we advanced some money in order to carry on a Federal function, protecting us from invasion, or something else. You paid us back the money, but you did not pay us any interest, and we want interest on that amount." That is what the Connecticut claim is solely.

The State of Connecticut advanced \$115,069 and some cents. It advanced it in the War of 1812. Probably the Federal Government should have borne that expense itself. However, in time, out of the Federal Treasury, \$115,069 was returned to the State of Connecticut. Now the State of Connecticut comes in with a claim of almost \$600,000 for interest, because the first payment of \$50,000 was not made for quite a number of years, and the interest mounted up to and involved a large sum. Then it ran on a good many years more, until the remaining \$65,000 of the principal was repaid. So we have a charge for interest for 119 years.

I certainly would never consent to have any of these bills paid by unanimous consent. I am perfectly willing that all four of these claims should be brought up in the Senate, and that the Senate should vote on them, and be put on record, but I think there is no justification in this day at all for making any of the payments.

Mr. AUSTIN. Mr. President—

Mr. KING. I renew my objection in view of the statement made by the Senator from Nebraska.

The PRESIDING OFFICER. Objection is heard.

Mr. AUSTIN. Mr. President, will the Senator from Utah withhold his objection for one moment?

Mr. KING. Yes.

Mr. AUSTIN. Let us have a little bit of fairness about this matter. I cannot tolerate the suggestion that the Government should not pay just debts because it is now making gifts. I claim that a great government should be just before it is beneficent.

Mr. KING. Regular order!

Mr. LONERGAN. Mr. President, I should like to say a word. Is it not a fact that this bill has passed the Senate on two or three other occasions in recent years, and is it not a further fact that the Comptroller General determined the amount due only 10 years ago?

Mr. BURKE. I should say in answer to the question of the Senator from Connecticut that my information is that this bill for the relief of the State of Connecticut has passed the Senate on two or three occasions in the past. It is also my information that in response to a resolution or a bill passed by the Senate, the matter was referred to the Comptroller General to compute the interest, and I have no doubt at all that the figures submitted are an exact computation down to the last penny of the interest for 119 years on the amount that Connecticut advanced during the War of 1812. I do not dispute that at all. Five hundred and eighty-three thousand dollars is undoubtedly the correct amount of interest, but why it should be taken out of the Federal Treasury now and turned over to Connecticut is more than I can understand.

I should be very willing to support a proposition to give the State of Connecticut, the State of Vermont, the city of Baltimore, and the city of New York a credit for the amounts claimed by them to cover the gifts that have been made to help them carry on their relief program, but beyond that we certainly should not go.

Mr. VANDENBERG. Regular order!

The PRESIDING OFFICER. The regular order is called for. The bill will be passed over. The clerk will state the next bill on the calendar.

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BILLS PASSED OVER

The bill (S. 2565) authorizing the Comptroller General to settle and adjust the claim of List & Clark Construction Co. was announced as next in order.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3389) for the relief of Benjamin Weisenberg was announced as next in order.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2369) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916, as amended, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, that seems to be objected to by the Department. May we have an explanation of it?

Mr. VANDENBERG. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

MIKE CHETKOVICH

The Senate proceeded to consider the bill (S. 186) for the relief of Mike Chetkovich, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mike Chetkovich the sum of \$10,000. Such sum was the face amount of a certificate of war-risk insurance (No. T-3229247) issued to the said Mike Chetkovich following his induction into the military service on July 2, 1918. Such insurance was in effect when he became totally and permanently disabled as the result of an operation performed on or about August 12, 1918, at the Army base hospital at Camp Lewis, Wash.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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 for a third reading, read the third time, and passed.

BILL INDEFINITELY POSTPONED

The bill S. 3681, a bill to amend section 35 of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437), as amended, and for other purposes, was announced as next in order.

Mr. ADAMS. Mr. President, the substance of this bill was included in the recent Interior Department appropriation bill. Therefore, I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

BILL PASSED OVER

The bill (H. R. 8202) to provide for the reorganization of agencies of the Government was announced as next in order.

Mr. VANDENBERG. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

The bill (S. 3548) to amend section 9 of the Civil Service Retirement Act, approved May 29, 1930, as amended, was announced as next in order.

Mr. KING. I ask that the bill be passed over.

Mr. COPELAND. Mr. President, I hope that for a moment the Senator will withdraw his objection to Senate bill 3548. This is a bill introduced by the Senator from Texas [Mr. SHEPPARD] to amend the Civil Service Retirement Act. It has been so arranged that it does not involve any additional cost to the Government. It has been approved by the Bureau of the Budget and recommended by the Civil Service Commission.

The purpose of the bill is to give the Government employees who retire the option of purchasing additional credits

since 1920, which was the time of the general law, and to allow them the additional time upon such payments. Under the old law, to purchase this credit was mandatory. This bill makes it optional.

Mr. KING. Obviously there would be an increase. I should like to have time to examine the matter.

Mr. COPELAND. I hope the Senator will examine it. I shall give to him the matter which I have in my hand, although the Senator from Texas knows far more about it than I do.

Mr. SHEPPARD. Mr. President, will the Senator from Utah permit me to make a brief statement?

Mr. KING. Yes.

Mr. SHEPPARD. Under existing law civil-service employees, in order to obtain the basic Government retirement allowance of \$30 a year multiplied by the number of years in service, with a 15-year minimum, must pay in a sum equal to 3½ percent of their yearly salaries since 1926, and 2½ percent from 1920 to 1926, to be held by the Government and paid back with interest as an additional retirement allowance, before they can receive the basic retirement allowance. This bill permits employees to receive the basic Government allowance, if they so choose, without the requirement that they pay an additional amount for an additional allowance. The measure will occasion no expense to the Government. It has the approval of the Civil Service Commission and the Bureau of the Budget offers no objection to favorable consideration.

Mr. KING. Mr. President, I have been requested to offer an amendment to the bill. Let it go over, and I shall confer with the Senator from Texas.

Mr. SHEPPARD. I will ask the Senator to give it his most earnest consideration.

Mr. KING. I shall do so.

The PRESIDING OFFICER. The bill will be passed over.

PAYMENTS TO AMERICAN WAR MOTHERS, INC.

The bill (S. 3318) to authorize certain payments to the American War Mothers, Inc., was announced as next in order.

Mr. COPELAND. Mr. President, I am embarrassed about this bill. The bill in its present form does not conform to the bill previously passed. Certain organizations are not included, such as the American Gold Star Mothers and the Catholic War Veterans. My conviction is that this matter ought to be given another survey by the committee. I do not like to be in the position of objecting to the bill, but some of the other groups, particularly the American Gold Star Mothers, have done a tremendous amount of patriotic work. For example, the Gold Star Mothers took the veterans abroad.

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

Mr. COPELAND. I yield.

Mr. MINTON. Is it not true that the Gold Star Mothers were included in the first bill, and they are left out of this bill?

Mr. COPELAND. That is the point. I am not sufficiently well informed to suggest an amendment from the floor, but I ask that the bill go over. In the meantime I shall present my criticisms to the author of the bill in the hope that the bill may be considered the next time the calendar is called. I shall not interfere with the passage of the bill. The point I have in mind is that I do not think the bill is sufficiently comprehensive. I think certain other organizations should be included. Therefore I ask that the bill go over until the next call of the calendar.

Mr. SCHWELLENBACH. Mr. President, I have no objection to the bill going over. However, let me say that I now learn, for the first time, that objection has been made to the bill by other organizations.

Mr. COPELAND. Let me say that the Senator was not here when the matter was previously considered. I have no desire to stop this proposed legislation, but I do want to be sure that justice is done in the distribution of these funds.

The PRESIDING OFFICER. The bill will go over.

AMENDMENT TO CIVILIAN CONSERVATION CORPS ACT

The bill (H. R. 9415) to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, was announced as next in order.

Mr. GILLETTE. Mr. President, on the last call of the calendar this bill was passed over, and was restored to the calendar at my request. I wanted to be assured personally that it did not provide for the creation of five or six thousand new jobs by the creation of five project assistants for each C. C. C. camp. On investigation I have been assured that the new project assistants will have the same status, the same pay, and the same duties as regular enrollees; and, therefore, I have no objection to the bill.

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

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937 (50 Stat. 319), is amended by adding after the words "three cooks," wherever they appear in such section the following: "five project assistants."

Sec. 2. Section 8 of such act is further amended by striking out the period at the end thereof and inserting a colon and the following: "Provided further, That any enrollee may be discharged for the convenience of the Government within 30 days prior to the expiration of his period of enrollment."

CHIPPEWA INDIANS OF MINNESOTA

The Senate proceeded to consider the bill (H. R. 4544) to divide the funds of the Chippewa Indians of Minnesota between the Red Lake Band and the remainder of the Chippewa Indians of Minnesota, organized as the Minnesota Chippewa Tribe, which had been reported from the Committee on Indian Affairs with amendments, in section 1, on page 1, line 10, after the parentheses and the comma, to strike out "or from any other source" and insert "from which total amount so determined, said Secretary shall deduct and retain in the existing fund now standing to the credit of 'all the Chippewa Indians in the State of Minnesota' the sum of \$10,000, and so much thereof as may be necessary, may be expended as authorized in the act of May 14, 1926 (44 Stat. L. 555), and the amendatory act of April 11, 1928 (45 Stat. L. 423), and for other purposes"; in section 2, on page 2, line 11, after the name "Red Lake", strike out "Band of"; on page 2, line 16, after the word "other", strike out "bands"; in section 3, on page 2, line 22, after the name "Red Lake", strike out "Bands" and insert "Chippewa Indians of Minnesota"; on page 3, line 1, after the name "Red Lake", strike out "Band" and insert "Chippewa Indians of Minnesota"; on page 3, line 5, after the figures "1889", strike out "or other applicable acts"; on page 3, line 7, after the name "Red Lake", strike out "Band" and insert "Chippewa Indians of Minnesota"; on page 3, line 9, after the words "property of", strike out "the tribal organization of" and insert "all"; on page 3, line 10, after the name "Minnesota", strike out "known as the Minnesota Chippewa Tribe, and shall be called the Minnesota Chippewa tribal fund"; on page 3, line 13, after the figures "1889", strike out "or other applicable act"; on page 3, line 15, after the words "property of", strike out "said tribe" and insert "all other Chippewa Indians of Minnesota"; in section 4, on page 3, line 17, after the words "Sec. 4.", strike out "All" and insert "Any unexpended balance remaining of the \$10,000 set aside by the first section of this act and all"; on page 3, line 21, after the word "Congress", strike out "or from any other source"; on page 3, line 23, after the name "Red Lake", strike out "Band" and insert "Chippewa Indians of Minnesota"; page 3, line 24, after the words "part and", strike out "the Minnesota Chippewa Tribe" and insert "all other Chippewa Indians of Minnesota", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to determine, as of the close of the fiscal year next succeeding the date of the passage of this act, the total sum of money in the Treasury of the United States to the credit of the

Chippewa Indians of Minnesota derived from the provisions of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (25 Stat. L. 642), from which total amount so determined, said Secretary shall deduct and retain in the existing fund now standing to the credit of "all the Chippewa Indians in the State of Minnesota" the sum of \$10,000, and so much thereof as may be necessary, may be expended as authorized in the act of May 14, 1926 (44 Stat. L. 555), and the amendatory act of April 11, 1928 (45 Stat. L. 423), and for no other purpose.

SEC. 2. Upon so determining the amount of money to the credit of said Indians, the Secretary of the Treasury is hereby directed to determine what part of said amount represents the interest of the Red Lake Chippewa Indians of Minnesota on the basis of the proportion which the number of Indians on the official annuity or per-capita payment roll of the Red Lake Band bears to the number of Indians on the official annuity or per-capita payment rolls of all the other Chippewa Indians of Minnesota. The last annuity rolls or the latest per-capita payment rolls, whichever are the later, approved prior to the passage of this act shall be used in making this computation.

SEC. 3. The portion of the total funds of the Chippewa Indians of Minnesota so determined to represent the interest of the Red Lake Chippewa Indians of Minnesota shall be segregated from the said total funds in the Treasury of the United States as the exclusive property of the Red Lake Chippewa Indians of Minnesota and shall be held as a separate and distinct fund which shall be called the Red Lake Chippewa fund and shall be kept intact in the Treasury pursuant to the terms of the said act of January 14, 1889, and shall be administered by the Secretary of the Interior as the separate property of the Red Lake Chippewa Indians of Minnesota. The remainder of said total funds shall be held in the Treasury as the property of all the other Chippewa Indians of Minnesota. Such fund shall be kept intact in the Treasury pursuant to the terms of said act of January 14, 1889, and shall be administered by the Secretary of the Interior as the separate property of all other Chippewa Indians of Minnesota.

SEC. 4. Any unexpended balance remaining of the \$10,000 set aside by the first section of this act and all future funds derived from the provisions of said act of January 14, 1889, or from any use of funds accrued under said act as may have been directed by Congress, shall be divided in the same proportion as the division authorized herein between the said Red Lake Chippewa Indians of Minnesota as of one part and all other Chippewa Indians of Minnesota as of the other part, and the portions thereof belonging to each group shall immediately be placed in the Treasury of the United States in the funds named in section 3 of this act, and shall be likewise administered.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RECONSTRUCTION AT FORT NIAGARA, N. Y.

The bill (H. R. 9764) to authorize an appropriation for reconstruction at Fort Niagara, N. Y., to replace loss by fire, was considered, ordered to a third reading, read the third time, and passed.

LIGHTHOUSE SERVICE

The bill (S. 3654) to improve the efficiency of the Lighthouse Service, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, there is an identical bill on the calendar, Order of Business 1757, being House bill 9973, and I ask unanimous consent that the House bill be substituted for the Senate bill and be considered at this time.

The PRESIDING OFFICER. Is there objection?

Mr. KING. I ask for an explanation of the bill, if the Senator will give it.

Mr. COPELAND. Senate bill No. 3654 was requested by the Treasury Department. It is very clear in the bill that when new appointees are taken from ports of embarkation to their first point of duty in a light station outside the continental limits of the United States, within the limitation of a total expenditure of \$1,500 in any fiscal year, the expense of taking the employees to their lighthouses, or other places of duty, wherever they may be, may be paid. The employee may not receive more than \$20 or \$25. The limitation on the total expenditure within the year is \$1,500.

The bill also provides for the transportation of children from remote lighthouse stations to the mainland for schooling. Sometimes light stations are so remote that the family does not see any human being other than its own members for 3 months, except when the cutter comes. The purpose of the bill is to make it possible for the children of the lighthouse keepers to be transported to the mainland for school purposes.

The last section of the bill relates to the jurisdiction over landmarks, which will not be taken over by the Government unless the State or the original owners release jurisdiction.

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

There being no objection, the Senate proceeded to consider the bill (H. R. 9973) to improve the efficiency of the Lighthouse Service, and for other purposes, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in all appropriations hereafter made for "General expenses, Lighthouse Service," there is authorized to be made available not exceeding \$1,500 in any fiscal year, under rules prescribed by the Secretary of Commerce, for paying the actual and necessary traveling expenses of new appointees from ports of embarkation in the United States to first post of duty at isolated light stations in districts outside the continental limits of the United States.

SEC. 2. That in all appropriations hereafter made for "General expenses, Lighthouse Service," there is authorized to be made available not exceeding \$2,500 in any fiscal year for the transportation, under regulations prescribed by the Secretary of Commerce, of the children of lighthouse keepers at isolated light stations where necessary to enable such children to attend school.

SEC. 3. Money accruing from commutation of rations and provisions for working parties in the field, officers and crews of light vessels and tenders, and officials and other authorized persons on board of such tenders or vessels, after payment on proper vouchers to the officer in charge of the mess of such vessel or party, as provided by law, may be expended and accounted for pursuant to regulations prescribed by the Secretary of Commerce, notwithstanding the provisions of the act of June 26, 1934 (48 Stat. 1233).

Mr. COPELAND. I ask that Senate bill 3654 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, Senate bill 3654 will be indefinitely postponed.

ESMERALD GOODMAN AND OTHERS

The bill (S. 3540) for the relief of Esmerald Goodman, boatswain's mate, first class (lifesaving); Raymond H. Wilson, boatswain's mate, first class (lifesaving); Louis J. Burns, motor machinist's mate, first class (lifesaving); Silvie S. Langton, surfman; Eudorus J. Brown, surfman; Kenneth G. Sherwood, surfman; Alvin Combs, surfman; William E. Knight, surfman; Olaaf E. Starr, surfman; and Ejner E. Jensen, surfman.

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 personnel of the United States Coast Guard in full settlement of their claims against the United States for loss or destruction of or damage to personal property and effects as a result of the fire which occurred at the Coquille River Coast Guard Station, Bandon, Oreg., on September 27, 1936, as follows: Esmerald Goodman, boatswain's mate, first class (lifesaving), \$110.70; Raymond H. Wilson, boatswain's mate, first class (lifesaving), \$86.10; Louis J. Burns, motor machinist's mate, first class (lifesaving), \$95.10; Silvie S. Langton, surfman, \$80.75; Eudorus J. Brown, surfman, \$65.60; Kenneth G. Sherwood, surfman, \$41.25; Alvin Combs, surfman, \$54.34; William E. Knight, surfman, \$52.99; Olaaf E. Starr, surfman, \$58.55; Ejner E. Jensen, surfman, \$40.95.

RELIEF OF CERTAIN COAST GUARD OFFICERS AND ENLISTED MEN

The bill (S. 3734) for the relief of certain officers and enlisted men of the United States Coast Guard was announced as next in order.

Mr. KING. Mr. President, I should like to have an explanation of the bill. I had some objections to the bill.

Mr. COPELAND. The amount involved is very small. I think the total is less than \$1,000. The bill relates to a fire which took place on a pier in Seattle, Wash.

Mr. KING. Is the Senator referring to calendar No. 1628?

Mr. COPELAND. Yes. That is the one about which the Senator spoke, certain personal property and effects were destroyed as the result of a fire in Seattle, Wash. The losses incurred by individuals amounted to a total of about a thousand dollars.

Mr. KING. A memorandum was handed to me by one of the proposed beneficiaries. I thought he was objecting to the bill, but I find he is not.

Mr. COPELAND. He is probably urging its passage.

Mr. KING. I have no objection.

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

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, 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 personnel of the United States Coast Guard, in full settlement of their claims against the United States for loss or destruction of, or damage to, personal property and effects as a result of the fire which occurred on the Connecticut Street pier, Seattle, Wash., on June 3, 1937, as follows: Earl K. Rhodes, lieutenant, \$175; Christopher C. Knapp, lieutenant (junior grade), \$358.50; Irving J. Stephens, lieutenant (junior grade), \$204.90; Edgar V. Carlson, lieutenant (junior grade), \$188.25; Albert J. Carpenter, lieutenant (junior grade), \$281.75; Ralph D. Dean, ensign, \$107; Thomas A. Ross, chief boatswain, \$138.50; Emil Moen, boatswain, \$50; Ellis F. Gradin, gunner, \$379.30; Obey C. Scott, machinist, \$40; Virgil L. McLean, pay clerk, \$47.44; Joseph H. Chagnot, carpenter, \$80; Melvin J. Archambeau, chief boatswain's mate, \$80; and George Wray, chief carpenter's mate, \$58.

LANDS FOR HIGHWAY IN KENT COUNTY, DEL.

The bill (H. R. 8715) to authorize the Secretary of Commerce of the United States to grant and convey to the State of Delaware fee title to certain lands of the United States in Kent County, Del., for highway purposes was announced next in order.

Mr. KING. Mr. President, may we have an explanation of this bill?

Mr. COPELAND. The purpose of the bill is to convey to the State of Delaware, for highway purposes, a strip of land alongside a lighthouse reservation.

Mr. KING. I have no objection.

Mr. WHITE. Mr. President, as I understand, this bill proposes to convey a part of a lighthouse reservation in the State of Delaware to the State for highway purposes, and without any compensation to the Federal Government for the conveyance. I have had a bill pending proposing the conveyance of part of a lighthouse reservation for public purposes in the State of Maine, and the Department has approved it, provided the municipality pays the appraised value of the land which it is proposed to convey. I should like to have explained to me why it is necessary for a town in the State of Maine to pay for land, while land can be donated in the State of Delaware.

Mr. COPELAND. I suppose it is a matter of dollars and cents. While the principle may be the same, the land spoken of by the Senator may be valuable land. I am not advised as to that. However, the land involved in the bill is of very little value.

Mr. WHITE. The land in Maine to which I refer is not of great value, except for the purposes to which the people of the town wish to put it. Until there is some uniformity of rule, Mr. President, I object.

Mr. COPELAND. I have no objection to that course; but let me say that all land in Maine is so valuable that necessarily, if it is conveyed by the Government to the State, it ought to be paid for.

The PRESIDING OFFICER. The bill will be passed over. SETTLEMENT OF ACCOUNTS OF DECEASED NAVY AND MARINE CORPS OFFICERS AND MEN

The bill (H. R. 9526) to amend the act of May 27, 1908, authorizing settlement of accounts of deceased officers and enlisted men of the Navy and Marine Corps was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of May 27, 1908 (35 Stat. 373; U. S. C., 1934 ed., title 34, sec. 941), is hereby amended by inserting, in line 34, page 373, Thirty-fifth Statutes at Large, after the words "Marine Corps", the words "Coast Guard, and of deceased commissioned officers of the Public Health Service."

BILL PASSED OVER

The bill (H. R. 5030) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, at this time the chairman of the committee is not present. It is an important bill. In his absence, I think we had better let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM SERVER RHODES

The bill (S. 3171) for the relief of William Server Rhodes, chief boatswain's mate, United States Navy, retired, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 2 of the act approved May 23, 1930 (46 Stat. 375; U. S. C., title 34, sec. 790), William Server Rhodes, chief boatswain's mate, United States Navy, retired, shall be held and considered to have completed 30 years' service, including naval service, time in the Fleet Naval Reserve, and double time for Spanish-American War service from April 21, 1898, to April 11, 1899, for the purpose of transfer to the retired list of the United States Navy, on December 8, 1936, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said William Server Rhodes the sum of \$184.25, which sum represents allowances at \$15.75 per month, covering the period from December 8, 1936, to November 29, 1937, authorized by existing law (U. S. C., title 34, sec. 431) to be paid to enlisted men upon transfer to the retired list of the Navy upon completion of 30 years' service.

DEATH COMPENSATION BENEFITS FOR WIDOWS AND CHILDREN OF WORLD WAR VETERANS

The Senate proceeded to consider the bill (H. R. 9725) to liberalize the provisions of existing laws governing death compensation benefits for widows and children of World War veterans, and for other purposes, which was read, as follows:

Be it enacted, etc., That notwithstanding the provisions of Public Law No. 484, Seventy-third Congress, June 28, 1934 (U. S. C., title 38, secs. 503-507), as amended by section 1, Public Law No. 844, Seventy-fourth Congress, June 29, 1936 (U. S. C., title 38, sec. 508), and section 1, Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 509), in no event shall the widow, child, or children otherwise entitled to compensation under the provisions of that act be denied such compensation if the veteran's death resulted from a disease or disability not service connected, and at the time of the veteran's death he was receiving or entitled to receive compensation, pension, or retirement pay for 10-percent disability or more presumptively or directly incurred in or aggravated by service in the World War: *Provided*, That except as provided in section 6 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by this section shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration in such form as the Administrator of Veterans' Affairs may prescribe, but in no event shall compensation herein authorized be effective prior to the date of enactment of this act.

Sec. 2. Section 4 of Public Law No. 484, Seventy-third Congress, June 28, 1934, as amended by section 2 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 506), is hereby amended to read as follows:

"Sec. 4. For the purpose of awarding compensation under the provisions of this act, as amended, service connection of disability and degree thereof at date of death may be determined in any case where claim has been or is filed by the widow, child, or children of a deceased World War veteran, except that proof of 10-percent disability or more at date of death and evidence as to service connection may be filed at any time after date of enactment of this act, or the date of death, and evidence required in connection with any claim must be submitted in accordance with regulations prescribed by the Administrator of Veterans' Affairs."

Sec. 3. On and after the date of enactment of this act for the purpose of payment of compensation under the laws administered by the Veterans' Administration, the term "widow of a World War veteran" shall mean a woman who was married prior to the date of enactment of this act to the person who served: *Provided*, That all marriages shall be proven as valid marriages according to the law of the place where the parties resided at the time of marriage or the law of the place where the parties resided when the right to compensation accrued. Compensation shall not be allowed a widow who has remarried either once or more than once, and where compensation is properly discontinued by reason of remarriage it shall not thereafter be recommenced. No compensation shall be paid to a widow unless there was continuous cohabitation with the person who served from the date of marriage to date of death, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow.

Sec. 4. Section 1 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 509), is hereby repealed.

Mr. GEORGE. Mr. President, by the Committee on Finance, I am authorized to offer an amendment to the bill, the title of which has just been stated. The amendment would do only one thing: It would strike out section 4 of the bill and reenact it in the same form, except that it would repeal section 4 of Public Law No. 304. Such action is recommended by the Veterans' Administration for one purpose, and that is to remove from the law a provision

which was inserted by the act of August 16, 1937, requiring in certain cases—that is, where marriage occurred after a fixed date in the year 1931—the birth of a child to the widow of a World War veteran to entitle the widow to pension and other benefits.

I may say, Mr. President, this bill is recommended by the Bureau of the Budget and by the Veterans' Administration. The principal object that is proposed to be accomplished by the bill is to reduce the percent of a service-connected disability suffered by the veteran from 20 percent, as now required, to 10 percent, but the disability must have been service-connected.

It also allows the widow or the child of a deceased World War veteran to file claim for pension at any time and to make proof at any time of the facts of the disability of the veteran and of the service connection of the disability and the degree of the disability. It further eliminates from the law what was intended to be a liberalizing provision with respect to the payment of pensions in certain cases where a child was born to the wife of the veteran after marriage to the veteran. In practice it has proven to be a limitation, which has worked injustice in many cases.

If this bill is passed, as I hope it will be after the amendment is adopted, the widow of a World War veteran who died of a non-service-connected disability but who at the time of his death was suffering from a service-connected disability amounting to 10 percent or more will be eligible for pension or compensation if the claim is filed at any time and if she married the veteran prior to the passage and approval of this proposed act.

I may say also, Mr. President, that the total cost as estimated by the Veterans' Administration is approximately \$1,650,000 for the first year.

Now I should like to offer, in connection with my statement, an explanation of the amendment.

The PRESIDING OFFICER. Without objection, the explanation will be printed in the RECORD.

The explanation referred to is as follows:

Section 4 of Public, No. 304, Seventy-fifth Congress, provided a new definition for "widow of a World War veteran" for the purpose of payment of compensation under the laws administered by the Veterans' Administration. The intention of the proposed legislation, insofar as the definition of "widow" is concerned, was to eliminate, first, the provisions of section 1 of that same act, requiring the birth of a child in order that payments of compensation could be made to certain widows; and, second, the provisions of section 4 of Public, No. 304, insofar as that section permits payment of benefits to widows who married the veteran after July 3, 1931, where a child was born of that marriage. This principle pertaining to the birth of a child, as enacted in Public, No. 304, was an innovation in the laws granting benefits to widows of veterans. Its presence in the act of August 16, 1937, although a liberalization at that time because of the then fixed 1931 marriage date, has been demonstrated as a rule of exclusion as to other cases considered equally meritorious. It is believed that the principle pertaining to the birth of a child should be abandoned and that a delimiting date of marriage as heretofore established should be used. The extension of the marriage date to the date of enactment of the proposed law places such limitation on a parity as to number of years after the war, with the marriage limitation pertaining to widows of veterans of the War with Spain, including the Boxer Rebellion and the Philippine Insurrection. In consideration of the extension of the marriage date provided in H. R. 9725 from prior to July 3, 1931, to prior to the date of enactment of the proposed act, the repeal of section 4, Public, No. 304, is indicated.

Section 4 of H. R. 9725, by removing the repeal of section 4 of Public, No. 304, as contained in H. R. 9704, has the effect of far exceeding the original purpose of the proposed legislation, particularly as to principle, future cost, and perpetuation of inequality. Under the provisions of section 4 of H. R. 9725, as now written, widows who were married to veterans prior to the enactment of the proposed act would be eligible for compensation benefits regardless of whether a child was born of the marriage to the veteran, and, in addition, where marriage took place after the date of enactment of the proposed legislation, where there was a child born of the marriage, the widow could establish eligibility for benefits under Public, No. 484, as amended, where the veteran at the time of his death was receiving or entitled to receive compensation, pension, or retirement pay for 30 percent disability or more, presumptively or directly incurred in or aggravated by service in the World War, and also the widow could establish eligibility for compensation for service-connected death. On the other hand, with marriage after the date of enactment of the proposed act, even though a child were born of the marriage, the widow could not establish eligibility under section 1 of the proposed act, and

because of the repeal of section 1 of Public, No. 304, as provided in section 4 of H. R. 9725, a widow could not establish eligibility for benefits under section 1 of Public, No. 304, where the service-connected disability at time of death was 20 percent or more but less than 30 percent. It is, therefore, apparent that the enactment of the proposed legislation would continue the principle pertaining to the birth of a child as to certain groups of cases to the exclusion of others. This has the effect of perpetuating in the law a provision unknown in the history of pension legislation until less than a year ago and already proven as productive of inequality.

The basis for the amendment by the Committee on World War Veterans' Legislation, removing the repeal of section 4 of Public, No. 304, in the provisions of H. R. 9725, as ascertained from the hearings before that committee, was that the repeal of section 4 of Public, No. 304, would take away the right of widows where a child was born of the marriage. As to this point, there is for consideration the fact that section 4 of Public, No. 304, requires marriage prior to July 3, 1931, except that where a child was born of the marriage to the veteran, the widow may establish eligibility if marriage was after July 2, 1931. By extending the delimiting marriage date to the date of enactment of the proposed act as provided in H. R. 9725, section 3, and substituting such marriage date for the principle pertaining to the birth of a child, there are included within the purview of the proposed statute all marriages effected prior to the date of enactment of the proposed act, thus removing any necessity for protected rights. In the interest of uniformity and definite elimination of the principle involved in Public, No. 304, heretofore explained, the Veterans' Administration recommends the amendment to section 4, H. R. 9725, heretofore set forth.

The PRESIDING OFFICER. The amendment offered by the Senator from Georgia will be stated.

Mr. GEORGE. The amendment is to strike out all after section 4, on page 4, of the bill and substitute the new language which I send to the desk.

The CHIEF CLERK. On page 4, after line 3, it is proposed to strike out section 4, and in lieu thereof to insert a new section 4, as follows:

SEC. 4. Sections 1 and 4, of Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, secs. 509 and 472c, respectively), are hereby repealed.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia [Mr. GEORGE].

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill be read a third time.

The bill was read the third time and passed.

LT. ROBERT E. VAN METER, UNITED STATES NAVY

The bill (S. 3223) for the relief of the dependents of the late Lt. Robert E. Van Meter, United States Navy, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the death of the late Lt. Robert E. Van Meter, United States Navy, which occurred on July 25, 1937, shall be held and considered to have occurred in line of duty.

PROMOTION OF CERTAIN OFFICERS OF NAVY AND MARINE CORPS

The Senate proceeded to consider the bill (S. 2409) for the relief of certain officers of the United States Navy and the United States Marine Corps, which had been reported by the Committee on Naval Affairs with amendments.

Mr. KING. Mr. President, I should like to have the Senator from Massachusetts explain the bill.

Mr. WALSH. Mr. President, the Senator from Virginia [Mr. BYRD] and the senior Senator from Arkansas [Mrs. CARAWAY] are particularly interested in this bill.

On May 29, 1934, a law was enacted applying the principle of promotion by selection to the lower grades of the Navy and Marine Corps. There were 13 lieutenants and 9 lieutenants, junior grade, in the line of the Navy, and 1 lieutenant colonel of the Marine Corps who were at the top of their respective grades, who had made their numbers for promotion by seniority in accordance with the then existing law and were "in process" of advancement. All that was necessary to effect their advancement was the opportunity for and successful completion of examinations required by law to establish their mental, moral, professional, and physical qualifications for the grades to which they were to be promoted. Some of these officers had partially completed the required examinations and others, through no fault of their own but because of the exigencies of the service, never had an opportunity to take

them. Some were at C. C. C. camps and were at remote places.

All this bill does is to give them opportunity to take the examinations. They will not necessarily be promoted.

Mr. KING. I have no objection. The Senator will recall that we have had many complaints of so-called inequities in promotion in both the Army and the Navy.

Mr. WALSH. The Senator from Utah will be interested to know that yesterday morning, today, and probably for a week the Committee on Naval Affairs have been reviewing the entire subject of the selection system, a bill having passed the House and now being before the Senate committee dealing with the very delicate, important, and complicated subject of the best way of selecting naval officers for promotion without doing injustice to those who are eliminated. I am pleased to note that the Senator is interested. The committee is intensely interested. Among the things we are going to do is to increase materially the probation period so as to eliminate from the service in the early years of their careers young officers who do not give promise of advancement. Now, as the Senator knows, after 2 years if an officer is not adapted to the service he is retired with retirement pay. Of course, 2 years is a very short period of probation; in fact, practically none at all for young men coming from the Naval Academy. The first provision we will make will call for a probation period of 7 years at least so there will be such a period within which to determine the qualifications and fitness of the officer and what promise he gives.

The Senator will also be interested to know in this connection that under existing law there is no authority in the board of advisers of the academy to eliminate any midshipman because of inaptitude. If he passes the physical and mental examinations he is qualified. The change which we propose to make will give a chance during the period of probation to eliminate young officers for inaptitude.

Mr. KING. Mr. President, I congratulate the Senator from Kentucky for addressing himself to a question which has agitated the Senate and the House for many years. I know when I was a member of the Naval Affairs Committee complaints were made to me of injustices in the matter of promotion. There have been many heartbreaking cases where officers have been denied advancement to which they were entitled, and I fear some officers were advanced who were not entitled to be.

The PRESIDING OFFICER. The amendments reported by the committee will be stated.

The CHIEF CLERK. In section 1, on page 1, line 4, after the word "rank", it is proposed to insert the words "on the active list"; on page 3, line 2, after the word "promotion", to strike out "And provided" and insert "Provided further"; on the same page, line 5, after the word "promotion", to insert "And provided further, That no back pay or allowances shall be held to have accrued prior to the passage of this act", so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint to the next higher grade or rank on the active list such officers of the line of the United States Navy and such officers of the United States Marine Corps as became eligible by seniority for promotion to a higher grade or rank prior to May 29, 1934, under the laws then in force, and became ineligible for such promotion through the passage of the acts approved May 29, 1934 (48 Stat. 811 and 814; U. S. C., title 34, sections 286h and 626a), and such officers of the Staff Corps of the United States Navy as became eligible by seniority for promotion to a higher grade or rank prior to August 5, 1935, under the laws then in force, and became ineligible for such promotion through the passage of the act approved August 5, 1935 (49 Stat. 530), who have not been promoted to such higher grade or rank prior to the date of this act: *Provided*, That such officers shall, prior to promotion as herein authorized, be required to establish under existing law their mental, moral, professional, and physical qualifications to perform all the duties of the grade or rank to which authorized to be appointed by the provisions of this act, except that all such officers who are found physically or mentally not qualified for promotion due to causes originating in the line of duty shall be placed on the retired list in the grade or rank and with the retired pay to which their seniority would have entitled them under the laws in force at the time they became eligible by seniority for promotion: *Provided further*, That when promoted to the next higher grade or rank they shall be carried as extra numbers but

only in the grade or rank to which promoted pursuant to this act, and shall take precedence with, but after, the officers of the line or the Staff Corps of the Navy, or of the Marine Corps, respectively, next after whom they would have taken precedence had they been promoted to the next higher grade or rank under the laws in force at the time they became eligible by seniority for such promotion: *Provided further*, That for purposes of pay and service in grade they shall be held to have been promoted as of the date on which they became eligible by seniority for promotion: *And provided further*, That no back pay or allowances shall be held to have accrued prior to the passage of this act.

Sec. 2. That such officers of the line of the United States Navy and of the United States Marine Corps as became eligible by seniority for promotion prior to May 29, 1934, under the laws then in force, and such officers of the Staff Corps of the United States Navy as became eligible by seniority for promotion prior to August 5, 1935, under the laws then in force, as have been retired on or before the date of this act on account of mental or physical disability due to causes originating in the line of duty or as an incident of the service, shall have the rank and retired pay to which they would have been entitled had these disabilities been discovered by naval boards convened to determine their mental, moral, professional, and physical fitness for promotion to the next higher grade or rank under the laws then in force relative to promotion based upon seniority.

The amendments were agreed to.

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

HERMAN F. KRAFFT

The Senate proceeded to consider the bill (S. 3040) for the relief of Herman F. Krafft, which had been reported from the Committee on Naval Affairs, with an amendment, on page 1, line 3, after the words "Secretary of the", to strike out "Navy" and insert "Treasury"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Herman F. Krafft, formerly a professor at the United States Naval Academy for a period of 25 years, the sum of \$100 per month for the remainder of his life, beginning with the month in which this act is approved, to be paid out of the Treasury from funds not otherwise appropriated.

The amendment was agreed to.

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

PRESENTATION OF DISTINGUISHED SERVICE MEDAL TO CERTAIN BRITISH OFFICERS

The Senate proceeded to consider the bill (S. 3522) authorizing the President to present the Distinguished Service Medal to Rear Admiral Reginald Vesey Holt, British Navy, and to Capt. George Eric Maxia O'Donnell, British Navy, and the Navy Cross to Vice Admiral Lewis Gonne Eyre Crabbe, British Navy, and to Lt. Comdr. Harry Douglas Barlow, British Navy.

Mr. WALSH. Mr. President, this bill merely authorizes the presentation of the Distinguished Service Medal of our Government to certain British officers who came to the relief of the *Panay*, who were very helpful in preventing the loss of life, and who rendered other valuable service.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

Be it enacted, etc., That the President is authorized to present the Distinguished Service Medal to Rear Admiral Reginald Vesey Holt, British Navy, and to Capt. George Eric Maxia O'Donnell, British Navy, in recognition of their initiative and courageous action in proceeding immediately with unselfish disregard of their own safety to render assistance in recovering the survivors of the U. S. S. *Panay* in the face of threatened force and armed opposition; and the Navy Cross to Vice Admiral Lewis Gonne Eyre Crabbe, British Navy, and to Lt. Comdr. Harry Douglas Barlow, British Navy, for their voluntary and unstinted cooperation in assisting with the recovery of the survivors of the U. S. S. *Panay*.

AMENDMENT OF NAVIGATION LAWS

The Senate proceeded to consider the bill (S. 3305) to amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used exclusively for pleasure and those which are not engaged exclusively in the fisheries on inland waters of the United States, and for other purposes,

which had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 2, to strike out:

(a) Every motorboat of class A shall carry a bright white light, mounted either at the bow or the stern, so placed as to show all around the horizon.

The amendment was agreed to.

Mr. WHITE. Mr. President, I desire to ask a question or two about this bill. I have had no chance to give it careful study, but a casual reading of it gives me some concern.

As I understand the bill, it applies generally to motorboats and some other vessels.

Mr. COPELAND. Motorboats not used for pleasure or fishing.

Mr. WHITE. I do not know where it says that. It does not say so in the general language of the bill; but, assuming that to be true, on page 2 of the bill, section 2 defines class A motorboats as those less than 16 feet in length. I turn over to page 6 of the bill, and section 12 (a) says:

No such motorboat * * * of less than 200 tons shall be operated or navigated without a navigator or person in charge and an engineer duly certificated—

And so forth. What I wish to know is whether a motorboat 10 or 12 feet in length must have a certificated navigator and a certificated engineer on board in order to operate under the authority of this bill.

Mr. COPELAND. No, Mr. President.

Mr. WHITE. Will the Senator show me the language which negatives that assumption of mine?

Mr. COPELAND. Since the matter is going to involve a little discussion, I suggest that the bill go over without prejudice, and I will talk it over with the Senator.

The PRESIDING OFFICER. The bill will be passed over.

JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 613) to provide for the temporary operation by the United States of certain steamships, and for other purposes, was announced as next in order.

Mr. WHITE. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

EASEMENTS FOR PUBLIC ROADS OVER PUBLIC LANDS

The bill (S. 3557) to authorize the Secretary of War to grant easements for rights-of-way for public roads and streets on and across lands acquired by the United States for river and harbor and flood-control improvements, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered, under such terms and conditions as are deemed advisable by him, to grant easements for rights-of-way for public roads and streets on and across lands acquired by the United States for river and harbor and flood-control improvements, including, whenever necessary, the privilege of occupying so much of said lands as may be necessary for the piers, abutments, and other portions of a bridge structure: *Provided*, That such rights-of-way shall be granted only upon a finding by the Secretary of War that the same will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby: *Provided further*, That all or any part of such rights-of-way may be annulled and forfeited by the Secretary of War for failure to comply with the terms or conditions of any grant hereunder or for nonuse or for abandonment of rights granted under the authority hereof.

RETIREMENT OF CERTAIN EMPLOYEES OF INDIAN SCHOOLS

The bill (S. 3559) to amend the Civil Service Retirement Act of May 22, 1920, as amended, to extend retirement to certain employees of certain Indian schools, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the provisions of the Civil Service Retirement Act of May 22, 1920, as amended, be extended to those employees of the Bloomfield Seminary, Euchee Boarding School, Eufaula Boarding School, Jones Male Academy, Mekusukey Male Academy, Tuskahoma Academy, and Wheelock Female Academy,

Indian Service, who were, by reason of absence of duty through no fault of their own, not granted a classified status under the Executive order of June 2, 1926, and who subsequently served in their former positions until replaced by civil-service eligibles.

Mr. KING subsequently said: Mr. President, my attention was diverted for a moment with respect to Senate bill 3559. What disposition was made of it?

The PRESIDING OFFICER. It was passed.

Mr. KING. I move to reconsider the vote by which the bill was ordered to be engrossed for a third reading and passed. I have some memoranda in regard to it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

The motion to reconsider was agreed to.

Mr. KING. I now ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 3203) to amend the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States, approved June 29, 1936, and for other purposes," was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

INCREASE IN BASIC ALLOTMENT OF ENLISTED MEN TO AIR CORPS

The bill (S. 3822) to authorize an increase in the basic allotment of enlisted men to the Air Corps within the total enlisted strength provided in appropriations for the Regular Army was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 13a of the act approved June 3, 1916, as amended by the act approved July 2, 1926 (44 Stat. 780), be, and the same is hereby, amended by striking out the words "sixteen thousand" in line 5 and inserting in lieu thereof the words "twenty-one thousand five hundred."

INTERNATIONAL CRIMINAL POLICE COMMISSION

The bill (S. 3820) to authorize membership on behalf of the United States in the International Criminal Police Commission was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized to accept and maintain, on behalf of the United States, membership in the International Criminal Police Commission and to incur the necessary expenses therefor not to exceed \$1,500 per annum.

STUART C. PETERSON

The Senate proceeded to consider the bill (S. 2072) for the relief of Stuart C. Peterson, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$1,200" and insert "\$750", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Stuart C. Peterson, of Boone, Iowa, the sum of \$750 in full satisfaction of his claim against the United States for injury to his right hand and index finger caused by the dropping of a heavy stamp window on it at the United States post office, Boone, Iowa, October 31, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of 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 for a third reading, read the third time, and passed.

OSCAR JONES

The Senate proceeded to consider the bill (S. 2437) for the relief of Oscar Jones, which had been reported from the Committee on Claims with amendments, on page 2, line 4, after the word "supplemented", to insert "by the act of February 15, 1934 (48 Stat. 351)"; in line 5, after the word "disability", to insert "alleged to be"; and in line 8, after "1934",

to insert "Provided, That no benefits shall accrue prior to the approval of this act", so as to make the bill read:

Be it enacted, etc., That the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended and supplemented, are hereby waived in the case of Oscar Jones, formerly employed by the Civil Works Administration on a sanitation project at Cresaps, W. Va., and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim filed with the Commission, within 1 year after the date of the enactment of this act, by said Oscar Jones for compensation under the provisions of such act of September 7, 1916, as amended and supplemented by the act of February 15, 1934 (48 Stat. 351), for disability alleged to be due to injuries received by him in the performance of his duties as an employee of such Administration on or about January 29, 1934: *Provided, That no benefits shall accrue prior to the approval of this act.*

The amendments were agreed to.

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

M'SHAIN CO., INC.

The bill (H. R. 906) for the relief of McShain Co., Inc., was considered, ordered to a third reading, read the third time, and passed.

DARWIN ENGSTRAND, A MINOR

The bill (H. R. 5623) for the relief of Darwin Engstrand, a minor, was considered, ordered to a third reading, read the third time, and passed.

PETER WETTERN

The bill (H. R. 5867) for the relief of Peter Wettren was considered, ordered to a third reading, read the third time, and passed.

MIRIAM THORNER

The Senate proceeded to consider the bill (S. 2797) for the relief of Miriam Thorner, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$18,623.70", and insert "\$3,500", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Miriam Thorner the sum of \$3,500 in full satisfaction of her claim against the United States for damages arising out of personal injuries suffered when she was struck by a Civilian Conservation Corps truck, near Rillito, Ariz., on July 1, 1935: *Provided, That no part of the amount appropriated in this act in excess of 10 percent 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 percent 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 for a third reading, read the third time, and passed.

MRS. MORGAN R. BUTLER

The Senate proceeded to consider the bill (S. 2994) for the relief of Mrs. Morgan R. Butler, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "\$5,000" and insert "\$2,629", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Mrs. Morgan R. Butler, of Waukesha, Wis., the sum of \$2,629, in full and final settlement of any and all claims against the United States for personal injuries received by her when the automobile which she was driving was struck by a truck operated by a Civilian Conservation Corps enrollee on Highway No. 51 near Minocqua, Wis., on August 14, 1935: *Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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 for a third reading, read the third time, and passed.

S. T. ROEBUCK

The bill (H. R. 6708) for the relief of S. T. Roebuck was considered, ordered to a third reading, read the third time, and passed.

WILSON H. PARKS AND OTHERS

The bill (H. R. 7443) for the relief of Wilson H. Parks, Elsa Parks, and Jessie M. Parks was considered, ordered to a third reading, read the third time, and passed.

NEWARK CONCRETE PIPE CO.

The bill (H. R. 7675) for the relief of Newark Concrete Pipe Co. was considered, ordered to a third reading, read the third time, and passed.

RICHARD D. KRENICK

The bill (S. 3046) for the relief of Richard D. Krenick was considered, ordered to be engrossed for a third reading, read the third time, and passed, 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 Richard D. Krenick, of Graham, Wash., the sum of \$450 in full satisfaction of his claim against the United States for damages to his turkey eggs resulting from blasting operations carried on near his farm by employees of the Works Progress Administration while engaged on the Puyallup River flood-relief project No. 632, in May 1936: *Provided, That no part of the amount appropriated in this act in excess of 10 percent 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 percent 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.*

HENRY E. RENNTS

The bill (S. 2052) for the relief of Henry E. Rennts was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of that bill. It seems to me if there is any liability it is the liability of the railroad company.

Mr. CAPPER. Mr. President, the claimant in this case suffered disabilities which probably are permanent. The report clearly indicates that he is entitled to at least \$500. He was out of work for several months.

Mr. KING. I observe that there is no favorable recommendation from the Department, and I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. CAPPER subsequently said: A while ago the Senator from Utah [Mr. KING] objected to the consideration of Calendar No. 1664, Senate bill 2052, for the relief of Henry E. Rennts. I have made an explanation of the bill to the Senator. It is a meritorious measure, and I should like very much to have it considered at this time.

Mr. KING. I have no objection to recurring to the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas?

There being no objection, the Senate proceeded to consider the bill (S. 2052) for the relief of Henry E. Rennts, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "\$1,000" and insert "\$500", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry E. Rennts, out of any money in the Treasury not otherwise appropriated, the sum of \$500, in full settlement of any and all claims against the Government for personal injuries sustained by him while in the performance of his duties as telegrapher for the Santa Fe Railway Co. at Strong City, Kans., June 11, 1936, when he was struck by mail sacks thrown from a moving train: *Provided, That no*

part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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 amendments were agreed to.

Mr. CAPPER. Mr. President, I also desire to offer an amendment to the name. The name of the claimant should be "Reents" instead of "Rennts."

The PRESIDENT pro tempore. The amendment offered by the Senator from Kansas will be stated.

The CHIEF CLERK. On page 1, line 4, it is proposed to strike out "Rennts" and insert "Reents."

The amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Henry E. Reents."

PURCHASE OF PUBLIC LANDS FOR HOME AND OTHER SITES

The bill (S. 3053) to provide for the purchase of public lands for home and other sites was announced as next in order.

Mr. McCARRAN. Mr. President, the committee this morning reported a similar House bill with an amendment. I ask that the House bill be substituted for the Senate bill and considered at this time.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 8008) to provide for the purchase of public lands for home and other sites, which had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior, in his discretion, is authorized to sell or lease to any person who is the head of a family, or who has arrived at the age of 21 years, and is a citizen of the United States, or who has filed his declaration of intention to become such a citizen, as required by the naturalization laws, a tract of not exceeding 5 acres of any vacant, unreserved, surveyed public land, or surveyed public land withdrawn or reserved by the Secretary of the Interior for any other purposes, or surveyed lands withdrawn by Executive Orders Numbered 6910 of November 26, 1934, and 6964 of February 5, 1935, for classification, which the Secretary may classify as chiefly valuable as a home, cabin, camp, health, convalescent, recreational, or business site in reasonably compact form and under such rules and regulations as he may prescribe, at a price to be determined by him, for such use: *Provided*, That no tract shall be sold for less than the cost of making any survey necessary to properly describe the land sold; that no person shall be permitted to purchase more than one tract under the provisions of this act, except upon a showing of good faith and reasons satisfactory to the Secretary, and that patents for all tracts purchased under the provisions of this act shall contain a reservation to the United States of the oil, gas, and other mineral deposits, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary may prescribe: *Provided further*, That this act shall not apply to any lands in the Territory of Alaska.

Mr. KING. Mr. President, will the Senator from Nevada explain the bill?

Mr. McCARRAN. Mr. President, by way of explanation, I will state that the bill has the approval of the Interior Department as it is now proposed to be amended. It provides that when, in the opinion of the Secretary of the Interior, small isolated tracts of land throughout the various sections of the public domain should be sold or leased, they may be sold or leased. For instance, there are places where there are small tracts of land, say 5 acres in a tract, which may be utilized for little homestead purposes, such as service stations, and the like. The Interior Department now has no authority of law by which it may dispose of these sites, either by sale or by lease.

Mr. KING. I approve of the bill, with the understanding that it entails no obligation upon the Federal Government to take care of the vendees.

Mr. McCARRAN. No.

Mr. KING. It merely gives authority to sell or lease?

Mr. McCARRAN. To sell or lease.

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

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3053 will be indefinitely postponed.

FORT SHERIDAN MILITARY RESERVATION, ILL.

The Senate proceeded to consider the bill (S. 3209) authorizing the Secretary of War to grant a perpetual easement to the city of Highwood, Lake County, Ill., over certain portions of the Fort Sheridan Military Reservation for the purpose of constructing a waterworks system, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of War be, and he is hereby, authorized to grant to the city of Highwood, Lake County, Ill., an easement in and over portions of the Fort Sheridan Military Reservation, Ill., for the purpose of constructing, operating, and maintaining thereon a waterworks system for the use of said city, consisting of such structures and appurtenances as may be necessary for a complete water pumping, filtration, and treatment plant, together with intake, water, sewer, and electric power lines and an unelevated wash water tank constructed on or below the surface of the ground: *Provided*, That the portions of said reservation to be used for said facilities shall be designated by the Secretary of War, and the easement shall be subject to such provisions and conditions as he may prescribe: *Provided further*, That as consideration for said easement, the city of Highwood shall make and maintain a connection satisfactory to the Secretary of War, or his duly authorized representative, between its water distribution system and the water distribution system of the post of Fort Sheridan, and shall furnish water for the use of said post without cost to the United States during the periods of any emergencies resulting from a breakdown in the post water system, fire, or other unavoidable occurrence.

Mr. LEWIS. Mr. President, this bill merely authorizes the laying of waterworks pipes across certain of the territory of a military reservation. The privilege is to be granted by the War Department; and, as Senators will see by the report, no expense to the Government is involved.

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

The amendment was agreed to.

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

The title was amended so as to read: "A bill to authorize the Secretary of War to grant an easement to the city of Highwood, Lake County, Ill., in and over certain portions of the Fort Sheridan Military Reservation, for the purpose of constructing a waterworks system."

FOURTH INTERNATIONAL CONFERENCE ON PRIVATE AIR LAW

The joint resolution (S. J. Res. 280) to authorize an appropriation for the expenses of participation by the United States in the Fourth International Conference on Private Air Law was announced as next in order.

Mr. PITTMAN. Mr. President, this is the same as Order of Business 1759, and I ask unanimous consent that that order of business, being House Joint Resolution 636, be substituted for the Senate joint resolution and be considered at this time.

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 636) to authorize an appropriation for the expenses of participation by the United States in the Fourth International Conference on Private Air Law, which was read as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,500, or so much thereof as may be necessary, for the expenses of participation by the United States in the Fourth International Conference on Private Air Law, to be held in Belgium, or elsewhere in Europe, during the fiscal year 1939, including personal services in the District of Columbia and elsewhere, without reference to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers, and periodicals; official

cards; printing and binding; entertainment; local transportation; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payment may have been made for any of the purposes herein specified.

Mr. PITTMAN. Mr. President, I will explain the joint resolution briefly.

A committee was appointed composed of representatives of 33 governments, known as the International Committee of Experts on Aerial Law. They have met three times, and have made certain recommendations with regard to conventions covering commercial and private aviation.

The committee will meet next in Brussels. The State Department has an agenda of what the committee will deal with. Air law is becoming very important, and will be particularly so in countries such as the United States, Mexico, and Canada.

The aerial experts, after they agree, refer their agreement back to their governments to be referred to international conventions. The Secretary of State thinks this measure is important, and has asked that it be enacted.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

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

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 280 is indefinitely postponed.

STEAMER "SAGATIND"—INDEMNITY TO NORWEGIAN GOVERNMENT

The bill (S. 3749) to authorize the payment of an indemnity to the Norwegian Government in full and final satisfaction of all claims based on the detention and treatment of the crew of the Norwegian steamer *Sagatind* subsequent to the seizure of this vessel by the United States Coast Guard cutter *Seneca* on October 12, 1924, was announced as next in order.

Mr. PITTMAN. Mr. President, this bill is the same as Calendar No. 1686, which is House bill 10085. I ask unanimous consent that the House bill be substituted for the Senate bill and be now considered.

There being no objection, the Senate proceeded to consider the bill (H. R. 10085) to authorize the payment of an indemnity to the Norwegian Government in full and final satisfaction of all claims based on the detention and treatment of the crew of the Norwegian steamer *Sagatind* subsequent to the seizure of this vessel by the United States Coast Guard cutter *Seneca* on October 12, 1924, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Norwegian Government, as an act of grace and without reference to the question of legal liability, the sum of \$5,000, in full and final settlement of all claims for reimbursement on account of the detention and treatment of the crew of the Norwegian steamer *Sagatind* subsequent to the seizure of this vessel by the United States Coast Guard cutter *Seneca* on October 12, 1924; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purposes of this act.

Mr. PITTMAN. Mr. President, this Norwegian vessel several years ago was captured by one of our revenue cutters on the high seas and brought into the port of New York. The ship was libeled, and the captain and crew were detained in New York for several weeks. The capture was not very pleasant. The libel suit was defeated in the district court, was appealed to the circuit court of appeals, the circuit court of appeals sustained the district court, and the Attorney General declined to appeal to the Supreme Court of the United States. Our Government has agreed to settle for the small sum of \$5,000.

The PRESIDING OFFICER. The question is on the third reading of the bill.

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

The PRESIDING OFFICER. Without objection, Senate bill 3749 is indefinitely postponed.

CLAIMS AGAINST MEXICO

The bill (S. 3104) for the payment of claims of citizens of the United States against the Republic of Mexico was announced as next in order.

Mr. JOHNSON of Colorado. Let the bill go over.

Mr. SHEPPARD. Mr. President, I desire to make a brief explanation of the bill.

Mr. JOHNSON of Colorado. I have no objection to the Senator explaining the bill.

Mr. SHEPPARD. The claimants included in the bill were required under a treaty to present their claims to the General Claims Commission, and were therefore deprived of their right of pursuing their claims before the Mexican Government. The Commission met in 1923. In the course of a few years the Commission gave these claimants, who are the beneficiaries of the bill, a favorable award, about 120 of them altogether, the total amount awarded being between two and three million dollars. The Commission, after having been renewed two or three times, has finally adjourned sine die, with about 800 claims not acted upon. At the rate the matter has been going these undecided claims may not be decided for a long and indefinite period.

The terms of the treaty require that no claim shall be paid until all the claims have been passed upon. Inasmuch as the United States under the treaty will ultimately collect all amounts awarded American claimants from the Mexican Government it is a question as to whether the United States Government can best carry the amounts awarded its citizens, paying them now, or the claimants themselves, who have already been waiting for payment so long as to subject them to serious and critical loss.

The Committee on Foreign Relations, after looking into the matter thoroughly, has decided that it is the part of fairness for the United States to pay the awarded amounts now, and to collect from the Mexican Government when the present undecided claims have been passed upon, thereby reimbursing this Government.

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

Mr. SHEPPARD. I yield.

Mr. BILBO. The Senator said there were about a hundred claims which had been allowed, and about 800 not acted upon.

Mr. SHEPPARD. About 120 or 130 have had favorable awards.

Mr. BILBO. Has the Senator in his possession a list of the claims?

Mr. SHEPPARD. I have the amounts but I do not recall whether the State Department has published all the names.

Mr. BILBO. Has the Senator it with him?

Mr. SHEPPARD. I do not have it with me, but I shall see what I can obtain.

Mr. BILBO. I would appreciate it if the Senator would put into the RECORD for the information of the Senate a list of the claims which have been awarded.

Mr. SHEPPARD. I shall be glad to do that to the extent of the information I can obtain.

Mr. LEWIS. Mr. President, do these claims include the claim of the Illinois Central?

Mr. SHEPPARD. Yes.

Mr. PITTMAN. Mr. President, I desire to add to what the Senator from Texas [Mr. SHEPPARD] has stated that the General Claims Commission, appointed under the treaty between Mexico and the United States, has expired. The only claims adjudicated were the claims referred to by the Senator from Texas. Under the treaty a balance was to be struck between the two Governments, and the Government against whom the balance was found was to pay the other Government the difference. It happens that in the adjudication, while there are two-million-and-some-odd dollars adjudicated in favor of citizens of the United States, there are only about \$15,000 adjudicated in favor of citizens of Mexico. Consequently, Mexico owes practically the entire sum to the United States.

These claimants were prohibited from settling the claims individually with Mexico. The matter was taken out of their hands, and I assume rightfully. It is not right, possibly, for citizens of one country to negotiate with another. Having been taken out of their hands, and they having been prevented from negotiating a settlement with Mexico on their own behalf, the Government having adjudicated the claims

with Mexico, the amount being fixed, and the treaty providing that Mexico shall pay the United States Government the balance, I think the Government of the United States ought to take the responsibility of collecting.

Mr. POPE. Mr. President, there were two similar bills pending last year, and the chairman of the Committee on Foreign Relations appointed me as a subcommittee to investigate the matters referred to in the proposed legislation, and to make a report.

Last year I made no report as chairman of the subcommittee for the reason, I think, that the second or third general claims commission had not yet completed its work, and I was advised that its work under its authority would be completed about the first of November. So no action was taken on the bills last year for that reason.

This year new bills were introduced and I again was appointed chairman of the subcommittee to make an investigation and report. The Senator from Texas and the Senator from Nevada have in the main stated what I found to be true, that is, that the claimants were compelled to file their claims before these commissions, and the commissions have made awards as to part of the claims. The commissions have expired. The claimants have done everything in their power properly to present their claims, and there are precedents governing. The United States Government has on two different occasions paid claims and collected from other governments, because the claimants have no power, there is no possible chance for them to present their claims to foreign governments. Therefore, some of the claims have been pending for 15 or 20 years already, and I feel that in such cases American citizens who have suffered losses, and in many cases losses which they cannot afford to suffer, should have some redress. The only way for them to obtain anything is under such a bill as the one now pending.

It is entirely different from a private claim, where the claimant may proceed to a judgment and collect the judgment. In these cases American citizens, in whom I am primarily interested, cannot proceed against the Government of Mexico. The Supreme Court of the United States has held that a citizen of one government cannot proceed against another, and these claimants have presented their claims in the only possible way, and awards have been made.

Furthermore, in the amended bill all interest on the awards has been eliminated, so that all that will be collected is the bare amount of the principal of the claims. Some of the claims have been running for 15 or 20 years without any sort of redress or compensation to the claimants.

I think a great government such as ours should be willing to do justice to its humblest citizen. Therefore, as chairman of the subcommittee, I recommended to the full committee that the claims be paid, and I think they ought to be paid.

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

Mr. POPE. I yield.

Mr. LEWIS. I ask the Senator from Idaho, chairman of the subcommittee, whether the facts disclosed do not bring forth that the claimants lost their property, and that their property has been proven to be of the value of the amounts set forth in these reports, and far in excess of the amounts being allowed in the adjustment.

Mr. POPE. In almost every case the award represented a compromise of the amount lost by the American citizen. If one claimed he lost \$100, the claim may have been compromised for \$50. At any rate, only the principal of the award is recognized in the proposed legislation.

Mr. CHAVEZ. Mr. President, will the Senator from Idaho yield?

Mr. POPE. I yield.

Mr. CHAVEZ. Is it not also a fact that practically every one of the claims we are discussing, which will be controlled by the proposed legislation, is for a small amount?

Mr. POPE. Yes.

Mr. CHAVEZ. They are claims of American citizens who can ill afford to lose, say, two hundred or three hundred dollars, or perhaps \$500. It is not the class of claims which runs into the millions of dollars for individuals.

I can say to the Senator from Utah that of my own personal knowledge there are residents of the State of Utah, now in the State of Chihuahua, who have had claims for four or five hundred dollars, perhaps six hundred.

It appears to me that it is not at all proper after claims have been adjudicated to require the claimants to wait 10, 12, or 15 years, and even then not get their claims paid.

Mr. POPE. It is true that one claim—that of the Illinois Central Railroad Co.—is for a substantial amount. The others are small claims and they generally represent the shipments of goods to Mexico at a time when the shippers could not collect their money.

The PRESIDING OFFICER. The Chair calls the attention of Senators to the fact that the Senate is operating under the 5-minute rule.

Mr. POPE. I think I have said all I care to say.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SHEPPARD. I appeal to the Senator from Colorado and the Senator from Utah to permit this bill to pass.

Mr. KING. Mr. President, I desire to make a statement as to this matter, and the Senate may do as it pleases. No State is more interested in this bill than is the State of Utah. The residents of the State of Utah suffered more, so far as the number of citizens is concerned, by reason of depredations by Mexico and Mexican nationals during the period of the revolution than did the residents of any other State. I have been interested for years in the conditions there. In 1920 I introduced a resolution providing for the investigation of conditions in Mexico, because 500 or 600 Americans had been killed in Mexico, and 150 Americans had been killed in the United States by being shot from across the line. The investigation made pursuant to my resolution showed that property of American citizens to the value of five hundred million or six hundred million dollars had been destroyed or confiscated by reason of illegal acts on the part of Mexican nationals or the Mexican Government. We received no compensation for that. For years I pursued the matter, and finally a treaty was negotiated, and my colleague and myself had the honor to recommend one of the commissioners to pass upon this question, Hon. Darrell Lane. He and his fellow commissioners have passed upon these claims, and, pursuant to the authority vested in them, the commission has made certain recommendations.

Our Ambassador to Mexico negotiated a treaty which I thought was wrong, and I voted against ratifying it. Under the terms of that treaty we were to receive only \$7,000,000 for all the losses which have been sustained by American citizens. That would not begin to pay the losses which have been sustained by the people of my State.

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

Mr. KING. I yield.

Mr. POPE. Is the Senator now speaking about the Special Claims Commission?

Mr. KING. I am speaking about both.

Mr. POPE. The settlement which the Senator speaks about has reference to the special claims.

Mr. KING. I am speaking of both, because there is the General Claims Commission and there is the Special Claims Commission, but what I was particularly addressing myself to at this time was the Special Claims Commission. Does the Senator say that this matter does not relate to the matters dealt with by the Special Claims Commission?

Mr. POPE. It does not. These are general claims, and, as the Senator knows, the special claims are those which arose out of the rebellion, whereas the general claims did not arise out of conditions under the rebellion.

Mr. KING. Mr. Underwood was one of our representatives on the General Claims Commission.

Mr. POPE. Yes.

Mr. KING. What were the awards which were made; does the Senator know?

Mr. POPE. Yes. The first Commission made awards in the nature of judgments, and heard testimony. The second Commission made appraisals, but they amount to the same thing. The total amount of the awards and the appraisals

in favor of American citizens against the Mexican Government is \$2,787,509.33.

Mr. KING. Has the Mexican Government recognized the validity of those awards?

Mr. POPE. Oh, yes.

Mr. KING. Has it promised to pay them?

Mr. POPE. Yes.

Mr. KING. Has it made any provision for their payment?

Mr. POPE. It has made no payment, I will say to the Senator, but the awards are recognized, and I think there is absolutely no dispute between the two countries as to the payment.

Mr. KING. Mr. President, let me ask another question. Does the Senator expect that the amount provided for here is to be taken out of the awards which were given by the Special Claims Commission?

Mr. POPE. No; they are to be entirely separate things.

Mr. KING. What provision has been made by the Mexican Government to pay the awards made by the General Claims Commission?

Mr. POPE. No other provision has been made than the treaty.

Mr. KING. I do not think any other provision has been made.

Mr. POPE. But as to the special claims, the Senator may know that a complete settlement has been effected with a payment of so much per year.

Mr. McKELLAR. Will the Senator yield to me?

Mr. KING. I yield.

Mr. McKELLAR. I hope the Senator will not interpose an objection to this measure. The claims are just, have been fixed by treaty, and it seems to me they ought to be paid.

Mr. KING. I will dispose of the matter very quickly.

Mr. McKELLAR. I hope the Senator will not object.

Mr. KING. I was trying to elicit the fact whether or not the amount provided for was to come out of the limited sum which is to be awarded to the claimants who come under the Special Claims Commission. If not, I fear those claimants will get nothing from the Mexican Government. If we are to use any amount paid by Mexico to pay those who receive awards at the hands of the Special Claims Commission, then I fear the amount which they receive will be reduced to a very small sum. If our Government is willing to pay the obligations which Mexico owes to those who are to be the beneficiaries under this act, then I shall not object, but I am not certain but that it will be a precedent that will return to plague us.

Mr. PITTMAN. Mr. President, I will say to the Senator from Utah that Mr. Oscar Underwood, Jr., was the commissioner on behalf of the United States. He appeared before our committee, answered a great number of questions, and explained the matter very clearly to us. These claims were not included in the special claims. They were the only adjudicated claims, and both commissioners have under the treaty, adjudged them to be due by Mexico. While we have no evidence, we think Mexico is prepared to pay them.

Mr. KING. I think they will not be paid.

Mr. PITTMAN. It is the only chance of ever getting payment. Very few claims are adjudicated. We are now trying to make another treaty with Mexico under which we can take up the remainder of these claims. I do not know whether or not we shall succeed in that effort.

Mr. KING. I hope such action will be taken; but I am desirous that amounts awarded by the special claims commission shall not be used to pay the general claims.

I have no objection.

Mr. POPE. In the past there has been a similar situation. Along about 1836 claims of this nature were paid by the United States Government, and later repaid by the Mexican Government; so we have that precedent of previous repayment by the Mexican Government.

Mr. CHAVEZ. Mr. President, I wish to say merely a word in order to clarify one question raised by the Senator from Utah. Under the special claims commission the Mexi-

can Government, as I understand from the information we have obtained from the State Department, has paid some \$2,000,000. As a matter of fact, those of us who have constituents within our States who are interested in the matter, have been pressing the State Department to disburse some of that money.

Mr. McKELLAR. Mr. President, as I understand, we have a treaty with Mexico with reference to these claims, under which treaty we assumed the obligation to pay them, and if that is the case there is no reason in the world why they should not be paid.

Mr. KING. There is no assumption by the Federal Government of the claims.

Mr. McKELLAR. Whether there has been a factual assumption or not, the Mexican Government has agreed to pay these claims to our Government. Therefore, it seems to me, our Government might well pay the claims to our nationals, now.

Mr. PITTMAN. I will say to the Senate that under the treaty the Mexican Government agrees to pay our Government this amount.

Mr. KING. Yes.

The PRESIDING OFFICER. Does the Senator from Colorado [Mr. JOHNSON] withdraw his objection?

Mr. JOHNSON of Colorado. No.

The PRESIDING OFFICER. The bill will be passed over.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 281) to postpone the effective date of the Rules of Civil Procedure for the District Courts of the United States was announced as next in order.

Mr. ASHURST. I ask that the joint resolution be passed over.

The PRESIDING OFFICER. The joint resolution will be passed over.

ALLOTMENTS FROM PAY OF MILITARY PERSONNEL AND PERMANENT CIVILIAN EMPLOYEES

The bill (S. 3589) to amend the act of March 2, 1899, as amended, to authorize the Secretary of War to permit allotments from the pay of military personnel and permanent civilian employees under certain conditions was announced as next in order.

Mr. McKELLAR. I should like to have that bill explained, Mr. President.

Mr. KING. Let us have an explanation of that bill.

Mr. SHEPPARD. The Senators from Utah and Tennessee have asked for an explanation of this bill, and I shall endeavor to provide that explanation.

For the past 15 years the War Department, believing that it had authority under existing law—section 16, act of March 2, 1899 (30 Stat. 91)—has permitted allotments by retired personnel of the Army to be made to the Army Mutual Aid Association for insurance premiums. This association is a cooperative aid association, operated without expense to the Government, in which members of the Army affiliated with the association can take as much as \$3,500 insurance. In the event of the death of a member of the association and on official notices of the death, the association will immediately cable or telegraph to the widow or next of kin at least one-half of the face value of the deceased's insurance policy. The Comptroller General has recently ruled that, insofar as retired personnel is concerned, the War Department is without authority to permit allotments to the Army Mutual Aid Association from the pay received by a retired officer. The enactment of S. 3589 will enable the War Department to permit and distribute allotments to the association from the pay of retired personnel, members of the Army Nurse Corps, and contract surgeons in such amounts as such personnel has previously agreed to pay into the association for insurance purposes. Should this measure not become law, considerable inconvenience and delay will be occasioned members of the association, for the entire amount of his check will have to be mailed to him regardless of where he is, and he will then have to mail back such amount as he is paying on his insurance.

Mr. McKELLAR. As I understand, there is no increased pay or change in pay involved?

Mr. SHEPPARD. No increase in pay is involved.

Mr. McKELLAR. The only thing the bill does is to allow the Secretary to have the checks mailed directly to the family of the soldier?

Mr. SHEPPARD. No. This bill permits a retired officer to allot a part of his pay to this mutual association for insurance premiums.

Mr. McKELLAR. I have no objection.

Mr. SHEPPARD. Mr. President, there is an identical House bill on the calendar, being House bill No. 9760, Calendar No. 1755, which I ask to have substituted for the Senate bill and considered.

There being no objection, the bill (H. R. 9760) to amend the act of March 2, 1899, as amended, to authorize the Secretary of War to permit allotments from the pay of military personnel and permanent civilian employees under certain conditions, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the first sentence of section 16, act of Congress approved March 2, 1899, as amended (10 U. S. C. 894), be, and the same is hereby, further amended to read as follows: "The Secretary of War is authorized to permit officers, members of the Army Nurse Corps, contract surgeons, and enlisted men of the Army, active or retired, and also permanent civilian employees on duty in Alaska or outside of the continental limits of the United States, to make allotments from their pay, under such regulations as he may prescribe, for the support of their families or relatives or for other proper purposes which in his discretion warrant such action."

The PRESIDING OFFICER. Without objection, Senate bill 3589 will be indefinitely postponed.

HOWARD UNIVERSITY

The bill (H. R. 9042) to amend section 2 of the act to incorporate the Howard University was considered, ordered to a third reading, read the third time, and passed.

CHESTER J. BABCOCK

The bill (S. 3087) for the relief of Chester J. Babcock was announced as next in order.

Mr. KING. Let the bill go over.

Mr. COPELAND. Mr. President, I hope the Senator will permit me to say a word about the bill.

Babcock worked in a munitions factory at Iona Island, which is near where I live. He worked for 16 years in the munitions factory. He lost his sight. He never learned of the retirement privileges which he had within a certain time. He was a man of no culture, and, not reading, he did not know about his privileges. Later, there was an extension of the time within which he might have applied; but once more, on account of his physical infirmity, he did not learn about it.

Mr. KING. This bill simply removes the statute of limitations so that he may apply?

Mr. COPELAND. In this one case. Babcock has never taken his money. He is a blind man.

Mr. KING. I have no objection.

The PRESIDING OFFICER. The Senator from Utah withdraws his objection.

The Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of section 6 of the Civil Service Retirement Act, approved May 29, 1930, the Civil Service Commission is authorized and directed to extend the benefits of such section to Chester J. Babcock, formerly an employee at the United States Naval Ammunition Depot, Iona Island, N. Y., in the same manner and to the same extent as if application had been made within 3 months after the effective date of such act of May 29, 1930. The application of the said Chester J. Babcock for the benefits of such act of May 29, 1930, shall be filed within 3 months from the date of the approval of this act.

LIMA LOCOMOTIVE WORKS, INC.

The Senate proceeded to consider the bill (S. 3031) for the relief of the Lima Locomotive Works, Inc., which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out

"\$19,812" and insert "\$19,177"; and in line 10, after "File A-85795", to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Lima Locomotive Works, Inc., Lima, Ohio, the sum of \$19,177 in full settlement of all claims against the Government growing out of the assessment of the penalty under General Accounting Office Settlement No. 0430787, December 14, 1936, File A-85795: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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.

Mr. KING. Mr. President, I ask for an explanation of the bill. I am not sure that it has the approval of the Government.

Mr. BULKLEY. Mr. President, the bill has the approval of the Department of Agriculture. There was an assessment of liquidated damages provided by the contract for delay in delivering certain mechanical equipment to the Department of Agriculture. The delay was due to some change in the nature of the engines; and the machinery subsequently delivered was stated by the Department to have exceeded specifications, and to be better than that for which they bargained. It was also admitted that the Government had suffered nothing by the delay. The passage of the bill is recommended by the Department of Agriculture, after deducting an item of about \$600, which has been deducted by the committee.

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

The amendments were agreed to.

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

MRS. JOHN OLSON

The Senate proceeded to consider the bill (S. 375) for the relief of Mrs. John Olson, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$2,500" and insert "\$1,500", so as to make the bill read:

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 Mrs. John Olson, of Grafton, N. Dak., the sum of \$1,500 in full satisfaction of her claim against the United States for damages on account of personal injuries suffered when said Mrs. John Olson slipped and fell on the sidewalk in front of the post-office building at Grafton, N. Dak., on December 23, 1933: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent 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 percent 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 for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 146) to require contractors on public-building projects to name their subcontractors, materialmen, and supply men, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9683) to amend the act of June 25, 1910, relating to the construction of public buildings, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SMITHSONIAN GALLERY OF ART

The joint resolution (S. J. Res. 262) to set apart public ground for the Smithsonian Gallery of Art, and for other purposes, was announced as next in order.

Mr. WALSH. Mr. President, House Joint Resolution 599, similar to the joint resolution on the calendar, passed the House on Monday. When it arrived in the Senate it was referred to the Committee on the Library. In the meantime, the Committee on Public Buildings and Grounds had conducted hearings on the Senate joint resolution and had reported it favorably, and it is now on the calendar.

I therefore ask, first, that the Committee on the Library be discharged from the consideration of House Joint Resolution 599, now before it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. WALSH. I now ask that House Joint Resolution 599 be substituted for Senate Joint Resolution 262 and be now considered. The measures are similar.

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution (H. J. Res. 599) to set apart public ground for the Smithsonian Gallery of Art, and for other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That for the purpose of providing a site for a suitable building for properly housing and displaying the national collections of fine arts, comprising paintings, sculptures, bronzes, glass, porcelain, tapestry, furniture, jewelry, and other types of art; to display portraits of eminent American men and women; and to exhibit the works of artists deserving of recognition, the National Capital Park and Planning Commission shall designate and the President shall assign a suitable tract of public land in the District of Columbia between Fourth and Fourteenth Streets and Constitution and Independence Avenues.

Sec. 2. (a) A Commission, to be called the Smithsonian Gallery of Art Commission (hereinafter referred to as the "Commission"), comprising a member to be designated by the Regents of the Smithsonian Institution; the Secretary of the Smithsonian Institution; a member to be designated by the Secretary of the Treasury; the Chairman of the National Capital Park and Planning Commission; the Chairman of the Commission of Fine Arts; the Chairman of the Joint Committee on the Library; the Chairman of the Committee on the Library of the House; and the Chairman of the Art Commission of the Smithsonian Institution, is hereby created and authorized to make all preliminary investigations and to secure appropriate designs, by competition or otherwise, preferably by competition, for a building to be constructed on the site above described, said building to be so designed as to permit of future expansion, parking arrangements, and for landscaping its surroundings. The Commission shall choose a chairman from its own membership.

(b) The members of the Commission shall serve as such members without compensation and the Commission shall terminate upon the submission to and approval by the Regents of the Smithsonian Institution (hereinafter referred to as the "Regents") of the said design for the building and grounds.

(c) The Commission may employ such technical, clerical, and other assistants and make such expenditures (including expenditures for personal services at the seat of government and elsewhere) as may be necessary for the performance of the duties vested in the Commission: *Provided*, That architectural, engineering, and other necessary consultants may be employed without regard to the civil-service laws and the Classification Act of 1923, as amended. All expenditures of the Commission, including the cost of any design which may be accepted, and the compensation of a jury of award in the event a competition is held, shall be allowed and paid upon presentation of itemized vouchers therefor approved by its chairman. To carry out the provisions of this section, there is hereby authorized to be appropriated the sum of \$40,000.

Sec. 3. (a) The Regents are hereby authorized to solicit and receive subscriptions of funds from private sources for the purposes specified in this subsection. Funds so received shall be placed in a special deposit account with the Treasurer of the United States, and may be expended by the Regents to meet the cost of the construction of the building, including furnishings and equipment thereof, to obtain necessary drawings and specifications, make necessary surveys and estimates of cost, defray necessary administrative expenses, and secure other needful services.

(b) The Regents may, subject to the approval of the President, authorize the preparation of the site and the construction of the building, including approaches and landscaping of the grounds: *Provided*, That the Director of Procurement, Treasury Department, shall supervise the preparation of the plans and specifications, make all necessary contracts, and supervise construction.

(c) The name of the building shall be the Smithsonian Gallery of Art (hereinafter referred to as the "Gallery"), and it shall be under the supervision and control of the Regents and the Secretary of the Smithsonian Institution.

Sec. 4. (a) It shall be the policy of the Regents to maintain a worthy standard for the acceptance of art objects for exhibition in the Gallery, and to foster by public exhibitions from time to

time in Washington, and other parts of the United States a growing appreciation of art, both of past and contemporary time; and the Regents are hereby authorized to solicit and receive private donations of works of art and contributions of funds from private sources for the purchase of works of art. Funds so received shall be placed in a special deposit account with the Treasurer of the United States and may be expended by the Regents for the purchase of works of art.

(b) In order to encourage the development of contemporary art and to effect the widest distribution and cultivation in matters of such art, the Regents are hereby authorized to solicit and receive funds from private sources, to acquire (by purchase or otherwise) and sell contemporary works of art or copies thereof, to employ artists and other personnel, award scholarships, conduct exhibitions, and generally to do such things and have such other powers as will effectuate the purposes of this subsection. Funds received by the Regents under this subsection shall be placed in a special deposit account with the Treasurer of the United States and may be expended by the Regents for the purposes enumerated in this subsection and for no other purposes: *Provided*, That the Regents shall not incur any obligations under this subsection in excess of the funds available therefor.

Sec. 5. The Director of Procurement, the Administrator of the Public Works Administration, and other agencies of the Government are authorized to donate to the Gallery any works of art now or hereafter under their control.

Sec. 6. Such objects of art as the Government or the Smithsonian Institution now possess, or such as may hereafter be acquired, may be housed or exhibited in the Gallery, with the approval of and under such regulations as the Regents and Secretary of the Smithsonian Institution may prescribe.

Sec. 7. The Regents may appoint and fix the compensation and duties of a Director of the Gallery and may employ such other officers and employees as may be necessary for the efficient operation and administration of the Gallery.

Sec. 8. There are hereby authorized to be appropriated annually such sums as may be necessary to maintain and administer the Gallery, including the salaries of the Director and of other necessary officers and employees, and for special public exhibitions at Washington and elsewhere.

NATURALIZATION OF ALBIN H. YOUNGQUIST

The bill (S. 3633) authorizing the naturalization of Albin H. Youngquist, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration laws Albin H. Youngquist, a native-born citizen of the United States who involuntarily lost his citizenship at the age of 5 years by reason of the naturalization of his father as a citizen of Canada, shall be held and considered to have been legally admitted to the United States for permanent residence.

Sec. 2. Notwithstanding any other provision of law, said Albin H. Youngquist may be naturalized as a citizen of the United States by filing a declaration of intention and taking the oath of allegiance in the manner prescribed in the naturalization laws before any court having jurisdiction of the naturalization of aliens.

EMILY GERTRUDE TOBY

The bill (S. 3758) for the relief of Emily Gertrude Toby was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration laws Emily Gertrude Toby shall not be denied an immigration visa, nor denied admission to the United States for permanent residence, because of the fact that on or about December 20, 1923, she was convicted of petit larceny and fined \$25 at Winnipeg, Canada, when at the age of 20 years.

BILLS PASSED OVER

The bill (S. 3354) to amend the act entitled "An act to amend the act entitled 'An act for the control of floods on the Mississippi River and its tributaries, and for other purposes,' approved May 15, 1928," approved June 15, 1936, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6391) to authorize the prompt deportation of criminal and certain other aliens, and for other purposes, was announced as next in order.

Mr. REYNOLDS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3490) for the relief of Benjamin H. Faith was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF MERCHANT MARINE ACT, 1936

The bill (S. 3078) to amend the Merchant Marine Act, 1936, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, I ask that this bill and the next one go over; but I shall endeavor at the earliest possible moment to have both of the bills brought up for passage. I now give notice of such intent. I am sorry the leader is not here; but the Senate is warned, at any rate.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 3845) to create a Civil Aeronautics Authority and to promote the development and safety and to provide for the regulation of civil aeronautics was announced as next in order.

Mr. COPELAND. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3611) to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

OHIO RIVER BRIDGE NEAR CAIRO, ILL.

The bill (H. R. 9286) to extend the time for completing the construction of a bridge across the Ohio River at or near Cairo, Ill., was considered, ordered to a third reading, read the third time, and passed.

REGULATION OF BARBERS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 7085) to regulate barbers in the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 16, page 11, after line 19, to insert:

(f) Persons engaged in the practice of physiotherapy or massaging, stimulating, or exercising of the head, neck, arms, bust, or upper part of the body, when done for purposes of health and hygiene.

So as to make the section read:

EXEMPTIONS

Sec. 16. The provisions of this act shall not be construed to apply to—

(a) Persons authorized by law of the District of Columbia to practice medicine and surgery, osteopathy, or chiropractic, or persons holding a drugless-practitioner certificate under the law of the District of Columbia;

(b) Commissioned medical or surgical officers of the United States Army, Navy, or Marine hospital service;

(c) Registered nurses;

(d) Persons employed in beauty parlors; however, the provisions of this section shall not be construed to authorize any of the persons exempted to shave or trim the beard, or cut the hair of any person for cosmetic purposes, except that person included in the subdivision (d) hereof shall be allowed to cut the hair; or

(e) Undertakers and embalmers.

(f) Persons engaged in the practice of physiotherapy or massaging, stimulating, or exercising of the head, neck, arms, bust, or upper part of the body, when done for purposes of health and hygiene.

The amendment was agreed to.

The next amendment was, in section 18, page 12, line 12, after the word "repealed", to insert: "Provided, That nothing in this act contained shall be construed to limit or repeal any existing rules, regulations, or laws relating to health or sanitation", so as to make the section read:

Sec. 18. The act of Congress of December 19, 1932, and all laws or portions of laws inconsistent with this act are hereby repealed: *Provided*, That nothing in this act contained shall be construed to limit or repeal any existing rules, regulations, or laws relating to health or sanitation.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed, as follows:

Be it enacted, etc., That this act may be cited as the District of Columbia Barber Act.

Sec. 2. When used in this act—

(a) The term "Board" means the Board of Barber Examiners for the District of Columbia.

(b) The term "certificate" means a certificate of registration issued by the Board.

(c) The term "Commissioners" means the Commissioners of the District of Columbia.

(d) The term "barber instructor" means the teaching of the barber profession as provided for in this act.

(e) The term "barbering" means any one or any combination of the following practices when done upon the head and neck for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or without payment for the public generally constitutes the practice of barbering within the meaning of this act.

To shave, trim the beard, cut or bob the hair of any person of either sex for compensation or other reward, received by the person performing such service or any other person, to give facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances; to singe, shampoo the hair, or apply hair tonics; or to apply cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.

Sec. 3. There is hereby created a Board of Barber Examiners for the District of Columbia. The Board shall consist of three members, two of whom shall be practical barbers who have followed the practice of barbering in the District of Columbia for at least 5 years immediately prior to his appointment. One of said members shall be recommended by the Journeymen Barbers' Union, one of said members be recommended by the Associated Master Barbers of the District of Columbia. The members of the Board shall be appointed by the Commissioners of the District of Columbia, one for the term of 1 year, one for the term of 2 years, and one for the term of 3 years. Thereafter one member of said Board shall be appointed each year for the term of 3 years and shall hold office until his successor is appointed and qualified.

The Commissioners of the District of Columbia shall have the power to remove any member of said Board for incompetency, gross immorality, disability, for any abuse of his official power, or for other good cause, and shall fill any vacancy thus occasioned by appointment within 30 days after such vacancy occurs. Members appointed to fill vacancies caused by death, resignation, or removal shall serve only for the unexpired term of their predecessors. The Commissioners shall appoint a president, a vice president, and a secretary-treasurer from the members of the Board.

The secretary of the Board shall keep a record of its proceedings, a register showing the name and business and residence addresses of persons to whom it has issued certificates, and the number and date of the certificate of each such person. Subject to the approval of the Commissioners, the Board shall adopt such rules and sanitary regulations as prescribed by the Health Department of the District of Columbia and as are necessary to carry out the provisions of this act. The Board shall report annually to the Commissioners all of its official acts during the preceding year and shall make such recommendations as it deems expedient.

Sec. 4. The Board shall issue a certificate of registration as a registered barber to any person of good moral character and temperate habits who has practiced as a registered barber apprentice for 2 years under the immediate personal supervision of a registered barber, and who passes an examination, conducted by the Board to determine his fitness to practice barbering, accompanied by a health certificate showing that he is free from contagious and infectious diseases and issued by a registered licensed physician of the District of Columbia under oath.

Sec. 5. The Board shall issue a certificate of registration as a registered barber apprentice to any person who is at least 16 years of age and is of good moral character and temperate habits who passes an examination conducted by the Board to determine his fitness to practice as a barber apprentice, accompanied by a health certificate showing that he is free from contagious and infectious diseases and issued by a registered licensed physician of the District of Columbia under oath.

Sec. 6. The Board shall conduct examinations of applicants for certificates of registration as registered barbers or registered barber apprentices on the third Tuesdays in January, April, July, and October, at such hours as the Board shall prescribe. Such examinations shall include both a practical demonstration and a written examination.

Sec. 7. Any person who has engaged in the practice of barbering in the District of Columbia for 1 year immediately preceding the date of enactment of this act shall be granted a certificate as a registered barber without practical examination by making application, accompanied by a health certificate showing that he is free from contagious and infectious diseases and issued by a registered licensed physician of the District of Columbia under oath, and paying the required fee within 90 days of enactment of this act; failing to do so, he must take an examination according to the law; and any other person engaged in the practice of barbering in the District of Columbia on the date of enactment of this act shall be granted a certificate as a registered barber apprentice without examination by making application and paying the required fee, and the time spent engaged in the practice of barbering shall be credited to him as a part of the time required to be spent as a registered barber apprentice for the purpose of qualifying as a registered barber, but must be accompanied by a health certificate showing that he is free from

contagious and infectious diseases and issued by a registered licensed physician of the District of Columbia under oath.

Sec. 8. The certificate of a registered barber or a registered barber apprentice shall be displayed in a conspicuous place near the work chair of the holder when he is engaged in the practice of barbering.

Sec. 9. Certificates issued by the Board shall be renewed annually upon application to the Board by the holder of the certificate. The Board shall renew or restore certificates which have expired upon application and payment of the required fee, accompanied by a health certificate annually, showing that applicant is free from contagious and infectious diseases.

Sec. 10. The Board may refuse to issue, renew, restore, or may revoke a certificate for habitual drunkenness or habitual addiction to the use of morphine, cocaine, or any other habit-forming drug or for the violation of any of the provisions of this act, but such action may be taken by the Board only after notice, and an opportunity for a full hearing is given to the person affected thereby.

An appeal may be taken from any action of the Board to the district court of the United States for the District of Columbia. The judgment of such court shall be final, subject to review by the United States Court of Appeals for the District of Columbia.

Sec. 11. All fees and charges payable under the provisions of this act shall be paid to the secretary-treasurer of the Board. The Board is hereby authorized to refund any license fee or tax, or portion thereof, erroneously paid or collected under this act.

(a) For the examination of an applicant for a certificate as a registered barber, \$5.

(b) For the issuance or renewal of such certificate, \$5.

(c) For the restoration of an expired certificate as a registered barber, \$5.

(d) For the examination of an applicant for a certificate as a registered barber apprentice, \$5.

(e) For the issuance or renewal of such certificate, \$5.

(f) For the restoration of an expired certificate as a registered barber apprentice, \$5.

(g) \$50 for barber school or college, and \$25 annual renewal fee.

Sec. 12. The Commissioners are authorized and directed to provide suitable quarters for examinations and equipment to the Board and for the compensation of the members of the Board at the rate of \$9 per day for the time actually and necessarily spent in their duties as such members and for the payment of expenses necessarily incurred by the Board in carrying out the provisions of this act and are also authorized and directed to appoint a clerk and three inspectors at such salary as the Commissioners may authorize to assist the Board in carrying out the provisions of this act; said inspectors shall be qualified barbers, each of whom shall have been engaged in the practice of barbering in the District of Columbia for a period of 5 years immediately prior to their appointment, and shall be appointed after a competitive examination held for said position by the Board officer of the District of Columbia: *Provided*, That payments under this section shall not exceed the amount received from the fees provided for in this act; and if at the close of each fiscal year any funds unexpended in excess of the sum of \$1,000 shall be paid into the Treasury of the United States to the credit of the District of Columbia: *Provided*, That no expense incurred under this act shall be a charge against the funds of the United States or the District of Columbia.

BARBER-SCHOOL OR COLLEGE REQUIREMENTS

Sec. 13. No barber school or college shall be granted a certificate of registration unless it shall attach to its staff, as a consultant, a person licensed by the District of Columbia to practice medicine, and employ and maintain a sufficient number of competent barber instructors registered as such, and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum, shall keep a daily record of the attendance of each student, shall maintain regular class and instruction hours, shall establish grades and hold examinations before issuance of diplomas, and shall require a school term of training of not less than 1,000 hours within a period of not more than 8 hours a working day, 2 years as apprentice for a complete course of barbering, comprising all or a majority of the practices of cosmetology, as provided by this act, and to include sanitation, sterilization, and the use of antiseptics, cosmetics, and electrical appliances consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof. In no case shall there be less than one registered barber instructor to every 10 students. All barber-school instructors must be qualified registered barbers, excepting licensed physicians.

Sec. 14. (a) It shall be unlawful—

(1) To engage in the practice of barbering in the District of Columbia without a valid certificate as a registered barber, except that a registered barber apprentice may engage in the practice of barbering under the immediate personal supervision of a registered barber.

(2) To engage in the practice of barbering while knowingly afflicted with an infectious or communicable disease.

(3) To employ any person to engage in the practice of barbering except registered barbers and apprentices.

(4) To operate a barber shop unless it is at all times under the personal supervision of a registered barber.

(5) To obtain or attempt to obtain a certificate from the Board for money other than the required fee, or for any other

thing of value or by fraudulent misrepresentations. Certificates are not transferable to another person.

(6) That hereafter in the District of Columbia it shall be unlawful for a person to maintain 7 days consecutively any establishment wherein the occupation or trade of barbering, hair dressing, or beauty culture is pursued. All such establishments shall be required to remain closed 1 day in every 7 beginning at midnight or at sunset and no person shall maintain his establishment open to serve the public on the day he has selected it to be closed and has so registered the closing day at the health department.

(7) To own, manage, operate, or control any barber school or college, part or portion thereof, whether connected therewith or in a separate building, wherein the practice of barbering, as hereinbefore defined, is engaged in or carried on unless all entrances to the place wherein the practice of barbering is so engaged in or carried on shall display a sign indicating that the work therein is done by students exclusively.

(b) Any person violating any of the provisions of this act shall upon conviction be fined not less than \$25.

Sec. 15. This act shall take effect 90 days after the date of its enactment.

EXEMPTIONS

Sec. 16. The provisions of this act shall not be construed to apply to—

(a) Persons authorized by law of the District of Columbia to practice medicine and surgery, osteopathy, or chiropractic, or persons holding a drugless-practitioner certificate under the law of the District of Columbia;

(b) Commissioned medical or surgical officers of the United States Army, Navy, or Marine hospital service;

(c) Registered nurses;

(d) Persons employed in beauty parlors; however, the provisions of this section shall not be construed to authorize any of the persons exempted to shave or trim the beard, or cut the hair of any person for cosmetic purposes, except that person included in the subdivision (d) hereof shall be allowed to cut the hair; or

(e) Undertakers and embalmers.

(f) Persons engaged in the practice of physiotherapy or massaging, stimulating, or exercising of the head, neck, arms, bust, or upper part of the body, when done for purposes of health and hygiene.

CONSTITUTIONALITY

Sec. 17. Each section, subsection, sentence, clause, and phrase of this act is declared to be an independent section, subsection, sentence, clause, and phrase; and the finding or holding of any section, subsection, sentence, phrase, or clause to be unconstitutional, void, or ineffective for any cause shall not affect any other section, subsection, sentence, or part thereof.

REPEAL OF OTHER LAWS

Sec. 18. The act of Congress of December 19, 1932, and all laws or portions of laws inconsistent with this act are hereby repealed: *Provided*, That nothing in this act contained shall be construed to limit or repeal any existing rules, regulations, or laws relating to health or sanitation.

Sec. 19. The purpose of this act shall be to prevent the spreading of diseases and promote the general health of the public by promoting sanitary conditions in barber shops and barber schools or colleges in the practice of barbering.

REGULATION OF PRACTICE OF COSMETOLOGY IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 6369) to regulate the occupation and practices of cosmetology, to create a District of Columbia Board of Cosmetology for the examination and licensing of persons to carry on or to teach such practices, to insure the better education of such practitioners, to provide rules regulating the proper conduct and sanitation of cosmetological establishments and schools, for the protection of the public health, and to provide penalties for violation thereof, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 18, page 17, line 14, after the words "on the", to strike out "third" and insert "second"; and in line 16, after the words "shall prescribe", to insert "The Commissioners of the District of Columbia are hereby authorized and directed to provide suitable quarters for such examinations", so as to make the section read:

EXAMINATIONS

Sec. 18. The examination of applicants for a license to practice under this act shall be conducted under the rules prescribed by the Board, and shall include both practical demonstrations and written or oral tests in reference to the practices for which a license is applied for and such related studies or subjects as the Board may determine necessary for the proper and efficient performance of such practices; and shall not be confined to any specific system or method; and such examination shall be consistent with a prescribed curriculum for a beauty school or school of cosmetology and the practical and theoretical requirements of

the occupation of cosmetology as provided by this act. The Board shall hold public examinations on the second Tuesdays in January, April, July, and October in the District of Columbia, at such hours as the Board shall prescribe. The Commissioners of the District of Columbia are hereby authorized and directed to provide suitable quarters for such examinations.

The amendment was agreed to.

The next amendment was, in section 21, page 19, line 16, after the words "Sec. 21", to strike out:

The said Board shall, with the approval of the District of Columbia health authorities, prescribe such sanitary rules as it may deem necessary, with particular reference to the precautions necessary to be employed to prevent the creating and spreading of infectious and contagious disease, and it.

And to insert:

The sanitary regulations for the control of beauty shops and manicuring establishments in the District of Columbia shall be such as are now in force or which may from time to time be promulgated by the health department of the District of Columbia, which said department shall have full and complete charge of the enforcement of said sanitary regulations.

And on page 20, line 13, after the words "may provide", to insert the following proviso: "Provided further, That nothing in this act contained shall be construed to limit or repeal any existing rules, regulations, or laws relating to health or sanitation", so as to make the section read:

SANITARY RULES

SEC. 21. The sanitary regulations for the control of beauty shops and manicuring establishments in the District of Columbia shall be such as are now in force or which may from time to time be promulgated by the health department of the District of Columbia, which said department shall have full and complete charge of the enforcement of said sanitary regulations. It shall be unlawful for the owner or manager of any beauty shop or school of cosmetology to permit any person to sleep in or use for residential purposes any room used wholly or in part as a beauty shop or school of cosmetology. It shall be unlawful for any person, firm, or corporation to practice cosmetology except in a bona fide established beauty shop or school of cosmetology, wherein the requirements of the Board as to proper, sanitary, and exclusive practices of cosmetology are complied with: *Provided, however*, That a person may practice outside of such establishment under the direction and control of an owner or manager thereof under such regulations as the Board may provide: *Provided further*, That nothing in this act contained shall be construed to limit or repeal any existing rules, regulations, or laws relating to health or sanitation.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed, as follows:

Be it enacted, etc.—

DEFINITIONS

SECTION 1. That the following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

(a) The word "cosmetology," as used in this act, shall be defined and construed to mean any one or any combination of practices generally and usually, heretofore and hereafter, performed by, and known as the occupation of, beauty culturists, or cosmeticians, or cosmetologists, or hairdressers, or of any other person holding him or herself out as practicing cosmetology by whatever designation and within the meaning of this act and in and upon whatever place or premises; and in particular "cosmetology" shall be defined and shall include, but otherwise not be limited thereby, the following or any one or a combination of practices, to wit: Arranging, dressing, styling, curling, waving, cleansing, cutting, removing, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means, and with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, massaging, cleansing, stimulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, bust, or upper part of the body, or manicuring the nails of any person, exclusive of such of the foregoing practices as come within the scope of the Healing Arts Practice Act in force in the District of Columbia at the time of the passage of this act.

(b) Any place or premises, or part thereof, wherein or whereupon cosmetology or any of its practices are followed or taught, or any person therein or thereabouts practicing cosmetology, whether such place is known or designated as a cosmetician, cosmetologist, or beauty shop, establishment, or school or whether the person is known or holds him or herself out as a cosmetician, cosmetologist, or beauty culturist, or by any other name or designation indicating that cosmetology is practiced or taught, shall be subject to the provision and within the meaning of this act. For the purpose of this act such place shall hereinafter be considered and referred to as a beauty shop or school of cosmetology, as the case may be, and the person practicing cosmetology therein, as a cosmetologist:

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Provided, however, That any appropriate name herein mentioned may be used, but shall be displayed upon or over the entrance door or doors of such place designating it as a beauty shop or school of cosmetology within the meaning of this act.

(c) A person who is engaged in learning or acquiring any or all practices of cosmetology, and while so learning, performs or assists in any of the practices of cosmetology, under the immediate supervision of a registered or licensed practitioner or instructor of cosmetology, shall be known as an apprentice or student of cosmetology and hereinafter referred to as a student.

(d) Any person, not an apprentice or a student, following or practicing cosmetology, not owning or managing a beauty shop or school of cosmetology, shall be known as an operator cosmetologist and hereinafter referred to as an operator.

(e) Any person, being an operator, and managing, conducting, or owning a beauty shop or school of cosmetology, shall be known as a manager or managing cosmetologist and hereinafter referred to as a manager.

(f) Any person being an operator and teaching cosmetology or any practices thereof in a school of cosmetology shall be known as an instructor of cosmetology and hereinafter referred to as an instructor.

(g) Any person who engages only in the practice of manicuring the nails of any person shall be known as and hereinafter referred to as a manicurist.

(h) The agent or employee of any manufacturer of beauty shop and cosmetological products and equipment employed by the said manufacturer for the purpose of conducting sales demonstrations, lectures, or expositions shall be known as a demonstrator and hereinafter referred to as such.

(i) Whenever the word "Board" shall appear or be used, it shall mean and refer to the Board of Cosmetology as hereinafter provided.

BOARD OF COSMETOLOGY

SEC. 2. (a) There is hereby created the District of Columbia Board of Cosmetology, consisting of three members to be appointed by the Commissioners of the District of Columbia within 30 days after this act becomes effective. Each member of the Board shall be at least 25 years of age, shall have had at least 5 years' practical experience in the practices of cosmetology, shall be a citizen of the United States, and a resident of the District of Columbia. No member of the Board shall be a member of nor affiliated with any school of cosmetology while in office, nor shall any two members of said Board be graduates of the same school.

(b) Each member of the Board shall serve a term of 3 years, and until his or her successor is appointed and qualified, except in the case of the first Board whose members shall serve 1, 2, and 3 years, respectively. The members of the Board shall take the oath provided for public officers. Vacancies shall be filled by the Commissioners of the District of Columbia for the unexpired portion of the term of a member caused by death, resignation, or otherwise. The said Commissioners are hereby empowered to remove, after full hearing, any member of the Board for neglect of duty or any other just cause.

(c) The members of the Board shall, annually, elect from among their number a president and also a treasurer, and shall annually appoint a secretary, who shall not be a member of the Board. The compensation of the Secretary, to be fixed by the Board, shall not exceed the sum of \$3,000 per year, and shall be paid out of the funds received by it, and no part of such compensation shall be paid otherwise by the District of Columbia. Said Board shall have a common seal, and the said treasurer shall give such bond for the faithful performance of his duties as the Commissioners of the District of Columbia may deem necessary. Two members of the Board shall constitute a quorum.

(d) The Board shall meet in the District of Columbia not less than four times during the year and at such other times as the Board may deem advisable.

(e) The Board shall keep a record of its proceedings. It shall keep a register of applicants for certificates or licenses showing the name of the applicant, the name and location of his place of occupation or business, and whether the applicant was granted or refused a certificate or license. The books and records of the Board shall be prima-facie evidence of matters therein contained, shall constitute public records, and shall at all reasonable times be open for public inspection.

REGULATION BY THE BOARD

SEC. 3. The Board is hereby empowered to make and enforce such rules and regulations, subject to the approval of the Commissioners of the District of Columbia, as it deems necessary to carry out the provisions of this act.

POWERS AND DUTIES OF THE BOARD

SEC. 4. The Board shall have the power to refuse, revoke, or suspend licenses or certificates, after full hearing, on proof of violation of any provisions of this act or the rules and regulations established by the Board under this act, and shall have the power to require the production of such books, records, and papers as it may desire. Before any certificate shall be suspended or revoked for any of the reasons contained in this section, the holder thereof shall have notice, in writing, of the charge or charges against him or her, and shall, at a day specified in said notice, which shall be at least 5 days after the service thereof, be given a public hearing with a full opportunity to produce testimony in his or her behalf. Any person whose certificate of registration has been so suspended or revoked may, after the expiration of 90 days, on application to

the Board, have the same reissued to him or her upon satisfactory proof that the disqualification has ceased.

APPEAL FROM ACTION OF THE BOARD

SEC. 5. An appeal may be taken from any action of the Board to the Commissioners of the District of Columbia and the decision of the said Commissioners shall be final.

PRACTICE OF COSMETOLOGY WITHOUT REGISTRATION PROHIBITED

SEC. 6. It shall be unlawful for any person in the District of Columbia to practice or teach cosmetology or manage a beauty shop, or to use or maintain any place for the practice or teaching of cosmetology for compensation, unless he or she shall have first obtained from the Board a certificate of registration as provided in this act. Nothing contained in this act, however, shall apply to or affect any person who is now actually engaged in any such occupation, except as hereinafter provided.

REQUIREMENTS TO PRACTICE

SEC. 7. Before any person may practice or teach cosmetology or manage a beauty shop, such person shall file with the Board a written application for registration, accompanied by a health certificate issued by a registered licensed physician of the District of Columbia, under oath, on a form which shall be prescribed and supplied by the Board, and such applicant shall submit satisfactory proof of the required age, educational qualifications, and be of good moral character, shall deposit with the said Board the registration fee, and pass an examination as to fitness to practice or teach cosmetology or manage a beauty shop, as hereinafter provided in this act.

ELIGIBILITY REQUIREMENTS FOR EXAMINATION

SEC. 8. No person shall be permitted by the Board to take an examination to receive a certificate as an operator unless such person shall be at least 16 years of age, of good moral character, has received an education equivalent to the completion of the eighth grade of elementary school, and either has been registered as a student and has had training, as hereinafter provided in this act, in a school of cosmetology duly registered by the Board or has been registered and served as an apprentice at least 8 months as hereinafter provided in this act: *Provided, however,* That the Board may permit a person to take an examination without the prior studentship or apprenticeship herein required if such person shall establish, to the satisfaction of the Board, that he or she has been an operator in the active practice of cosmetology for at least 24 months within the 5 years next preceding the effective date of this act. No person shall be permitted to take an examination for a certificate to teach cosmetology or act as manager of a beauty shop unless such person shall be at least 18 years of age, of good moral character, has received an education equivalent to the completion of the eighth grade of elementary school, and either has had at least 3 years' experience as an operator in a beauty shop or has served as such operator in a registered beauty shop for a period of not less than 6 months and shall have a training in a registered school of cosmetology of not less than 2,000 hours, including the hours of study necessary to become an operator. The sufficiency of the qualifications of applicants for admission to the examination or for registration shall be determined by the Board, but the Board may delegate the authority to determine the sufficiency of such requirements to the secretary of the Board, subject to such provisions as the Board shall make for appeal to the Board.

LIMITED CERTIFICATES

SEC. 9. A limited certificate of registration to manicure the nails only may be applied for and granted under all of the terms and conditions of this act, except that the examination therefor may be limited to such practice only and the required schooling shall be not less than 100 hours. A limited certificate of registration for any one or a combination of practices as license is applied for may be granted under all of the terms and conditions of this act, except that the examination therefor shall be limited to the subjects in question, and a proportionate number of hours of training as determined by the Board shall be required.

REQUIREMENTS OF A SCHOOL OF COSMETOLOGY

SEC. 10. No school of cosmetology shall be granted a certificate of registration unless it shall attach to its staff as a consultant a person licensed by the District of Columbia to practice medicine and surgery or osteopathy and surgery and employ and maintain a sufficient number of competent instructors, registered as such, and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum which shall be as prescribed by the Board; shall keep a daily record of the attendance of each student, maintain regular class and instruction hours, establish grades, and hold examinations before issuance of diplomas; and shall require a school term of training of not less than 1,500 hours within a period of not less than 8 months for a complete course comprising all or the majority of the practices of cosmetology as provided in this act; and to include practical demonstrations and theoretical studies and study in sanitation, sterilization, and the use of antiseptics, cosmetics, and electrical appliances consistent with the practical and theoretical requirements as applicable to cosmetology or any practice thereof, as provided in this act. In no case shall there be less than 1 instructor to each 25 pupils. Any person, firm, or corporation teaching any or all practices of cosmetology shall be required to comply with all provisions applying to schools of cosmetology within the meaning of this act.

STUDENT PRACTICE UPON THE PUBLIC FOR PAY PROHIBITED

SEC. 11. It shall be unlawful for any school of cosmetology to permit its students to practice cosmetology upon the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice after having first been properly informed that operator is a student. No school of cosmetology shall, directly or indirectly, charge any money whatsoever for treatment by its students, or for materials used in such treatment, until such student shall have had at least 500 hours of training.

PRACTICE IN BEAUTY SHOPS ONLY

SEC. 12. It shall be unlawful for any person to practice cosmetology for pay in any place other than a registered beauty shop: *Provided,* That a registered operator may in an emergency furnish cosmetological treatments to persons in the permanent or temporary residences of such persons by appointment. Every beauty shop shall have a manager, who shall have immediate charge and supervision over the operators practicing cosmetology.

EXCEPTIONS TO EXAMINATION REQUIREMENTS; PRESENT STUDENTS AND APPRENTICES

SEC. 13. The Board may issue the certificate of registration required by this act without an examination or compliance with the other requirements as to age or education to any person who has practiced or taught cosmetology or acted as a manager of a beauty shop or school of cosmetology in the District of Columbia for at least 6 months immediately prior to the passage of this act: *Provided,* That such person shall make application to the Board for a certificate of registration within 90 days after the effective date of this act. Such application shall be accompanied by an affidavit of a registered licensed physician that the applicant was examined and is free from all contagious and infectious diseases and the registration fee required by this act. Any person studying cosmetology in a school of cosmetology or as an apprentice in a beauty shop in the District of Columbia at any time this act goes into effect shall receive credit for such time and studies without complying with the requirements of this act as to age and preliminary education: *Provided,* That such person shall make application to the Board for registration as a student or apprentice within 3 months after this act goes into effect. Students, upon graduating from registered schools of cosmetology, may apply for and receive from the Board a temporary permit to practice as an operator until the next regular examination held by the Board under the provisions of this act.

APPRENTICES IN BEAUTY SHOPS

SEC. 14. Any cosmetologist who is a beauty-shop owner and who is a holder of a teacher's certificate may instruct apprentices: *Provided,* That there shall be no less than three licensed operators for each apprentice in any shop and there shall be no more than two apprentices in any shop, and provided such shop is not held out as a school of cosmetology. Such apprentices may apply for examination at the end of their apprenticeship at the next regular examination held by the Board and, if successful therein, shall be registered as operators. Registered apprentices, upon completion of their required term of apprenticeship, may apply for and receive from the Board a temporary permit to practice as an operator until the next regular examination.

DEMONSTRATORS

SEC. 15. The agents or employees of manufacturers of beauty-shop and cosmetological products and equipment employed by the said manufacturers for the purpose of conducting sales demonstrations, lectures, or expositions shall be required to register with the Board within 3 days after such employment. The Board shall issue permits to such agents or employees for the purpose of permitting such persons to conduct sales demonstrations, lectures, and expositions of beauty-shop and cosmetological products and equipment upon the payment of the required fee: *Provided, however,* That no charge of any kind, whether for materials used or services rendered, shall be made by the manufacturer, his agent or employee, for said services rendered or said materials used in connection with or incidental to the conduct of such sales demonstration, lecture, or exposition. In the event of the termination of the employment of such agent or employee referred to in this section, the said employer herein referred to shall immediately report such fact to the Board, and the permit of such person shall thereupon be canceled and voided. No person canvassing the residents of the District of Columbia, in connection with the advertisement or sale or both of cosmetological products or equipment, shall be permitted to give practical demonstration of such products or equipment unless each such person or his agent shall first have procured from the Board a certificate of registration and a license so to demonstrate upon the payment of the required fee as hereinafter provided.

RECIPROCITY

SEC. 16. The Board may dispense with examinations of applicants as provided in this act and may grant a certificate of registration as provided in this act in all cases where such applicants have complied with the requirements of another State, Territory or foreign country, state, or province, wherein the requirements for registration are substantially equal to those in force in the District of Columbia at the time of filing application for such certificate, or upon due proof that such applicant has continuously engaged in the practices or occupation for which a license is applied for at least 5 years immediately prior to such application and upon the payment of the required fee.

CERTIFICATES OR LICENSES

SEC. 17. If an applicant to examination to practice cosmetology passes such examination to the satisfaction of the Board, and has paid the required fee, and otherwise complies with the requirements provided in this act, or an applicant otherwise for registration, has paid the required fee and complies with the requirements for registration as provided in this act, the Board shall issue a certificate or license, as the case may be, to that effect, signed by the president and secretary of the Board and attested by its seal. Such certificate or license shall be evidence that the person to whom it is issued is entitled to follow the practices, occupation, or occupations as an operator, manager, or instructor, or own and maintain a beauty shop or school of cosmetology as stipulated therein and as prescribed in this act. Such certificate or license shall be conspicuously displayed in his or her principal office, place of business, or employment.

EXAMINATIONS

SEC. 18. The examination of applicants for a license to practice under this act shall be conducted under the rules prescribed by the Board, and shall include both practical demonstrations and written or oral tests in reference to the practices for which a license is applied for and such related studies or subjects as the Board may determine necessary for the proper and efficient performance of such practices; and shall not be confined to any specific system or method; and such examination shall be consistent with a prescribed curriculum for a beauty school or school of cosmetology and the practical and theoretical requirements of the occupation of cosmetology as provided by this act. The Board shall hold public examinations on the second Tuesdays in January, April, July, and October in the District of Columbia, at such hours as the Board shall prescribe. The Commissioners of the District of Columbia are hereby authorized and directed to provide suitable quarters for such examinations.

FEES

SEC. 19. The initial registration fee for the issuance of a license, with or without examination, shall be as follows: \$10 for owners, managers, and instructors; \$5 for operators; \$3 for manicurists; and \$100 for schools of cosmetology. Annual renewal fees shall be \$5 for owners, managers, and instructors; \$3 for operators; \$2 for manicurists; and \$50 for schools of cosmetology. The fee for a temporary certificate for a student or an apprentice shall be \$2. For the issuance of a certificate to a sales demonstrator or lecturer or to an itinerant demonstrator, canvassing the residents of the District of Columbia, the fee shall be \$5. For the issuance of a certificate without examination to operators or instructors licensed in jurisdictions meeting the requirements of the District of Columbia, or to those who furnish satisfactory proof that they have been engaged elsewhere in the occupation of cosmetology for a period of 5 years, the initial fee for a certificate of registration shall be \$15. On failure to pass an examination the fees shall not be returned to the applicant but within the year after such failure he or she may present himself or herself and be again examined without the payment of an additional fee. Out of the fees paid the Board there shall be defrayed all expenses incurred in carrying out the provisions of this act, together with a fee of \$10 per day for each member of the Board and the actual and necessary expenses incurred for each day he may be actually engaged upon business pertaining to his official duties as such Board member: *Provided*, That such expenses shall in no event exceed the total of receipts: *Provided further*, That at the close of each fiscal year any funds unexpended in excess of the sum of \$1,000 shall be paid into the Treasury of the United States to the credit of the District of Columbia.

PERSONS CALLED TO AID OF BOARD

SEC. 20. The Board may call to its aid any person or persons of established reputation and known ability in the practices as provided in this act for the purpose of conducting examinations, inspections, and investigations of any or all persons, firms, or corporations affected by this act. Such aid or aids shall not be connected with any school teaching cosmetology. Any person called by the Board to its aid as provided herein shall receive for his or her services not more than \$10 for each day employed in the actual discharge of his or her official duties, and his or her actual and necessary expenses incurred, to be paid in the same manner as herein provided for the payment of compensation and expenses of members of the Board.

SANITARY RULES

SEC. 21. The sanitary regulations for the control of beauty shops and manieuring establishments in the District of Columbia shall be such as are now in force or which may from time to time be promulgated by the Health Department of the District of Columbia, which said department shall have full and complete charge of the enforcement of said sanitary regulations. It shall be unlawful for the owner or manager of any beauty shop or school of cosmetology to permit any person to sleep in or use for residential purposes any room used wholly or in part as a beauty shop or school of cosmetology. It shall be unlawful for any person, firm, or corporation to practice cosmetology except in a bona fide established beauty shop or school of cosmetology, wherein the requirements of the Board as to proper, sanitary, and exclusive practices of cosmetology are complied with: *Provided, however*, That a person may practice outside of such establish-

ment under the direction and control of an owner or manager thereof under such regulations as the Board may provide: *Provided further*, That nothing in this act contained shall be construed to limit or repeal any existing rules, regulations, or laws relating to health or sanitation.

HEARING MAY BE HELD BY ANY MEMBER

SEC. 22. Any investigation, inquiry, or hearing which the Board is empowered by law to hold or undertake may be held or undertaken by or before any member or members of said Board and shall be deemed to be the finding or order of said Board when approved and confirmed by it.

TEMPORARY LICENSES

SEC. 23. The Board may issue a temporary license to any person who otherwise is subject to examination, as provided in this act, upon documentary or other satisfactory evidence that the applicant therefor has the necessary qualifications to practice any one or any combination of practices of cosmetology for which a temporary license is applied for: *Provided, however*, That such application for a temporary license is accompanied by an application for an examination as provided in this act and the necessary fee therefor and a fee of \$2 for such temporary license. Such temporary license shall remain in force until the next regular meeting of the Board at which examinations are held and no longer. Two such temporary licenses may not be issued to the same person. Each temporary license shall state the date of expiration and the temporary license shall after such date be void and of no effect.

TO WHOM THE PROVISIONS OF THIS ACT SHALL NOT APPLY

SEC. 24. Nothing in this act shall prohibit service in case of emergency, or domestic administration, without compensation, nor services by persons authorized under the laws of the District of Columbia to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractic, nor services by barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices, namely: Arranging, cleansing, cutting, or singeing the hair of any person; or in massaging, cleansing, stimulating, exercising, or similar work, the scalp, face, or neck of any person, with the hands, or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams; nor shall anything in this act apply to the practice of physiotherapy or massaging, stimulating, or exercising of the head, neck, arms, bust, or upper part of the body, when done for purposes of health and hygiene rather than for cosmetic purposes.

RENEWAL OF CERTIFICATES

SEC. 25. The certificates of registration issued in the year in which this act goes into effect shall expire as of April 15, 1938. Thereafter certificates shall be issued for no longer than 1 year. All certificates shall expire on the 15th day of April next succeeding unless renewed for the next year. Certificates may be renewed by application made prior to the 15th day of April of each year accompanied by a health certificate in the manner prescribed in section 7 and the payment of the renewal fees provided in this act. The holder of an expired certificate or license may have within 3 years of the date of expiration the certificate restored upon the payment of the required renewal fee and satisfactory proof of his or her qualifications to assume practice or occupation.

PENALTIES

SEC. 26. (a) Any person who shall violate or aid or abet in violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$300 or imprisonment in the workhouse of the District of Columbia for not more than 6 months, or by both such fine and imprisonment.

(b) Any operator, manager, instructor, student, or apprentice who shall practice the occupation of cosmetology while knowingly suffering from contagious or infectious disease, or who shall knowingly serve any person afflicted with such disease, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$300 or imprisonment in the workhouse of the District of Columbia for not more than 6 months, or by both such fine and imprisonment.

PROSECUTIONS

SEC. 27. It shall be the duty of the corporation counsel, or one of his assistants, to prosecute in the name of the District of Columbia all violations of the provisions of this act.

EFFECT OF PARTIAL INVALIDITY OF ACT

SEC. 28. Each section of this act, and every part of each section, is hereby declared to be independent of every other, and the holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other section or part thereof.

REPEAL

SEC. 29. All acts or parts of acts inconsistent with this act are hereby repealed.

The title was amended so as to read: "An act to provide for the examination and licensing of those engaging in the practice of cosmetology in the District of Columbia."

BILL PASSED OVER

The bill (S. 2344) to provide for the regulation of the sale of certain securities in interstate and foreign commerce, and the trust indentures under which the same are issued, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CONVEYANCE OF LAND TO TOWN OF MONTGOMERY, W. VA.

The bill (S. 1694) authorizing the Secretary of War to convey to the town of Montgomery, W. Va., a certain tract of land was announced as next in order.

Mr. McKELLAR. May we have an explanation of the bill?

Mr. NEELY. Mr. President, the object of the bill is to authorize the Government to convey by quitclaim deed to the town of Montgomery, W. Va., certain land for park and recreational purposes. The land in question was formerly used in connection with the operation of a lock and dam in the Kanawha River; but the construction of a new and modern lock and dam at a point about 2 miles below Montgomery has rendered the old instrumentalities not only superfluous but useless. The War Department has approved the bill, subject to an amendment which is entirely acceptable to me.

Mr. McKELLAR. With that explanation, I have no objection.

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

There being no objection, the Senate proceeded to consider the bill, S. 1694, authorizing the Secretary of War to convey to the town of Montgomery, W. Va., a certain tract of land, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 4, line 3, after the word "meridian", to insert:

There is expressly excepted and reserved to the United States of America the perpetual right to flood such part of the hereinbefore-described tract of land as may be necessary from time to time in the interests of navigation.

The amendment was agreed to.

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

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the town of Montgomery, W. Va., subject to the condition specified in section 2 of this act, the following described tract of land situated on the left or south bank of the Kanawha River at lock and dam No. 2, town of Montgomery, Cabin Creek District, Kanawha County, State of West Virginia, and more specifically described as follows:

Beginning at a stone monument near the top of the bank of the Kanawha River, which monument is north 87°32' east 303.86 feet from United States Engineer Department bench mark No. 114, said bench mark being a brass pin in the coping near the northwest corner of the abutment of said dam No. 2; thence south 0°30' west 140 feet to a stone monument which is south 67°27' east 329.57 feet from said bench mark No. 114; thence south 83°30' west 151 feet to a stone monument which is south 47°4' east 210.64 feet from said bench mark No. 114; thence south 6°30' east 200 feet to a stone monument at the north boundary of the right-of-way of the Chesapeake & Ohio Railway, said stone monument being also north 33°34' east 152.6 feet from the northeast corner of a concrete block garage; thence along the north boundary of the right-of-way of the Chesapeake & Ohio Railway, south 87°50' west 371 feet to an iron pipe in the bed of Morris Creek, said iron pipe being north 42°51' west 36.62 feet from the northwest corner of the bridge seat on the east abutment of the Chesapeake & Ohio Railway bridge spanning Morris Creek; thence along the creek bed north 11°20' east 205 feet to an iron pipe; thence north 87°10' west 470 feet to an iron pipe; thence north 33° west 270 feet to the low-water line of the Kanawha River; thence, along the low-water line, south 79°15' east 547.65 feet to a point opposite the mouth of Morris Creek; thence, further along said low-water line, north 14°8' west 199.15 feet; thence, further along the low-water line, south 89°55' east 789.10 feet; thence south 2°10' west 140 feet to an iron pipe near the top of the bank of the river; thence south 81°10' west 200 feet to the place of beginning, containing 8.3 acres, more or less. All bearings given refer to magnetic meridian used in deeds referred to subsequently, which meridian was 0°47' west of north of the true meridian. There is expressly excepted and reserved to the United States of America the perpetual right to flood such part of the hereinbefore-described tract of land as may be necessary from time to time in the interests of navigation.

The land hereinbefore described comprises that conveyed to the United States by three separate deeds as follows: One, dated July 5, 1882, for 4.8 acres from William Rigg and Emily G. Rigg, his wife, and recorded in deed book 39, page 335, of the records of Kanawha County; another, dated February 2, 1882, for 2 acres from the Keystone Coal Co., and recorded in deed book 39, page 337, of the records of Kanawha County; and another, dated August 20, 1888, for 1.508 acres from William Rigg and Emily G. Rigg, his wife, and recorded in deed book 48, page 557, of the records of Kanawha County.

Sec. 2. The tract of land authorized to be conveyed by the first section of this act shall be used by the grantee for the purpose of a public park and recreational site and for similar and related municipal purposes. The conveyance of such tract of land shall contain the express condition that if the grantee shall cease to use such tract of land for such purposes, or shall alienate or attempt to alienate such tract of land, title thereto shall revert to the United States.

NATCHEZ TRACE PARKWAY, MISSISSIPPI, ALABAMA, AND TENNESSEE

The Senate proceeded to consider the bill (H. R. 6652) to provide for the administration and maintenance of the Natchez Trace Parkway, in the States of Mississippi, Alabama, and Tennessee, by the Secretary of the Interior, and for other purposes, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 3, to strike out:

Sec. 2. In the administration of the Natchez Trace Parkway the Secretary of the Interior may lease or authorize the use of parkway lands for such purposes and under such terms and conditions as he may determine to be not inconsistent with the use of such lands for parkway purposes.

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 3, after the word "lands", it is proposed to insert the following:

(except that where small parcels of Government-owned lands would otherwise be isolated, or where topographic conditions or scenic requirements are such that bridges, ditches, cuts, fills, parking overlooks, and landscape development could not reasonably be confined to a width of 200 feet, the said maximum may be increased to such width as may be necessary, with the written approval of the Department or agency having jurisdiction over such lands).

The amendment was agreed to.

Mr. O'MAHONEY. I send to the desk another amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3 it is proposed to insert a new section, numbered 2, as follows:

In the administration of the Natchez Trace Parkway the Secretary of the Interior may issue revocable licenses or permits for rights-of-way over, across, and upon parkway lands, or for the use of parkway lands by the owners or lessees of adjacent lands, for such purposes and under such nondiscriminatory terms, regulations, and conditions as he may determine to be not inconsistent with the use of such lands for parkway purposes.

Mr. McKELLAR. Mr. President, I inquire what is the purpose of that amendment?

Mr. O'MAHONEY. The purpose of the amendment is to enable the Secretary of the Interior to grant necessary rights-of-way to public utilities across the parkway. It accomplishes the same purpose as the language stricken out but with a restriction which the committee deemed to be essential.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY].

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CAPE HENRY MEMORIAL IN FORT STORY, VA.

The joint resolution (S. J. Res. 243) to provide for the transfer of the Cape Henry Memorial site in Fort Story, Va., to the Department of the Interior was considered,

ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Whereas the Colonial National Historical Park (formerly the Colonial National Monument) established under the act of Congress approved July 3, 1930, includes Jamestown, Yorktown, and Williamsburg; and

Whereas the Jamestown colonists who established the first permanent English settlement in America first landed and set up a cross on April 26, 1607, at the First Landing Dune in Fort Story, Cape Henry, Virginia, which is now a shrine marked by a cross memorial: Therefore be it

Resolved, etc., That the Secretary of War is authorized in his discretion, subject to such terms and conditions as he may deem essential for the protection of military interests, to transfer to the Secretary of the Interior such part of the Fort Story Military Reservation, Cape Henry, Virginia, as the Secretary of War may select, but not to exceed an area of 100 feet square, as a proposed site for the Cape Henry Memorial (First Landing Dune), including the site on which the Daughters of the American Colonies have heretofore erected a monument under authority of the War Department. The Secretary of the Interior, through the National Park Service, shall exercise jurisdiction over and maintain such site and memorial as a part of the Colonial National Historical Park, under the provisions of the act establishing the National Park Service, approved August 25, 1916, as amended and supplemented: *Provided*, That the use of any property transferred under the provisions of this act shall be subject to the paramount needs of national defense.

The preamble was agreed to.

SARATOGA NATIONAL HISTORICAL PARK, N. Y.

The Senate proceeded to consider the bill (H. R. 4852) to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes, which had been reported from the Committee on Public Lands and Surveys, with amendments in section 1, on page 1, line 2, after the word "the", to strike out "military battlefield area and other areas of Colonial and Revolutionary War interest at and in the vicinity of Saratoga, N. Y., as shall be designated by the Secretary of the Interior, in the exercise of his discretion, as necessary or desirable for national historical park purposes, shall have been vested in the United States, such areas shall be, and they are hereby, established, dedicated", and insert "area at Saratoga, N. Y., whereon was fought the Battle of Saratoga during the War of the Revolution, shall have been vested in the United States, such area shall be, and it is hereby, established, dedicated"; on page 2, line 5, after the word "such", to strike out "areas" and insert "area"; in line 6, after the word "include", to strike out "at least"; in line 7, after the words "New York", to insert "and any additional lands in the immediate vicinity thereof which the Secretary of the Interior may, within 6 months after approval of this act, designate as necessary or desirable for the purposes of this act", so as to make the section read:

That when title to all the lands, structures, and other property in the area at Saratoga, N. Y., whereon was fought the Battle of Saratoga during the War of the Revolution, shall have been vested in the United States, such area shall be, and it is hereby, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the Saratoga National Historical Park: *Provided*, That such area shall include that part of the Saratoga Battlefield now belonging to the State of New York and any additional lands in the immediate vicinity thereof which the Secretary of the Interior may, within 6 months after the approval of this act, designate as necessary or desirable for the purposes of this act.

The amendments were agreed to.

The next amendments were, in section 2, page 2, line 14, after the word "land", to strike out "and/or"; in the same line, after the word "and", to strike out "so forth" and insert "other property"; and at the beginning of line 7, to strike out "and/or" and insert "or", so as to read:

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of said historical park as determined and fixed hereunder and donations of funds for the purchase or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior.

The amendments were agreed to.

The next amendment was, in section 2, line 21, after the word "reasonable", to strike out "otherwise by condemnation under the provisions of the act of August 1, 1888, such

tracts of land within the said historical park as may be necessary for the completion thereof", so as to make the proviso read:

Provided, That he may acquire on behalf of the United States, out of any donated funds, by purchase when purchasable at prices deemed by him reasonable.

Mr. COPELAND. Mr. President, I think the amendment which has just been stated was made by the committee through inadvertence. I spoke to the Senator from Wyoming [Mr. O'MAHONEY] about it. He asked me to speak to the Senator from Colorado [Mr. ADAMS], the chairman of the committee, but I am going to ask the Senate to disagree to the amendment. Then, if the Senator from Colorado has any objection, I will not resist a motion to reconsider so that the matter may be given further consideration.

The reason I am asking that the Senate disagree to the amendment is that this bill does not carry any appropriation; the money which is to be used for acquiring land will be donated. There are funds now available for that purpose. There has been great activity in this matter for a long time. I myself had some modest part in it. The State has acquired much of the land, and that is to be donated to the Federal Government. Then, there have also been accumulated the funds which I have mentioned for the purchase of land. This amendment would prohibit the Park Service from condemning land if there should be too high a price placed upon it.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. O'MAHONEY. I understand the Senator's idea is that under the language of the amendment condemnation would be resorted to only for the purpose of making effective the use of donated funds?

Mr. COPELAND. That is correct. I think the committee had the other idea.

Mr. O'MAHONEY. With that understanding, the action which the Senator suggests will be perfectly satisfactory to me.

Mr. COPELAND. Very well. I ask that there be inserted a statement of the Solicitor of the Department of the Interior confirming what I have said.

The PRESIDING OFFICER. Without objection, the statement will be inserted in the RECORD.

The statement referred to is as follows:

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, April 26, 1938.

Memorandum for the Solicitor:
(Attention of Mr. Speck.)

Re H. R. 4852. To provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes.

This bill has passed the House and on April 21 was reported out by the Senate Public Lands Committee with certain amendments. These amendments are satisfactory to this Service with the exception that the condemnation authority on page 2, lines 21, 22, 23, and 24 has been eliminated from the bill by the committee. This authority is essential for the purpose of enabling this Department to acquire these lands with donated funds. Otherwise, it is possible that we may not be in a position to use donated money in this manner, which will hamper the completion of the park.

ARNO B. CAMMERER, Director.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee on page 2, beginning in line 21.

The amendment was rejected.

The next amendment of the Committee on Public Lands and Surveys was to strike out section 4, as follows:

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DETAIL OF OFFICERS TO GENERAL STAFF CORPS

The Senate proceeded to consider the bill (S. 3843) to remove certain inequitable requirements for eligibility for

detail as a member of the General Staff Corps which was read, as follows:

Be it enacted, etc., That the first paragraph of section 5 of the National Defense Act of June 3, 1916 (39 Stat. 166), as amended by the act of June 4, 1920 (41 Stat. 759), be, and the same is hereby, amended to read as follows:

"Sec. 5. General Staff Corps: The General Staff Corps shall consist of the Chief of Staff, the War Department General Staff, and the General Staff with troops. The War Department General Staff shall consist of the Chief of Staff and 4 assistants to the Chief of Staff selected by the President from the general officers of the line, and 88 other officers of grades not below that of captain. The General Staff with troops shall consist of such number of officers not below the grade of captain as may be necessary to perform the General Staff duties of the headquarters of Territorial subdivisions, appropriate installations, General Headquarters, armies, army corps, divisions, General Headquarters Air Force, brigades, and similar units, and as military attachés abroad. In time of peace the detail of an officer as a member of the General Staff Corps shall be for a period of 4 years, unless sooner relieved."

Sec. 2. That the second paragraph of section 5 of the National Defense Act of June 3, 1916 (39 Stat. 166), as amended by the act of September 22, 1922 (42 Stat. 1032), be, and the same is hereby, rescinded.

Mr. McKELLAR. Mr. President, I should like to have the Senator from Texas explain what is proposed by this bill.

Mr. SHEPPARD. Mr. President, under present law, to be eligible for detail to the General Staff Corps, an officer must be a graduate of the Command and General Staff School. To be eligible for assignment to the War Department General Staff an officer must, in addition, be a graduate of the Army War College. The legal effect of the enactment into law of Senate bill 3843 will be to allow the War Department, in selecting officers for detail to the General Staff Corps and to the War Department General Staff, to consider nongraduates of the Command and General Staff School and the Army War College as well as graduates of those schools. Accommodations at the Command and General Staff School and the Army War College are such that all officers do not have the opportunity of attending those schools. Many officers, therefore, during their entire Army career, no matter how well qualified and capable, are barred under the present system from detail to the General Staff Corps or assignment to the War Department General Staff. Although the War Department recognizes fully the educational value of its schools, the Department points out that using graduation from such schools as a prerequisite to considering an officer for assignment to General Staff duty is illogical, unfair, and not in the best interests of the Service. This measure will occasion the Government no additional expense; it does not change present law limiting a tour of General Staff duty to 4 years; and it does not change present law requiring service with troops during a prescribed period immediately preceding assignment to General Staff duty. The bill is recommended favorably by the War Department, a hearing was held by the committee, and the measure has been favorably reported by the Military Affairs Committee, with a recommendation that it be passed.

Mr. McKELLAR. Does the bill do nothing more than to give the Secretary of War and the President the right to appoint such officers—

Mr. SHEPPARD. Such officers as are nongraduates of the schools, to which I have referred, as well as the graduates of such schools.

Mr. McKELLAR. Nongraduates or such officers as they may please to the General Staff Corps?

Mr. SHEPPARD. Yes; the bill democratizes the General Staff.

Mr. McKELLAR. I have no objection.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

THIRD PAN AMERICAN HIGHWAY CONFERENCE

The joint resolution (S. J. Res. 284) to authorize an appropriation for the expenses of participation by the United States in the Third Pan American Highway Conference, was

considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000, or so much thereof as may be necessary, for the expenses of participation by the United States in the Third Pan American Highway Conference, to be held in Chile during the fiscal year 1939, including personal services in the District of Columbia and elsewhere, without reference to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers, and periodicals; official cards; printing and binding; entertainment; local transportation; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payment may have been made for any of the purposes herein specified.

INTERNATIONAL UNION OF GEODESY AND GEOPHYSICS

The joint resolution (S. J. Res. 285) to authorize and request the President of the United States to invite the International Union of Geodesy and Geophysics to hold its seventh general assembly in the United States during the calendar year 1939, and to invite foreign governments to participate in that general assembly; and to authorize an appropriation to assist in meeting the expenses necessary for participation by the United States in the meeting, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the President be, and is hereby, authorized and requested to invite the International Union of Geodesy and Geophysics to hold its seventh general assembly in the United States during the calendar year 1939, and to invite foreign governments to participate in that general assembly.

Sec. 2. That the sum of \$5,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of organizing and holding the seventh general assembly of the International Union of Geodesy and Geophysics, including personal services in the District of Columbia and elsewhere without regard to the Classification Act of 1923, as amended; communication services; stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); travel expenses; local transportation; hire of motor-propelled passenger-carrying vehicles; rent in the District of Columbia and elsewhere; printing and binding; entertainment; official cards; purchase of newspapers and periodicals; necessary books and documents; stationery; membership badges; and such other expenses as may be actually and necessarily incurred by the Government of the United States by reason of observance of appropriate courtesies in connection therewith, and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriation from which payments have been made for any of the purposes herein specified.

DETAIL OF UNITED STATES EMPLOYEES TO SERVICE UNDER FOREIGN GOVERNMENTS

The bill (S. 3804) authorizing the temporary detail of United States employees, possessing special qualifications, to governments of American republics and the Philippines, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The Chair will suggest that the bill just stated by title is identical with Calendar No. 1758, being House bill 10193.

Mr. McKELLAR. Mr. President, I think the bill should be explained.

Mr. PITTMAN. Mr. President, Senate bill 3804 is an administration bill sent to the Senate by the State Department and referred to the Committee on Foreign Relations. The bill as it came to the Senate followed the act of May 19, 1926, as amended, authorizing the Government to detail military officers to the American republics for the purpose of instruction when they were invited by such governments to undertake such work.

The law applying to military officers allows the American republics to which military officers of the United States are detailed for the purpose of giving instruction to receive compensation from such foreign governments. The Foreign Relations Committee were unanimously opposed to the theory that an officer of our Government should receive compensation from any other government; in fact, the constitutional

question was raised. But, without regard to the constitutional question, the policy was disapproved of.

It is, however, a burden upon any officer to be sent away from his home to some southern country without additional compensation; but such compensation should be paid in the discretion of the President in the event he is assigned or detailed to such foreign country. Therefore this bill, prepared by the State Department, follows the law with regard to the detail of military officers except that it allows the Government to detail civilian experts to any of the American republics.

Mr. CONNALLY. Mr. President, may I ask the Senator what is meant by the term "experts"?

Mr. PITTMAN. I am referring to civilian experts such as officials in the Department of Agriculture who are proficient in various lines.

Mr. CONNALLY. I am glad to hear the Senator speak, but I am going to object to the bill when he concludes.

Mr. PITTMAN. I will make my speech anyway, then.

Mr. CONNALLY. I do not mean to be offensive; I am entertained by the Senator's speech, but I am not for the bill.

Mr. McKELLAR. Mr. President, may I ask the Senator from Nevada what are nonmilitary experts, such as those of the Department of Agriculture, to do when detailed for service in other countries?

Mr. PITTMAN. Of course, the Senator is familiar with the experts who are detailed to South American countries for the purpose of delivering lectures and affording instruction when they are invited to do so.

We are informed by the State Department, by Mr. Messersmith, and others who appeared before the committee, that there are today requests from Puerto Rico and some of the Central American countries, and South American countries, I believe, for experts from the Bureau of Entomology.

Mr. CONNALLY. Mr. President, if the Senator will allow me to interrupt him, Puerto Rico is a part of the United States. We can send anybody we want to send to Puerto Rico.

Mr. PITTMAN. Apparently the Department does not think so. I do not know whether or not they can do so.

Mr. CONNALLY. They can. A flock of officials from the departments go to Europe in the summer on Government travel pay, and no one knows what they are doing over there except having a good time.

Mr. PITTMAN. We will eliminate Puerto Rico, but there are requests from Central and South American governments for some of the experts of the Department of Agriculture, for instance, experts of the Bureaus of Entomology and Plant Industry, to go to those countries and aid them in various kinds of investigations having to do with plant lice and other pests. The help is needed right away; and our Government is perfectly willing to have our experts sent down there, providing they can be sent under authority, and that they will not receive any compensation from the foreign governments; but if a foreign government decides to compensate our Government, the Government may accept the compensation, though the officer cannot accept it.

Mr. McKELLAR. Mr. President, may I ask the Senator, would this bill apply to Canada?

Mr. PITTMAN. No; it would not.

Mr. McKELLAR. I understand that some of the officials of our Department of Agriculture spend all their summers at Government expense in Canada, investigating such matters as pine blister rust, and bugology of various kinds and descriptions, and I am just wondering whether or not the bill will enable a lot of people to enjoy vacations at Government expense? I hope that that would not be the case under the bill of the Senator from Nevada.

Mr. PITTMAN. I desire to say that I do not think this is at all a trivial matter, or I should not be presenting it.

Mr. McKELLAR. Oh, I am sure of that.

Mr. PITTMAN. Nor do I think it is a trivial matter to accept the invitation of the Latin American republics to detail some of our military officers to aid them in instruct-

ing students at their colleges in modern military methods and strategy. I know that every country in Europe today is very anxious to detail its officers to these countries.

Mr. McKELLAR. If the Senator will permit a statement at that point, I entirely agree with the Senator. I see no objection to that. I am very glad, however, that the committee has stricken out the provision which allowed our officers to be paid by another government, because I do not think that ought to be done under any circumstances.

Mr. PITTMAN. And at the next session of Congress I think the provision now in the law with regard to military officers should also be stricken out.

Mr. McKELLAR. It should.

Mr. PITTMAN. That, however, is a matter for the Military Affairs Committee to consider.

As to the matter now before the Senate, it is only a courtesy which we are extending to the Latin American republics. We have in our Agricultural Department experts who are supposed to have had every opportunity to study the extermination of plant-life pests. Some of the Latin American countries have not those experts. If we can afford to detail some experts to those countries when they are invited, we desire to send them down to aid the countries in the extermination of the pests, and to aid them by means of lectures before their agricultural colleges and departments with regard to methods of extermination. The experts undoubtedly will be designated by the Department of Commerce, but their appointment must be authorized by the State Department, because we are now pursuing the policy of having the State Department approve all these details to foreign countries.

It seems to me the matter is one of great importance. I know the State Department is very anxious to have the measure passed, so that it may accept the invitation of the countries in question to aid them in their fight against pests affecting plant life.

Mr. POPE. Mr. President, I should like to ask the Senator from Nevada a question. This measure has no relation, then, to any military or naval conditions?

Mr. PITTMAN. None whatever.

Mr. CONNALLY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

A. R. WICKHAM

The bill (H. R. 5056) for the relief of A. R. Wickham was considered, ordered to a third reading, read the third time, and passed.

J. F. STINSON

The bill (H. R. 4340) for the relief of J. F. Stinson was considered, ordered to a third reading, read the third time, and passed.

FLORIDIAN PRESS OF JACKSONVILLE, INC.

The bill (H. R. 4564) for the relief of the Floridian Press of Jacksonville, Inc., Jacksonville, Fla., was considered, ordered to a third reading, read the third time, and passed.

SHELBA JENNINGS

The bill (H. R. 7500) for the relief of Shelba Jennings was considered, ordered to a third reading, read the third time, and passed.

JOE F. PEDLICHEK

The bill (H. R. 7521) for the relief of Joe F. Pedlichek was considered, ordered to a third reading, read the third time, and passed.

EULA SCRUGGS

The bill (H. R. 7601) for the relief of Eula Scruggs was considered, ordered to a third reading, read the third time, and passed.

FRANK SCOFIELD

The bill (H. R. 7796) for the relief of Frank Scofield was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE CONSTITUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

The joint resolution (S. J. Res. 65) proposing an amendment to the Constitution of the United States relative to equal rights for men and women was announced as next in order.

Mr. BORAH. Mr. President, I move that the joint resolution be recommitted to the Committee on the Judiciary.

The PRESIDING OFFICER. The question is on the motion of the Senator from Idaho.

The motion was agreed to.

BILL PASSED OVER

The bill (S. 3192) to authorize the appointment of an additional judge for the District Court of the United States for the District of Montana was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TERMS OF DISTRICT COURT AT HUTCHINSON, KANS.

The Senate proceeded to consider the bill (S. 3373) to provide for holding terms of the district court of the United States at Hutchinson, Kans., which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 10, after the word "November", to insert "when suitable rooms and accommodations for holding terms of the court shall be provided at Hutchinson free of cost to the United States or a Federal building containing such suitable rooms and accommodations shall be erected at such place", so as to make the bill read:

Be it enacted, etc., That so much of section 82 of the Judicial Code, as amended, as reads "terms of the district court for the second division shall be held at Wichita on the second Mondays in March and September" is amended to read as follows: "terms of the district court for the second division shall be held at Wichita on the second Mondays in March and September, and at Hutchinson on the second Monday in June and the first Monday in November, when suitable rooms and accommodations for holding terms of the court shall be provided at Hutchinson free of cost to the United States or a Federal building containing such suitable rooms and accommodations shall be erected at such place."

The amendment was agreed to.

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

BILLS PASSED OVER

The bill (H. R. 8565) defining the compensation of persons holding positions as deputy clerks and commissioners of United States district courts and for other purposes was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 457) to amend secs. 1 and 6 of the Civil Service Retirement Act approved May 29, 1930, as amended, was announced as next in order.

Mr. KING. Mr. President, I have had a number of communications with respect to this measure which call for further examination. I ask that the bill be passed over.

Mr. NEELY. Mr. President, will the Senator kindly withhold his request for postponement for a moment?

Mr. KING. I withhold it.

Mr. NEELY. The Senator, of course, has the right to object to the present consideration of the bill. He is also entitled to a reasonable time within which to determine whether he will oppose it or support it. But this measure is important, and I am impelled to inform the able Senator from Utah that at the earliest appropriate time an effort will be made to take it up by motion if unanimous consent for its consideration cannot be obtained.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

TERM OF DISTRICT COURT AT KALISPELL, MONT.

The Senate proceeded to consider the bill (S. 3204) to amend section 92 of the Judicial Code to provide for a term of court at Kalispell, Mont., which had been reported from the Committee on the Judiciary with amendments, on page 1, line 10, after the word "court", to strike out "Provided, That" and insert "when"; in line 11, after the word "holding", to insert "terms of the"; on page 2, line 1, after the word "Kalispell", to strike out "are furnished free of all expense" and insert "shall be provided free of cost"; and in line 3, after the words "United States", to insert "or a Federal

building containing such suitable rooms and accommodations shall be erected at such places"; so as to make the bill read:

Be it enacted, etc., That section 92 of the Judicial Code, as amended, is amended to read as follows:

"Sec. 92. The State of Montana shall constitute one judicial district, to be known as the district of Montana. Terms of the district court shall be held at Helena, Butte, Great Falls, Lewistown, Billings, Missoula, Glasgow, Havre, Miles City, Livingston, and Kalispell at such times as may be fixed by rule of such court when suitable rooms and accommodations for holding terms of the court at Lewistown, Livingston, Havre, and Kalispell shall be provided free of cost to the United States, or a Federal building containing such suitable rooms and accommodations shall be erected at such places. Causes, civil and criminal, may be transferred by the court or a judge thereof from any sitting place designated above to any other sitting place thus designated, when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place."

The amendments were agreed to.

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

GENERAL PULASKI'S MEMORIAL DAY

The Senate proceeded to consider the joint resolution (H. J. Res. 622) authorizing the President of the United States of America to proclaim October 11, 1938, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 3, after the word "authorized", to strike out "and directed", so as to make the joint resolution read:

Resolved, etc., That the President of the United States is authorized to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1938, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of Gen. Casimir Pulaski.

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

AMENDMENT OF JUDICIAL CODE—APPEAL TO CIRCUIT COURT OF APPEALS

The Senate proceeded to consider the bill (S. 3469) to amend section 128 of the Judicial Code, as amended, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, after line 6, to strike out:

"Third. In the District Court for Alaska or any division thereof, in all cases; in the District Court for the Virgin Islands, in all civil cases wherein the Constitution or a statute or treaty of the United States or any authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds \$1,000; in all criminal cases, and in all habeas corpus proceedings; and in the District Court of the Canal Zone in the cases and modes prescribed in sections 61 and 62, title 7, Canal Zone Code (48 Stat. 1122)."

And in lieu thereof to insert:

"(a) The circuit courts of appeal shall have appellate jurisdiction to review by appeal final decisions—

"First. In the district courts, in all cases save where a direct review of the decision may be had in the Supreme Court under section 238.

"Second. In the United States District Courts for Hawaii and for Puerto Rico, in all cases.

"Third. In the District Court for the District of Alaska, or any division thereof, and in the District Court of the Virgin Islands, in all cases; and in the United States District Court for the District of the Canal Zone in the cases and modes prescribed in sections 61 and 62, title 7, Canal Zone Code (48 Stat. 1122).

"Fourth. In the Supreme Courts of the Territory of Hawaii and of Puerto Rico, in all cases, civil or criminal, wherein the Constitution or a statute or treaty of the United States or any authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interests and costs, exceeds \$5,000, and in all habeas corpus proceedings.

"Fifth. In the United States Court for China, in all cases."

So as to make the bill read:

Be it enacted, etc., That paragraph "Third" of subsection (a) of section 128 of the Judicial Code, as amended (43 Stat. 936; U. S. C.,

title 28, sec. 225 (a)), be, and it is hereby, amended to read as follows:

"(a) The circuit courts of appeal shall have appellate jurisdiction to review by appeal final decisions—

"First. In the district courts, in all cases save where a direct review of the decision may be had in the Supreme Court under section 238.

"Second. In the United States District Courts for Hawaii and for Puerto Rico, in all cases.

"Third. In the District Court for the District of Alaska, or any division thereof, and in the District Court of the Virgin Islands, in all cases; and in the United States District Court for the District of the Canal Zone in the cases and modes prescribed in sections 61 and 62, title 7, Canal Zone Code (48 Stat. 1122).

"Fourth. In the Supreme Courts of the Territory of Hawaii and of Puerto Rico, in all cases, civil or criminal, wherein the Constitution or a statute or treaty of the United States or any authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interests and costs, exceeds \$5,000, and in all habeas corpus proceedings.

"Fifth. In the United States Court for China, in all cases."

Mr. McKELLAR. Mr. President, I should like to have an explanation of the bill.

Mr. BURKE. Mr. President, the enactment of the bill is recommended by the Attorney General. Its only purpose is this:

Under the law, as it now stands, in Alaska and in the Virgin Islands there is no right of appeal for cases involving less than \$1,000. Anyone who has a case in the United States District Court in Alaska or in the Virgin Islands has no right of appeal unless more than \$1,000 is involved. The Attorney General has recommended that in those two instances the act be amended to give a right of appeal.

Mr. McKELLAR. I have no objection.

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

The amendment was agreed to.

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

BILLS PASSED OVER

The bill (S. 3606) to amend the Interstate Commerce Act, as amended, by amending certain provisions of part II of said act, otherwise known as the Motor Carrier Act, 1935, was announced as next in order.

Mr. McKELLAR. May we have an explanation of the bill? If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7711) to amend the act approved June 19, 1934, entitled "the Communications Act of 1934," was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF FEDERAL RESERVE ACT

The Senate proceeded to consider the bill (H. R. 7187) to amend section 12B of the Federal Reserve Act, as amended, which had been reported from the Committee on Banking and Currency with amendments.

Mr. KING. Mr. President, may we have an explanation of this bill? I have had no time to read it.

Mr. WAGNER. Mr. President, as the report indicates, all but four banks in the United States now have removed the double liability of stockholders. All of our national banks have removed it, as have most of the State banks. The bill simply provides that all the banks shall be placed on the same level; that when the Federal Deposit Insurance Corporation are subrogated to a depositor's claim, they shall be subrogated only to the extent of single liability rather than double liability, so as to put all banks upon an equal basis. Every State except four now has removed the double liability.

Mr. KING. The enactment of the bill will not militate in any way against independent banks?

Mr. WAGNER. Oh, absolutely not. It is desired by the banks.

Mr. KING. I have no objection.

The PRESIDING OFFICER. The amendments reported by the committee will be stated.

The amendments were, on page 1, line 3, after the word "subsection", to strike out "(1)" and insert "(l)"; and on page 2, line 15, after the words "after the", to strike out "enactment of this act, the Corporation shall waive in favor of any person only against whom stockholders' liability may be asserted any claim to recover from such person on account of stockholders' individual liability in excess of his liability, if any, to the bank or its creditors for an amount unpaid upon stock" and insert "date this paragraph as amended takes effect, the Corporation shall waive, in favor only of any person against whom stockholders' individual liability may be asserted, any claim on account of such liability in excess of the liability, if any, to the bank or its creditors, for the amount unpaid upon its stock in such bank; but any", so as to make the bill read:

Be it enacted, etc., That paragraph (7) of subsection (l) of section 12B of the Federal Reserve Act, as amended (U. S. C., 1934 ed., Supp. II, title 12, sec. 264), be amended to read as follows:

"In the case of a closed national bank or District bank, the Corporation, upon the payment of any depositor as provided in paragraph (6) of this subsection, shall be subrogated to all rights of the depositor against the closed bank to the extent of such payment. In the case of any other closed insured bank, the Corporation shall not make any payment to any depositor until the right of the Corporation to be subrogated to the rights of such depositor on the same basis as provided in the case of a closed national bank under this section shall have been recognized either by express provision of State law, by allowance of claims by the authority having supervision of such bank, by assignment of claims by depositors, or by any other effective method. In the case of any closed insured bank, such subrogation shall include the right on the part of the Corporation to receive the same dividends from the proceeds of the assets of such closed bank and recoveries on account of stockholders' liability as would have been payable to the depositor on a claim for the insured deposit, but such depositor shall retain his claim for any uninsured portion of his deposit: *Provided*, That, with respect to any bank which closes after the date this paragraph as amended takes effect, the Corporation shall waive, in favor only of any person against whom stockholders' individual liability may be asserted, any claim on account of such liability in excess of the liability, if any, to the bank or its creditors, for the amount unpaid upon his stock in such bank; but any such waiver shall be effected in such manner and on such terms and conditions as will not increase recoveries or dividends on account of claims to which the Corporation is not subrogated: *Provided further*, That the rights of depositors and other creditors of any State bank shall be determined in accordance with the applicable provisions of State law."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REPORTING OF POSITIONS OF SHIPS

Mr. WHITE. Mr. President, I ask to recur to Calendar No. 1721, House bill 7711, to amend the act approved June 19, 1934, entitled "The Communications Act of 1934," which went over on the objection, but I did not hear who objected.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. McKELLAR] objected.

Mr. McKELLAR. I merely wanted an explanation.

Mr. WHITE. Mr. President, this bill is designed to make possible the reporting of positions of ships without charge to those who receive and who send the information to the press of the country. It relates only to information which comes from vessels at sea as to their location. There has been a ruling or regulation by the Federal Communications Commission to the effect that there can be no free service of that character.

Mr. McKELLAR. What will it cost the Government?

Mr. WHITE. It will cost the Government nothing. The information comes from the ships at sea which are equipped with radio. It is picked up at receiving stations along the shore, not Government stations, and under the practice heretofore a charge has been made to the press interested in getting the information, and publishing to the world the location of the incoming and outgoing ships. It imposes no burden on the Government itself, but is in the nature of a free service rendered to the public.

Mr. KING. Mr. President, I suppose the Senator is familiar with the observation made by the Chairman of the Federal Communications Commission to the effect that—

The Commission has no information which would cause it to believe that the enactment of H. R. 1592 would be desirable.

And the concluding statement in his report is as follows:

Your attention is called to the fact that the furnishing of information obtained from addressed messages or intercepted traffic would be inconsistent with the secrecy provisions of the Communications Act (sec. 605), and perhaps also the International Telecommunications Convention, Madrid, 1932, and the General Radio Regulations annexed thereto.

Are not those objections suggested by the chairman sufficient to cause us to pause before passing this bill?

Mr. WHITE. In my opinion, they are not. It is not a matter in which I have any personal or particular interest, but it occurs to me that there can be no real objection to the bill.

Mr. McKELLAR. Let the bill go over at this time, and we will take it up at the next call of the calendar.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

EXEMPTION OF FEDERATIONS OF COOPERATIVE ASSOCIATIONS

The Senate proceeded to consider the bill (S. 3915) to amend clause (4b) of subsection (b) of section 203 of the Motor Carrier Act, 1935, which was read, as follows:

Be it enacted, etc., That clause (4b) of subsection (b) of section 203 of the Motor Carrier Act, 1935, is amended by inserting after the word "amended" a comma and the following: "or by a federation of such cooperative associations or by a federation of such cooperative associations, if such federation possesses no greater powers or purposes than cooperative associations so defined."

Mr. NYE. Mr. President, a clerical error has entered into the printing of the bill, which I should like to correct by an amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On lines 5 and 6 it is proposed to strike out the words "or by a federation of such cooperative associations."

Mr. McNARY. Mr. President, I should like to have the able Senator from North Dakota briefly explain his amendment.

Mr. NYE. Mr. President, the section to which the amendment refers offers exemptions to cooperatives. A federation of cooperatives known as the Farmers' Union Livestock Commission Co. is operating a trucking service, and, under regulations laid down by the Interstate Commerce Commission, they are not afforded the exemptions which the law intended for them. The Interstate Commerce Commission has laid down a regulation exempting them, but this bill would make permanent the exemption, and would clarify the law with respect to federations of cooperatives. It is not opposed by the Interstate Commerce Commission.

Mr. WHITE. Mr. President, does the bill in its present form include a recommendation made by Mr. Eastman, of the Commission?

Mr. NYE. It does.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota. The amendment was agreed to.

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

READING MATTER FOR THE BLIND

The bill (H. R. 9601) to amend the acts for promoting the circulation of reading matter among the blind, was considered, ordered to a third reading, read the third time, and passed.

SALARIES OF RURAL LETTER CARRIERS

The bill (H. R. 3609) to protect the salaries of rural letter carriers who transfer from one rural route to another, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 4285) to increase the salaries of letter carriers in the Village Delivery Service, was announced as next in order.

Mr. KING. Mr. President, some objections have been made to this bill, and I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

MISSOURI RIVER BRIDGE, NORTH DAKOTA

The Senate proceeded to consider the bill (S. 3907) to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak., which was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Garrison, N. Dak., authorized to be built by the State of North Dakota, by the act of Congress approved February 10, 1932, and heretofore extended by acts of Congress approved February 14, 1933, and June 12, 1934, May 24, 1935, and June 5, 1936, are hereby further extended 1 and 3 years, respectively, from June 12, 1937.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. NYE. Mr. President, this bill is what its title would indicate. However, an identical bill was passed a year ago, and there entered into the printing of the law an error which is sought to be amended by this proposal. Now, with the consent of the Senator from New York, I should like to amend the language in line 9 by changing the word "one" to "two" and the word "three" to "four," in order to provide an extension beyond the present time.

The amendments were agreed to.

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

ISLE ROYALE NATIONAL PARK

The Senate proceeded to consider the bill H. R. 7826, an act to make available for national-park purposes certain lands within the boundaries of the proposed Isle Royale National Park, and for other purposes, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 4, after the word "otherwise", to strike out "or which hereafter may be allocated and made available", so as to make the bill read:

Be it enacted, etc., That all lands purchased from funds, heretofore allocated and made available by Executive order, or otherwise for the acquisition of lands for conservation or forestation purposes within the maximum boundaries of the Isle Royale National Park, as authorized by the act of March 3, 1931 (46 Stat. 1514), be, and the same are hereby, made a part of the said park as fully as if originally acquired for that purpose and the proviso at the end of section 1 of the said act of March 3, 1931, shall not be construed so as to prohibit the acquisition of lands in the park area with the aforesaid funds.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

NICOLSON SEED FARMS

The bill (H. R. 9349) for the relief of the Nicolson Seed Farms, a Utah corporation, was considered, ordered to a third reading, read the third time, and passed.

CLASSIFIED STATUS FOR SPECIAL-DELIVERY MESSENGERS

The bill (H. R. 2006) to permit certain special-delivery messengers to acquire a classified status through noncompetitive examination was considered, ordered to a third reading, read the third time, and passed.

REHEARINGS AND COURT REVIEWS UNDER FEDERAL POWER ACT

The bill (S. 3793) to amend section 313 of the Federal Power Act with respect to rehearings and court review of orders or findings made under such act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 313 of the Federal Power Act is amended—

(1) By striking out so much of the first sentence of subsection (a) as reads "aggrieved by an order" and inserting in lieu thereof the words "adversely affected or aggrieved by an order or finding";

by striking out so much of such sentence as reads "to which such person, State, municipality, or State commission is a party"; and by inserting before the period at the end of such sentence the words "or the making of such finding."

(2) By inserting in the third and fifth sentences of subsection (a), after the word "order" where it appears in each of such sentences, the words "or finding."

(3) By striking out so much of the first sentence of subsection (b) as reads "Any party to a proceeding under this act aggrieved by an order issued by the Commission in such proceeding may obtain a review of such order" and inserting in lieu thereof the words "Any such person, State, municipality, or State commission may obtain a review of such order or finding"; by striking out so much of such sentence as reads "wherein the licensee or public utility to which the order relates is located" and inserting in lieu thereof the words "wherein such person, State, municipality, or State commission to which the order or finding relates is located"; and by inserting after the word "order", wherever it appears thereafter in such sentence, the words "or finding."

(4) By inserting in the second, third, fourth, seventh, and eighth sentences of subsection (b), after the word "order" where it appears in each of such sentences, the words "or finding."

(5) By inserting between the word "order" and the period at the end of each of the sentences of subsection (c), the words "or finding."

Sec. 2. The amendments made by this act shall be effective with respect to any order or finding issued by the Federal Power Commission after August 26, 1935; and any person, State, municipality, or State commission adversely affected or aggrieved by any such order or finding issued between August 26, 1935, and the date of enactment of this act shall have all of the rights to a rehearing and review, as provided by section 313 of the Federal Power Act as amended by this act, if application for a rehearing is made within 60 days after the date of enactment of this act, whether or not an application for a rehearing with respect to such order or finding shall have been previously made.

RECONCENTRATION OF COTTON

The Senate proceeded to consider the bill (S. 3836) relating to the manner of securing written consent for the reconcentration of cotton under section 383 (b) of the Agricultural Adjustment Act of 1938, which was read, as follows:

Be it enacted, etc., That in the administration of section 383 (b) of the Agricultural Adjustment Act of 1938 the written consent of the producer or borrower to the reconcentration of any cotton held as security for any loan heretofore or hereafter made or arranged for by the Commodity Credit Corporation shall not be deemed to have been given unless such consent shall have been given in an instrument made solely for that purpose. Notwithstanding any provision of any loan agreement heretofore made, no cotton held under any such agreement as security for any such loan shall be moved from one warehouse to another unless the written consent of the producer or borrower shall have been obtained in a separate instrument given solely for that purpose, as required by this act. The giving of written consent for the reconcentration of cotton shall not be made a condition upon the making of any loan hereafter made or arranged for by the Commodity Credit Corporation.

Mr. McKELLAR. Mr. President, I should like to have an explanation of the bill.

Mr. BANKHEAD. Mr. President, the farm bill passed some time ago required written consent of the farmers who had secured cotton under a loan before the cotton belonging to the farmers could be moved out of the county in which it was produced, and where it was stored. After the enactment of the bill, intended, of course, to keep the cotton at home, where the cotton farmer could see it when he wanted to get samples and observe its classification, it developed that, in taking applications for loans, the Commodity Credit Corporation had inserted in the printed matter in the applications, where it was not noticeable, an agreement that the Commodity Credit Corporation could without further consent move cotton out of the county to further concentration points. The pending bill merely provides that before cotton may be moved there must be a separate agreement, signed by the farmer affected, consenting.

Mr. McKELLAR. As I understand, the agreement which the Commodity Credit Corporation has put into its regular form, and which the farmer who puts his cotton in the warehouse signs, is made of no effect by the pending bill. In other words, the bill repeals that unauthorized action of the Department?

Mr. BANKHEAD. That is the effect.

Mr. McKELLAR. I think the bill is very proper, and should pass by all means.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

COLLECTION AND PUBLICATION OF COTTON STATISTICS

The bill (S. 3882) amending the act authorizing the collection of cotton statistics by requiring a record to be kept of bales ginned by counties, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That an act authorizing the Director of the Census to collect and publish statistics of cotton, approved April 2, 1924, be amended by adding at the end of section 4 thereof the following:

"It shall also be the duty of every cotton ginner to keep a record of the county or parish in which each bale of cotton ginned by him is grown and to report at the March canvass of each year a segregation of the total number of bales ginned by counties or parishes in which grown."

VACANCIES IN OFFICES OF SENATORS AND REPRESENTATIVES OF PUERTO RICO

The Senate proceeded to consider the bill (H. R. 1486) to amend section 30 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," which had been reported from the Committee on Territories and Insular Affairs with an amendment, on page 1, after line 6, to strike out:

Sec. 30. That the term of office of senators and representatives chosen by the first general election shall be until January 1, 1921, and the terms of office of senators and representatives chosen at subsequent elections shall be 4 years from the 2d of January following their election. In case of a vacancy in the office of any senator or representative of the legislature by death, resignation, or otherwise, the Governor, by and with the recommendation of the central committee of the political party that elected the incumbent, shall appoint such senator or representative to fill the vacancy who shall serve until the next general election and until his successor is elected.

And to insert:

Sec. 30. The terms of office of senators and representatives elected at any general election shall be 4 years, commencing on the 2d day of January following the date upon which such election was held. In case of a vacancy in the office of any senator or representative occurring by reason of death, resignation, or otherwise, the Governor, upon the recommendation of the central committee of the political party of which such senator or representative was a member, shall appoint a senator or representative from such political party to fill such vacancy who shall hold office for the remainder of the term for which his predecessor was elected. No senator or representative so elected or appointed shall, during his term of office, be appointed to any civil office under the Government of Puerto Rico, and no such senator or representative shall be eligible for appointment to any office created during his term of office until the expiration of 2 years after the date upon which his term of office shall have expired.

So as to make the bill read:

Be it enacted, etc., That section 30 of the act entitled "An act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917, as amended, is amended to read as follows:

"Sec. 30. The terms of office of senators and representatives elected at any general election shall be 4 years, commencing on the 2d day of January following the date upon which such election was held. In case of a vacancy in the office of any senator or representative occurring by reason of death, resignation, or otherwise, the Governor, upon the recommendation of the central committee of the political party of which such senator or representative was a member, shall appoint a senator or representative from such political party to fill such vacancy who shall hold office for the remainder of the term for which his predecessor was elected. No senator or representative so elected or appointed shall, during his term of office, be appointed to any civil office under the Government of Puerto Rico, and no such senator or representative shall be eligible for appointment to any office created during his term of office until the expiration of 2 years after the date upon which his term of office shall have expired."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. KING. Mr. President, I ask that the report of the committee and the letter of Mr. Iglesias, the Resident Commissioner from Puerto Rico, be inserted in the Record.

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

VACANCIES IN OFFICES OF SENATORS AND REPRESENTATIVES IN PUERTO RICAN LEGISLATURE

The Committee on Territories and Insular Affairs, to whom was referred the bill (H. R. 1486) to amend section 30 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

Statement

Under section 30 of the organic act of Porto Rico provision is made for filling vacancies in the offices of senators and representatives in the local legislature by means of special elections, but this method of filling vacancies has proved to be impracticable because of the difficulties which have been experienced in financing the special elections. As a result, in many instances such vacancies have not been filled until the next succeeding general election, and such elections are held only at 4-year intervals.

The purpose of the bill is to authorize the Governor to fill such vacancies by appointment of persons who are members of the same political parties as the senators and representatives who were elected at the general elections and whose death or resignation or retirement from office created the vacancies. No such appointment is to be made, however, except upon the recommendation of the central committee of the political party to which the senator or representative whose office was vacated belonged.

The amendment recommended by the committee clarifies the language of the House bill in certain respects and eliminates the temporary provisions which related to the senators and representatives who were elected at the first general election and were to hold office only until January 1, 1921. The amendment also restores the provision of existing law which prohibited any such senator or representative, during his term of office, from holding office under the civil government of Puerto Rico, or from holding any appointive office which was created during his term of office until 2 years after his term of office as senator or representative expired.

The attached letter indicates that the general purposes of the bill have the support of every political party in Puerto Rico.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 9, 1938.

HON. MILLARD E. TYDINGS,

United States Senate, Washington, D. C.

MY DEAR SENATOR TYDINGS: You were officially informed in the Senate February 8 that H. R. 1486, "To amend section 30 of the organic act of Porto Rico," passed the House without amendment. It is now before your committee for consideration.

The purpose of the bill is to empower the Governor of Puerto Rico, in case of a death or the resignation of a member of the insular legislature, to appoint a successor for the unexpired term of the incumbent in accordance with the recommendation of the central committee of the political party to which the incumbent belonged.

It has been contended that the bill violates the principle of democratic government, in that the legislature shall at all times be independent of the executive. However, we believe that the measure, if enacted, will not in any way interfere with the rights of the people, because the central committee of the party which selected the candidate for the vacancy that might occur merely recommends to the Governor a person of the same party for the unexpired time.

It is more economical for our people than to have a special election to fill such a vacancy, and certainly more democratic than to leave such a position vacant until the next general elections, which are held every 4 years.

We have had in past years vacancies in both the senate and the house of representatives because the municipalities and the insular government felt they could not finance a special election. This being the case, we think that a logical and a just remedy in the form of this bill is in order.

This bill has the approval of every political party in Puerto Rico and each party has agreed to request the Congress to enact such a bill. I assure you and all Members of Congress who are in doubt as to the wisdom of this legislation that it is the best and the wise course to follow in this case. It cannot do harm to anyone in the island.

With kindest regards, I am,
Sincerely yours,

SANTIAGO IGLESIAS.

BILLS RECOMMENDED

Mr. COPELAND. Mr. President, I ask that two bridge bills, being Order of Business 1735, Senate bill 3770, and Order of Business 1736, Senate bill 3769, be recommitted to the Committee on Commerce. We have an eagle-eyed chairman of the subcommittee on bridges and these bills were not referred to him, as they should have been. If they had been, some changes which are needed would have been made in them.

I ask the attention of the Senator from Texas [Mr. SHEPPARD]. I suggest that when the bills are returned to

the committee he note the recommendations of the Department about various changes which should be made.

Mr. SHEPPARD. Very well.

Mr. COPELAND. I ask that the bills be recommitted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bills will be recommitted to the Committee on Commerce.

DISPOSITION OF REMAINS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES OF THE ARMY

The bill (S. 3350) to amend the act of March 9, 1928, authorizing appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army," approved March 9, 1928, is hereby amended to read as follows:

"That there is hereby authorized to be appropriated from time to time such sums as may be necessary for funeral expenses of the persons hereinafter designated, to be expended under such regulations as the Secretary of War may prescribe.

"Sec. 2. Authorizing funeral expenses shall include the expenses of, and incident to, the recovery of bodies, cremation (only upon the request of relatives of the deceased), preparation for burial, transportation to the home of the deceased or to a national or other cemetery designated by proper authority, and interment.

"Sec. 3. Funeral expenses shall be allowed for (1) all persons in the Regular Army as composed under section 2, Act of June 3, 1916, as amended (39 Stat. 166; U. S. C., title 10, sec. 4), who die while in the active military service; (2) accepted applicants for enlistment; (3) enlisted men who are discharged in hospitals and continue as inmates of said hospitals to the date of their death; (4) civilian employees of the Army or of the War Department who have been ordered by competent authority away from their homes in the United States to foreign countries, Hawaii, the Philippine Islands, Alaska, Puerto Rico, or the Canal Zone, and who die while on duty in such places or while performing authorized travel thereto or therefrom; (5) civilian employees of the Army or of the War Department who die on Army transports or while accompanying troops in the field, or who, while on Army transports or while accompanying troops in the field, incur injury or contract disease resulting directly in death away from their homes: *Provided*, That the benefits of this act will be denied in no case on the ground that the deceased was temporarily absent with or without leave when death occurred.

"Sec. 4. There is further authorized to be appropriated from time to time such sums as may be necessary for the expenses of preparations for burial and interment of military prisoners who die at military posts, of prisoners of war, and of interned alien enemies who die in prison camps in the United States; for the expenses of the removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines interred in field, abandoned graves, or abandoned private or city cemeteries; and for the expenses of segregation of bodies in permanent American cemeteries in Great Britain and France.

"Sec. 5. In any case where funeral expenses authorized in section 3 hereof are borne by individuals, reimbursement to such individuals may be made of the amount allowed by the Government for such services, but no reimbursement shall be made of any expenses incurred prior to the enactment of this act which would not have been a proper charge against the Government prior to the date of approval thereof.

"Sec. 6. The act entitled 'An act to authorize an appropriation for the recovery of the bodies of officers, soldiers, and civilian employees,' approved March 8, 1928, is hereby repealed."

BENJAMIN H. FAITH

Mr. MINTON. I ask unanimous consent to revert to Senate bill 3490, being Calendar No. 1688, which was passed over in my absence. I understand that the Senator from Utah [Mr. KING] objected when the bill was reached on the calendar because no explanation was made.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Indiana?

Mr. KING. I do not object. My objection was predicated upon an adverse report by the Secretary of War, and in the absence of any explanation, I relied upon the strong recommendation of the Secretary of War. I have no objection to the present consideration of the bill.

There being no objection the Senate proceeded to consider the bill (S. 3490) for the relief of Benjamin H. Faith, which was read, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army Benjamin

H. Faith shall be held and considered to have been honorably discharged on July 7, 1919, as a private, Battery C, Fifteenth Regiment Field Artillery, United States Army; but no pension, pay, bounty, or other benefit, except the benefits of the World War Adjusted Compensation Act, as amended and supplemented, shall be held to accrue by reason of this act prior to its passage.

Mr. MINTON. Mr. President, this bill is for the relief of Benjamin H. Faith, who was a soldier during the World War.

Mr. Faith served overseas for almost 2 years. He was in every important engagement in which our Army took part in France. He has a wonderful record as a soldier in the line. While his unit was in the Army of Occupation in Germany, Mr. Faith was placed upon kitchen-police duty one day, or his duties at least took him into the kitchen, and his story is that upon the floor of the kitchen he found some 300 German marks, about \$12.75 in our money. He put them in his pocket, and that evening he spent some of the marks, and he still had some of the marks left on him when the one who owned the marks came to him with a couple of German boys and accused him of stealing the marks.

Mr. Faith was court-martialed for stealing the marks from the cook of his company. The evidence, being largely the testimony of these German boys, was to the effect that he had picked these marks out of the pocket of the cook while he was in the kitchen, but the cook's own testimony and all the testimony in the case was that the cook had on an apron, wrapped tightly around his waist, which covered his pocket. So it could not possibly have happened that way. Faith's testimony was that he found the money on the floor.

While he may have committed a dishonest act in taking the money which he knew did not belong to him, and was evidently lost, the great and overwhelming weight of the testimony in the case showed that this boy had not stolen that money, but he was convicted by the court martial; he was sentenced to serve 6 months in the prison in Germany, to forfeit all pay and allowances, and to be dishonorably discharged from the Army. He served his time; he paid his allowances, and then on top of that he received a dishonorable discharge from the Army.

Mr. President, at the present time this man lives in my home town. I know him personally. Ever since he came out of the service he has held a job with a printing and publishing concern in Louisville, Ky. He bears a fine reputation, and he is a splendid citizen. Yet this record is against him, a record which is based upon what I think is not even the weight of the evidence, to say nothing of leading to a conviction beyond all reasonable doubt, and I think the man ought to be relieved of that penalty.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

EXCHANGE OF SITES FOR COAST GUARD PURPOSES

The bill (S. 2971) authorizing the Secretary of the Treasury to exchange sites for Coast Guard purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to exchange any land acquired by purchase, donation, exchange, or by any other method, as a site for the use of the Coast Guard for any other land which is determined by a board of Coast Guard officers, appointed by the Commandant, to be an adequate consideration for such exchange, subject to the approval of the Secretary: *Provided*, That the title to any land acquired in this manner by the Government shall be subject to the approval of the Attorney General: *And provided further*, That any conveyance by the Government under this act shall be by a quitclaim deed.

BILL PASSED OVER

The bill (S. 3635) to encourage travel to and within the United States, and for other purposes, was announced as next in order.

Mr. WHITE. I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

QUARTERS AND SUBSISTENCE ALLOWANCES OF COAST GUARD

The bill (S. 3823) to equalize certain allowances for quarters and subsistence of enlisted men of the Coast Guard

with those of the Army, Navy, and Marine Corps, was announced as next in order.

Mr. KING. Mr. President, may we have an explanation of this bill?

Mr. COPELAND. Mr. President, with regard to Senate bill 3823, I will say to the Senator from Utah that the bill provides for placing the warrant officers and the enlisted men of the Coast Guard on the same basis with those in the Navy. In the Navy, warrant officers and enlisted men are entitled to receive allowances for quarters and subsistence during illness, and the matter has been so treated for years. But in January of this year the Comptroller General ruled that a man in this category was not entitled to quarters allowance while undergoing treatment in the Marine hospital during the month of January 1937. These warrant officers are exactly on the same plane with those in the Navy. In time of war the Coast Guard is attached to the Navy. The noncommissioned officers in the Army, the sergeants, and so forth, are given exactly the same privilege, and there is no reason at all why the Coast Guard should not be placed upon the same level. That has been the practice, but the recent ruling coming out of the clear sky has directed attention to the fact that there has not been justification by substantive law for the same treatment of the Coast Guard officers accorded those in the other branches of the military service.

Mr. KING. I shall object for the reason, first, that there is some controversy now as to the status of the Coast Guard, and there is a feeling that the Coast Guard is seeking all the advantages, privileges, and benefits of the Navy. That matter is under consideration. There is now pending a motion made by me to reconsider a bill dealing with this matter which was passed a short time ago. I desire to make further inquiry of the Navy and of the officials of the Government with regard to the matter. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND. Mr. President, I am satisfied to have the bill go over, as suggested by the Senator from Utah, in order that he may look into it, but I hope that in his study of the problem he will give consideration not alone to the large question of the position of the Coast Guard in our scheme of things, but to Coast Guard officers of similar rank with officers in the Navy and in the Army, in order that they may not be treated less generously than are the other employees of the Government.

Mr. KING. I assure the Senator the matter will be given careful attention.

BILL PASSED OVER

The bill (H. R. 9722) to amend section 5 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905 (33 Stat. 616), was announced as next in order.

Mr. McKELLAR. I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

CONVEYANCE OF LAND TO CITY OF KETCHIKAN, ALASKA

The bill (H. R. 7259) to authorize the conveyance by the United States to the city of Ketchikan, Alaska, of a certain tract of land in the town site of Ketchikan was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 7778) to amend section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, was announced as next in order.

Mr. McKELLAR. I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7553) to amend the laws of Alaska imposing taxes for carrying on business and trade was announced as next in order.

Mr. McNARY. Mr. President, in the absence of an explanation of the bill, I ask that it be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

CONVEYANCE OF LAND TO UNIVERSITY OF ALASKA

The bill (S. 3894) to convey to the University of Alaska a tract of land for use as the site of a fur farm experiment station was announced as next in order.

The PRESIDENT pro tempore. The House has passed an identical bill, being House bill 9912, Calendar No. 1756. Is there objection to the substitution of the House bill for the Senate bill and its immediate consideration?

There being no objection, the bill (H. R. 9912) to convey to the University of Alaska a tract of land for use as the site of a fur farm experiment station was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby conveyed to the University of Alaska, a corporation created, established, and existing under and by virtue of an act of the Legislature of the Territory of Alaska, a tract of land situated in the Tongass National Forest near the town of Petersburg, Alaska, for use as the site of a fur-farm experiment station and described as follows:

Beginning at meander corner common to lot 4, section 35, township 59 south, range 79 east, Copper River meridian, and lot 4, section 2, township 60 south, range 79 east; thence with meander of Wrangell Narrows to meander corner common to lot 4, section 35, and lot 4, section 34; thence continuing meanders to southwest corner of home site numbered 614; thence following the boundary of said home site east 5 chains; thence north 7 chains to north boundary of lot 4, section 35, township 59 south, range 79 east; thence east 16.75 chains along said boundary to northeast corner said lot; thence south 20 chains along east boundary of said lot; thence west 13.69 chains to place of beginning. A public highway 1 chain wide passes through the tract, the center line of which begins at a point 7.73 chains from the initial corner of the tract, and extends north 22°55' west 10 chains; thence north 37°55' east, approximately 10.75 chains to east boundary of home site numbered 614. Total area of tract is 36.93 acres.

The PRESIDENT pro tempore. Without objection Senate bill (S. 3894) will be indefinitely postponed.

CITIZENSHIP STATUS OF CERTAIN PERSONS BORN IN PUERTO RICO

The bill (H. R. 4275) to correct United States citizenship status of certain persons born in Puerto Rico, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7827) to authorize public-utility districts in the Territory of Alaska to incur bonded indebtedness, and for other purposes, was announced as next in order.

Mr. McNARY. I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

REVENUE BONDS, HAWAII

The bill (H. R. 8403) to ratify and confirm act 23 of the Session Laws of Hawaii, 1937, extending the time within which revenue bonds may be issued and delivered under act 174 of the Session Laws of Hawaii, 1935, was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 8404) to authorize the Territory of Hawaii to convey the present Maalaea Airport on the island of Maui, Territory of Hawaii, to the Hawaiian Commercial & Sugar Co., Ltd., in part payment for 300.71 acres of land at Pulehu-Nui, island of Maui, Territory of Hawaii, to be used as a site for a new airport, was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill? If not, let it be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3010) to repeal and reenact section 83 of the Judicial Code as amended, relating to Federal court districts in the State of Kentucky, was announced as next in order.

Mr. KING. Mr. President, let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

RELIEF OF THE STATE OF WYOMING

The Senate proceeded to consider the bill (S. 3417) for the relief of the State of Wyoming, which had been reported from the Committee on Military Affairs with amendments.

The PRESIDENT pro tempore. The Clerk will state the first committee amendment.

The CHIEF CLERK. On page 1, line 5, after the word "credit," it is proposed to strike out "in an amount not to exceed \$15,000" and to insert "in the amount of \$12,046.07."

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McNARY. Earlier in the day a number of bills were passed over relating to relief of States. Did they all go over?

The PRESIDENT pro tempore. They all went over.

Mr. McNARY. I think we should act upon the whole category when we do act. I have no objection to this bill, but in view of our earlier determination to act upon them all at the same time, I object.

Mr. O'MAHONEY. I understand the Senator from Oregon to ask that the bill go over?

Mr. McNARY. Yes.

Mr. O'MAHONEY. May I ask the Senator to withhold his objection for a moment?

Mr. McNARY. I have no interest in any of these claims. However, earlier in the day we reached on the calendar a bill for the relief of the city of Baltimore. There was on the calendar another bill for the relief of the city of New York, one for the State of Connecticut, and one for the State of Vermont. All the bills to which I have referred went over, upon the theory that no action could be taken on one unless all were treated alike. I assume that the present bill falls in the same category.

Mr. O'MAHONEY. The bill before us now has to do solely with a bookkeeping transaction, and does not involve any payment of Government funds. All the other bills have to do with advances alleged to have been made during an ancient war. The present bill involves merely offsetting one claim against another.

Mr. McNARY. If it does not involve the payment of Government funds, as I assumed it did from reading the title, I have no objection. If it is a matter of straightening out bookkeeping, I have no objection.

Mr. O'MAHONEY. It involves merely a matter of bookkeeping. That is why I asked the Senator to withhold his objection.

Mr. AUSTIN. Mr. President, I do not care to apply any coercion to support a claim by the State of Vermont for a return of money or value advanced by the State in the national defense. I shall not object to this bill for the relief of Wyoming. Although I think the bill contains exactly the same principle as the bill for the relief of the State of Vermont, I shall be glad to help the Senator get his relief.

Mr. O'MAHONEY. Frankly, I have not read the Senator's bill.

The PRESIDENT pro tempore. The objection is withdrawn. Without objection, the first committee amendment is agreed to. The next amendment will be stated.

The next amendment was, on page 1, line 10, after the word "State", to strike out:

which has heretofore been or may be set up on the books of the National Guard Bureau in favor of such State which amount represents the amount appropriated and expended by the State in the payment of troops between the dates of the President's proclamation of mobilization July 3, 1917, and the date of their Federal muster August 5, 1917 (sec. 73, Session Laws of Wyoming, 1919, p. 262). The certain amount of this credit shall be established by submission of vouchers or other evidence by the State which is acceptable to the United States Army Finance Department to establish the amount actually expended in the payment of troops.

And to insert:

which amount shall be held and considered to have been expended by the State in the payment of troops between the mobilization of such troops on July 25, 1917, and the date of their Federal muster August 5, 1917. This credit shall be established by submission of vouchers or other evidence of payment of troops by the State which is acceptable to the Chief of Finance, United States Army, in the amount of \$12,046.07: *Provided*, That the

credit to the State of Wyoming above specified shall have no other effect than the cancellation of the indebtedness of the State of Wyoming in the amount of \$12,046.07 for which it has been held chargeable by the War Department under section 47 of title 32, United States Code: *And provided further*, That the credit herein authorized to be given to the account of the National Guard of the State of Wyoming shall be held and considered to be given in full satisfaction of the claim of said State against the United States for the payment of troops between July 25, 1917, and August 5, 1917.

The amendment was agreed to.

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

Be it enacted, etc., That the Secretary of War is authorized to give to the account of the National Guard of the State of Wyoming credit in the amount of \$12,046.07 for the money value of property listed on approved surveys of military property and equipment charged to an accountable State under section 47 of title 32, United States Code, said credit to be allowed as a set-off against the credit in favor of such accountable State, which amount shall be held and considered to have been expended by the State in the payment of troops between the mobilization of such troops on July 25, 1917, and the date of their Federal muster August 5, 1917. This credit shall be established by submission of vouchers or other evidence of payment of troops by the State which is acceptable to the Chief of Finance, United States Army, in the amount of \$12,046.07: *Provided*, That the credit to the State of Wyoming above specified shall have no other effect than the cancellation of the indebtedness of the State of Wyoming in the amount of \$12,046.07 for which it has been held chargeable by the War Department under section 47 of title 32, United States Code: *And provided further*, That the credit herein authorized to be given to the account of the National Guard of the State of Wyoming shall be held and considered to be given in full satisfaction of the claim of said State against the United States for the payment of troops between July 25, 1917, and August 5, 1917.

JURISDICTION OF UNITED STATES OVER CERTAIN PORTIONS OF BERING SEA

The bill (S. 3744) to assert the jurisdiction of the United States over certain portions of the Bering Sea and the submerged land thereunder was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That jurisdiction of the United States is hereby declared to extend to all the waters and submerged land adjacent to the coast of Alaska lying east of the international boundary in the Bering Sea between the United States and the Union of Soviet Socialist Republics, as defined in the treaty between Russia and the United States, concluded at Washington on May 30, 1867, whereby Alaska was ceded to the United States, and lying within the limits of the continental shelf, the edge of such continental shelf having a depth of water of 100 fathoms, more or less.

Sec. 2. All provisions of law (including penalties) applicable with respect to the fisheries of Alaska are hereby declared to be applicable with respect to the waters over which the jurisdiction of the United States is declared to extend by this act in the same manner and to the same extent that such provisions are applicable with respect to the other waters of Alaska. For the purpose of enforcing such provisions of law, officers of the Coast Guard or Customs, or of the United States Bureau of Fisheries, or United States marshals or their deputies, may go on board of any vessel in such waters and examine the vessel and any merchandise or person on board, and bring the same into port.

The preamble was agreed to, as follows:

Whereas the shallow depths of the Bering Sea must be regarded as a slightly submerged margin of the American Continent, and particularly of Alaska, which was ceded to the United States in 1867; and

Whereas geologists have concluded that this part of the Bering Sea does not partake of the qualities of a true ocean basin and that the so-called continental shelf is no more nor less than another of the several old Alaska beach deposits, which exist both below and above the present water level; and

Whereas the preservation of the mineral deposits and of the salmon and other fisheries, as well as the protection of other animal life, demand that the United States assert its jurisdiction over this area, including the waters adjacent to the coast of Alaska, as far as the outer limits of the continental shelf: Therefore

Mr. COPELAND. Mr. President, in connection with this bill I ask that a short editorial from the Binghamton Press be printed in the RECORD.

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

[From the Binghamton Press of April 18, 1938]

SENATOR COPELAND'S THEORY

Our senior Senator from New York has introduced a resolution proposing that this Government assert jurisdiction over parts of the Bering Sea off Alaska.

The theory behind this resolution is an interesting one. Rarely does geology play a part in the promulgation of a national policy. Yet the geological reasons behind Mr. COPELAND's theory are entirely sound.

He points out that the shallow depths of the Bering Sea must properly be regarded as a slightly submerged margin of Alaska, and he urges that the preservation of mineral deposits, salmon and other fisheries demands that the United States declare its jurisdiction over those areas.

Geologists have been telling us for a long time that the Aleutian chain is a comparatively new thing in geology; that originally the islands constituted a veritable bridge between the Asiatic mainland and North America. Anthropologists and archeologists substantiate this idea with artifacts which tell an unmistakable story of migrant hordes from Asia crossing over this natural bridge to furnish the aboriginal population of the Americas. Alaska and the Aleutians are still new countries, still volcanic, still in the making. We do not know of a certainty whether the Aleutian bridge will remain submerged or whether the ocean bottom will push it to the surface again along with large areas now covered by that shallow sea.

But this we do know. We know that because of the mineral deposits and the rich fisheries in that area the submerged sections considered by Senator COPELAND's resolution do furnish a bone of contention between the United States and Japan. We know that in the question of use, occupation, and sovereignty of that area lies possible seed of future trouble.

And so it may be better to cross that bridge now. It may be the part of wisdom to assert jurisdiction running to the Russian boundary line, and so take out of circulation a possible sore spot of international relationships.

Now it is entirely possible that Japan might refuse to recognize such assertion of territorial jurisdiction, even as we refused to recognize the establishment of Manchukuo. But when all is said and done, the Alaskan coastal waters, thank goodness, are a long way from Japan. We have no desires to operate in Manchukuo. We might well get along without Japanese recognition and still enforce our sovereignty.

One thing is certain. These go-getter nations of the earth aren't going to recognize anything or any right of any nation unless that right is asserted and maintained full force.

LOSS OF UNITED STATES CITIZENSHIP IN CERTAIN CASES

The Senate proceeded to consider the bill (H. R. 29) to declare that a citizen of the United States who votes in a political election in a foreign state or who participates in certain voting abroad to determine sovereignty of foreign territory shall lose United States citizenship and nationality, which had been reported from the Committee on Immigration with an amendment to strike out all after the enacting clause and to insert:

That hereafter any citizen of the United States who votes in any political election in any foreign state, or who votes in any election or plebiscite to determine the sovereignty over foreign territory, shall lose his citizenship as of the date such voting occurs.

Mr. BORAH. Mr. President, may I ask the Senator from Utah [Mr. KING] what is the occasion for this bill?

Mr. KING. Mr. President, evidence was brought to the attention of the committee that a number of naturalized American citizens had gone abroad, and were voting in other countries, and participating in elections. The committee unanimously felt that an American citizen who expatriated himself, so to speak, and went to a foreign country and voted and participated in elections there, ought not to retain his American citizenship.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide for the loss of United States citizenship in certain cases."

BILLS PASSED OVER

The bill (S. 3502) to protect producers, manufacturers, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, or knitted or felted fabrics and in garments or articles of apparel or other articles made therefrom, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 10193) authorizing the temporary detail of United States employees possessing special qualifications to governments of American republics and the Philippines, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. This bill is identical with Senate bill 3804, calendar No. 1703, which was heretofore objected to by the Senator from Texas. Therefore, House bill 10193 will be passed over.

PORTRAITS OF FORMER CHIEF JUSTICES AND ASSOCIATE JUSTICES OF THE SUPREME COURT

The Senate proceeded to consider the bill (S. 3663) to authorize the purchase of originals or copies of portraits of former Chief Justices and Associate Justices of the Supreme Court of the United States, and the present Chief Justice and Associate Justices thereof, for the new building occupied by the Supreme Court of the United States, and for other purposes, which had been reported from the Committee on the Library with amendments, on page 1, line 5, after the words "sum of", to strike out "\$125,000" and insert "\$25,000"; and on page 2, after line 9, to insert the following new section:

SEC. 2. In order to carry out the purposes of this act, the Architect of the Capitol, under the supervision of the Chief Justice or the committee designated by him, shall ascertain what donations, in the form of portraits or copies thereof or otherwise, may be obtained from any public or private source to aid in the acquisition of portraits, or copies thereof, of such Chief Justices and Associate Justices, and may accept any such donations and agree to any reasonable limitation as to the use thereof. The moneys authorized to be appropriated by this act shall be used to pay only such part of the cost of any such portrait or copy as may be necessary after efforts, determined by the Chief Justice or the committee to be reasonable, have been made to obtain such portrait or copy through donations.

So as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$25,000, or so much thereof as may be necessary, to enable the Architect of the Capitol, under the supervision of the Chief Justice of the Supreme Court of the United States or such committee as he may designate, to acquire by purchase or gift such of the original portraits of the former Chief Justices and Associate Justices of the Supreme Court of the United States, and the present Chief Justice and Associate Justices thereof, as may not be in the possession of said Court, or copies thereof, at a cost of not exceeding \$1,500 for any portrait or copy thereof for hanging in the new building for said Court: *Provided,* That section 3709, Revised Statutes, shall not apply to the acquisition of either the original or copies of said portraits.

SEC. 2. In order to carry out the purposes of this act, the Architect of the Capitol, under the supervision of the Chief Justice or the committee designated by him, shall ascertain what donations, in the form of portraits or copies thereof or otherwise, may be obtained from any public or private source to aid in the acquisition of portraits, or copies thereof, of such Chief Justices and Associate Justices, and may accept any such donations and agree to any reasonable limitation as to the use thereof. The moneys authorized to be appropriated by this act shall be used to pay only such part of the cost of any such portrait or copy as may be necessary after efforts, determined by the Chief Justice or the committee to be reasonable, have been made to obtain such portrait or copy through donations.

The amendments were agreed to.

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

PAYMENTS TO EMPLOYEES OF FORMER UNITED STATES SHIPPING BOARD

The bill (S. 3806) to validate certain payments to employees of the former United States Shipping Board (Emergency) Merchant Fleet Corporation was announced as next in order.

Mr. COPELAND. Mr. President, House bill 10316, Calendar No. 1762, is a similar bill; and I ask unanimous consent that the House bill be substituted for the Senate bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 10316) to amend section 203 of the Merchant Marine Act, 1936, and for other purposes.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

The PRESIDENT pro tempore. The bill under consideration is House bill 10316.

Mr. McKELLAR. I wish to know why we are validating certain payments.

Mr. COPELAND. It will be found that certain payments were made to the employees of the old Shipping Board in settlement of liability arising out of contracts of employment between the United States and the Shipping Board Emergency Fleet Corporation. The enactment of this bill was requested by the Department in order that there might be an adjustment of certain old accounts, which are very small and not very great in number. I think 49 employees are involved who are now in the Maritime Commission, and 11 employees who are in the Bureau of Marine Inspection and Navigation.

Mr. McKELLAR. What amount of money is involved?

Mr. COPELAND. I cannot tell the Senator exactly, but it is a very small sum; I should say four or five thousand dollars. The PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 203 of the Merchant Marine Act, 1936, is hereby amended by inserting "(a)" after "Sec. 203.", and by adding at the end of such section a subsection to read as follows:

"(b) All payments made by the United States Shipping Board (Emergency) Merchant Fleet Corporation to its employees in settlement of its liability arising out of contracts of employment between said United States Shipping Board (Emergency) Merchant Fleet Corporation and its employees on account of leave earned in the years 1918-1919 are hereby approved and confirmed. All persons to whom such payments were made are hereby released from any liability to refund or repay to the Government such payments, and no deductions on account of any such payments shall be made from any amounts otherwise due or payable out of Government funds to such persons."

ALLEGED MISREPRESENTATIONS BY SEATTLE STAR

Mr. BONE. Mr. President, on Monday of this week my colleague [Mr. SCHWELLENBACH] brought to the attention of the Senate an astonishing experience of four Members of this body. It seems that an organization in this city engaged in the business of supplying to newspapers certain types of stories sent out to newspapers in my State purported interviews from four Senators, which interviews were never given.

I send to the desk a letter I have just received from the manager of the Columbia Press Service, and ask that it be read to the Senate and incorporated in the RECORD as part of my remarks. The letter is self-explanatory and requires no further comment from me.

The PRESIDENT pro tempore. Is there objection? The chair hears none. The letter will be read.

The legislative clerk read as follows:

COLUMBIA PRESS SERVICE,
Washington, D. C., May 4, 1938.

Senator HOMER T. BONE,
Washington, D. C.

DEAR SENATOR BONE: The business of the Columbia Press Service is to furnish certain special news stories and articles to the press of the country. In the course of checking up on possibilities for obtaining new business, we learned that the Seattle Star, of Seattle, Wash., was sponsoring certain proposals which that newspaper styled a "four-point program for national recovery." This news agency thereupon wrote the management of the Seattle Star and offered to interview Members of Congress regarding this program of the Seattle Star and other Scripps newspapers allied with the Star.

The Seattle Star accepted our offer and during the latter part of April we sent to the Star, and that newspaper published, certain purported interviews with yourself and Senators CAPPER, NYE, and SCHWELLENBACH, in which each of the four Senators is quoted as favoring the so-called "four-point program" of these Scripps newspapers. We understand that the Spokane Press and the Tacoma Times and possibly other Scripps newspapers ran this same material.

These alleged "interviews" were concocted by a new employee of our Washington, D. C., office who completely misunderstood or ignored instructions given to him by the undersigned. He wrote them in the mistaken belief that the Senators had given permission for these stories, and he has signed a statement to that effect. These stories were forwarded by us to the Seattle Star and were published by that newspaper without any knowledge on its part that they had been unwittingly fabricated and that none of the four Senators quoted had ever been asked by this agency or any of its employees for interviews on the "four-point program."

Your colleague, Senator SCHWELLENBACH, called attention to this unfortunate occurrence in a speech in the United States Senate on Monday of this week. We realize there is and can be no excuse for what has happened and for our failure to check on the activities of an employee of this agency who was guilty of this unfavorable conduct.

He placed words in the mouths of four Senators which they never uttered and thereby caused this agency to misrepresent them and to mislead the newspapers that published these false interviews.

We want you and your three colleagues in the Senate to know that we deeply regret the great embarrassment and annoyance caused you by this unwitting fabrication and the misuse of your names, and we ask you to accept our sincere apology for the wrong done you and your colleagues.

Yours truly,

PRESCOTT DENNETT,
Manager, Columbia Press Service.

LUNACY PROCEEDINGS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 1225) to provide for lunacy proceedings in the District of Columbia, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, on page 2, line 4, after the word "thereof", to insert "for any alleged insane person in the District of Columbia", and after line 12 to strike out:

Nothing herein contained shall be construed so as to deprive any person of the right of trial by jury.

So as to make the section read:

That any person with whom an alleged insane person may reside, or at whose house he may be, or the father or mother, husband or wife, brother or sister, or the child of lawful age of any such person, or the nearest relative or friend available, or the committee of such person, or an officer of any charitable institution, home, or hospital in which such person may be, or any duly accredited officer or agent of the Board of Public Welfare, or any officer authorized to make arrests in the District of Columbia who has arrested any alleged insane person under the provisions of the act of Congress approved April 27, 1904 (33 Stat. 316), may apply for a writ de lunatico inquirendo and an order of commitment, or either thereof, for any alleged insane person in the District of Columbia by filing in the equity court of the District Court of the United States for the District of Columbia a verified petition therefor containing a statement of the facts upon which the allegation of insanity is based. All writs de lunatico inquirendo shall issue from the equity court of the District Court of the United States for the District of Columbia, and a justice holding said court shall preside at all inquisitions of lunacy.

The PRESIDENT pro tempore. The question is on agreeing to the last amendment reported by the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment reported by the committee.

The next amendments were, in section 2, line 21, before the word "treatment", to insert "necessity of"; in the same line, before the word "commitment", to insert "the"; on page 3, line 7, after the word "diseases", to insert "none of whom is financially interested in the hospital in which the alleged insane person is to be confined"; on the same page, at the beginning of line 25, to strike out "shall receive a salary of \$750 a year each, and"; on page 4, line 1, after the word "office", to strike out "The lawyer member shall receive a salary of \$5,000 per annum, and shall devote his entire time to the work of the Commission," and insert "The lawyer member of the Commission shall be chairman thereof, and it shall be his duty, and he shall have authority, to direct the proceedings and hearings in such a manner as to insure dependable ascertainment of the facts, by relevant, competent, and material evidence, so as to insure a fair and lawful conduct and disposition of the case. The lawyer member shall devote his entire time to the work of the Commission"; on the same page, line 16, after the word "service", to strike out "but not to exceed \$300 in any calendar year. Original appointments shall be for 1, 2, and 3 years, respectively, the lawyer member to be appointed for 3 years. Thereafter appointments shall be for 3 years each. Clerical, stenographic, and investigative assistance shall be provided, not to exceed \$10,000 per annum. The appropriation of \$ for the purpose of this act from funds in the Treasury to the credit of the District of Columbia is hereby authorized" and insert

"Original appointments of physicians shall be two each for 1, 2, 3, and 4 years, respectively, the lawyer member to be appointed for 4 years. Thereafter appointments shall be for 4 years each. The salaries of the members of the Commission and of employees shall be fixed in accordance with the provisions of the Classification Act of 1923, as amended. The Commissioners shall include in their annual estimates such amounts as may be required for the salaries and expenses herein authorized"; and on page 6, line 9, after the word "Commission", to insert "and the sanitary officer shall be secretary of the Commission. Suitable quarters shall be provided for the Commission by the Commissioners of the District of Columbia", so as to make the section read:

Sec. 2. There is hereby established a Commission on Mental Health (hereinafter referred to as the Commission), which shall examine alleged insane persons, inquire into the affairs of such persons, and the affairs of those persons legally liable as herein-after provided for the support of said alleged insane persons, and make reports and recommendations to the court as to the necessity of treatment, the commitment, and payment of the expense of maintenance and treatment of such insane persons. The said Commission shall be drawn from a panel of nine bona-fide residents of the District of Columbia who have resided in said District for a continuous period of at least 3 years immediately preceding their appointment, who shall be appointed by the judges of the District Court of the United States for the District of Columbia.

Eight members of said panel shall be physicians who have been practicing medicine in the District of Columbia, and who have had not less than 5 years' experience in the diagnosis and treatment of mental diseases, none of whom is financially interested in the hospital in which the alleged insane person is to be confined, and the ninth member shall be a member of the bar of the District Court of the United States for the District of Columbia who has been engaged in the general active practice of law in the District of Columbia for a period of at least 5 years prior to his appointment. Each physician member of the panel shall be assigned by the chief justice of the District Court of the United States for the District of Columbia to active service on the Commission for 3 months in each calendar year, and the chief justice may change such assignments at any time at his discretion. The two physician members on active service and the lawyer member shall constitute the Commission for the purposes of this act. The members to whom any case is referred shall continue to act in respect to that case until its final disposition, unless the court shall otherwise order. Physician members of the Commission may practice their profession during their tenure of office. The lawyer member of the Commission shall be chairman thereof, and it shall be his duty, and he shall have authority to direct the proceedings and hearings in such a manner as to insure dependable ascertainment of the facts, by relevant, competent, and material evidence, and so as to insure a fair and lawful conduct and disposition of the case. The lawyer member shall devote his entire time to the work of the Commission. The judges shall also appoint an alternate lawyer member of the Commission, who shall have the same qualifications as that member, and who may be designated by the chief justice to act as a member of the Commission in absence of the lawyer member; for such service the alternate shall receive \$10 for each day of actual service. Original appointments of physicians shall be two each for 1, 2, 3, and 4 years, respectively, the lawyer member to be appointed for 4 years. Thereafter appointments shall be for 4 years each. The salaries of the members of the Commission and of employees shall be fixed in accordance with the provisions of the Classification Act of 1923, as amended. The Commissioners shall include in their annual estimates such amounts as may be required for the salaries and expenses herein authorized.

The said Commission shall act in all respects under the direction of the equity court. The court may compel, by subpoena, the appearance of alleged insane persons before the Commission for examination, and may compel the attendance of witnesses before the Commission. If it shall appear to the satisfaction of the Commission that the appearance before it of any alleged insane person is prevented by reason of the mental or physical condition of such person, the Commission may, in its discretion, examine such person at the hospital in which such person may be confined, or, with the consent of the relatives, or of the person with whom such person may reside, at the residence of the alleged insane person.

The court may in its discretion appoint an attorney or guardian ad litem to represent the alleged insane person at any hearing before the Commission or before the court, or before the court and jury, and shall allow the attorney or guardian ad litem so appointed a reasonable fee for his services. Such fees may be charged against the estate or property, if any, of the alleged insane person, or taxed as costs against the petitioner in the proceedings, or, in the case of an indigent person, charged against the funds of the Commission, as the court, in its discretion, may direct.

The office and records of the sanitary officer, District of Columbia, are hereby transferred from the Metropolitan Police Department

to the Commission and the sanitary officer shall be secretary of the Commission. Suitable quarters shall be provided for the Commission by the Commissioners of the District of Columbia.

The amendments were agreed to.

The next amendment was, in section 3, page 7, line 5, after the word "examination", to strike out "Any person so apprehended and detained shall be given a preliminary hearing and examination before the Commission within 48 hours of his apprehension (except that such hearing may be had on the next legal day instead of postmeridian Saturday or Sunday), and upon such hearing the Commission shall determine whether or not there is probable cause for the further detention of such person for examination, observation, or treatment. If the Commission should decide that the person should not be further detained, it shall immediately report its finding to the court, and the court shall either release or hold for trial the person so detained, giving such matters precedence over all other business"; and insert "Any person so apprehended and detained shall be given an examination within 48 hours of his admission into Gallinger Municipal Hospital by the staff of Gallinger Municipal Hospital. If, as a result of such examination, the said staff of Gallinger Municipal Hospital shall certify that the said person is a proper subject for commitment the case shall be forthwith referred upon said certificate to the Commission; but, if as a result of such examination, the said staff shall find that the person is of sound mind he shall be discharged forthwith by said Gallinger Municipal Hospital and the petition dismissed"; so as to make the section read:

SEC. 3. Upon the filing with the court of a verified petition as hereinabove provided, accompanied by the affidavits of two or more responsible residents of the District of Columbia setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person, that they believe such person to be incapable of managing his or her own affairs, and that such person is not fit to be at large or to go unrestrained, and that if such person be permitted to remain at liberty the rights of persons and property will be jeopardized or the preservation of public peace imperiled or the commission of crime rendered probable, and that such person is a fit subject for treatment by reason of his or her mental condition, the court, or any judge thereof in vacation, may, in its or his discretion, issue an attachment for the immediate apprehension and detention of such person in Gallinger Municipal Hospital, or any other hospital, for the purpose of preliminary examination. Any person so apprehended and detained shall be given an examination within 48 hours of his admission into Gallinger Municipal Hospital by the staff of Gallinger Municipal Hospital. If, as a result of such examination, the said staff of Gallinger Municipal Hospital shall certify that the said person is a proper subject for commitment the case shall be forthwith referred upon said certificate to the Commission; but, if as a result of such examination, the said staff shall find that the person is of sound mind he shall be discharged forthwith by said Gallinger Municipal Hospital and the petition dismissed. Nothing contained in this section shall deprive the alleged insane person of the benefit of existing remedies to secure his release or to prove his sanity, or of any other legal remedies he may have.

The amendment was agreed to.

The next amendments were, in section 4, page 8, line 9, after the word "person", to insert "unless said person shall have been discharged by the staff of Gallinger Hospital in accordance with the provisions of section 3 hereof"; in line 11, after the word "be", to strike out "forthwith"; in line 13, after the word "recommendation", to insert "within such time as the court may designate, which time may be extended by the court for good cause shown"; in line 21, after the word "representatives", to insert "At all hearings the alleged insane person shall have the right to be represented by counsel"; after line 23, to insert:

"The Commission is hereby authorized to conduct its examination and hearings of cases elsewhere than at the offices of said Commission in its discretion, according to the circumstances of the case."

So as to make the section read:

SEC. 4. Any petition filed in the equity court for a writ de lunatico inquirendo or for an order of commitment of any alleged insane person, unless said person shall have been discharged by the staff of Gallinger Hospital in accordance with the provisions of section 3 hereof, shall be referred by the court to the Commission for report and recommendation within such time as the court may designate, which time may be extended by the court

for good cause shown. The Commission shall thereupon examine the alleged insane person and any other person, including any suggested by the alleged insane person, his relatives, friends, or representatives, whose testimony may be relevant, competent, and material upon the issue of insanity; and the Commission shall afford opportunity for hearing to any alleged insane person, his relatives, friends, or representatives. At all hearings the alleged insane person shall have the right to be represented by counsel.

The Commission is hereby authorized to conduct its examination and hearings of cases elsewhere than at the offices of said Commission in its discretion, according to the circumstances of the case.

The Commission shall determine (1) the sanity or insanity of the alleged insane person, (2) the length of time the alleged insane person has resided within the District, and (3) the ability of the relatives, mentioned in section 11 of this act, or the committee of the alleged insane person to pay all or a portion of the maintenance of such person if confined to St. Elizabeths or any other hospital; and shall include such findings in its report.

The amendments were agreed to.

The next amendments were, in section 5, page 9, line 11, after "Sec. 5", to strike out "Except as hereinafter provided, notice" and insert "Notice"; in line 16, after the word "Act", to strike out "Notwithstanding the foregoing provision, if the Commission shall be satisfied from any statement contained in the papers in the proceedings, or from inquiry, that personal service of the notice on the alleged insane person would be ineffective or detrimental to such person, it may in its discretion, dispense therewith; but in every case where such notice shall be dispensed with by the Commission, a written report setting forth the reasons for dispensing with such notice shall be made by the Commission and filed with its report to the court. Whether such personal service on the alleged insane person be dispensed with or not, if" and insert "If"; on page 10, line 4, after the word "shall", to insert "also"; in the same line, after the word "upon", to insert "either"; and in line 11, after the word "shall", to strike out "in writing", so as to make the section read:

SEC. 5. Notice of the filing of any petition hereinbefore provided shall be served personally upon the person alleged to be insane, at least 3 days (exclusive of Sundays and legal holidays) before the time set for hearing by the Commission as provided in section 4 of this act. If the petition be made by a person other than the wife, husband, father, mother, or other nearest relative, such notice shall also be served upon either such wife, husband, father, mother, or other nearest relative of said alleged insane person, if there be any such relative known to be within the District of Columbia; if not, upon the person with whom such alleged insane person may reside, or at whose home he may be or in their absence upon a friend of such alleged insane person; and if there be no such person or persons such service shall be dispensed with.

The amendments were agreed to.

The next amendments were, in section 6, page 10, at the beginning of line 24, to insert "of fact"; in the same line, after the words "conclusions of", to strike out "fact" and insert "law"; on page 11, after line 4, to strike out "That the mental condition of the alleged insane person is such that a definite diagnosis cannot be made without further study, and that the said person should be temporarily committed to Gallinger Municipal Hospital or any other hospital in the District of Columbia as provided in the act approved April 27, 1904, for observation for a period of not more than 30 days" and insert "That the mental condition of the alleged insane person is such that definite diagnosis cannot be made without further study, or that the mental incapacity of said person will probably be of short duration, and that said person should be temporarily committed to Gallinger Municipal Hospital or any other hospital in the District of Columbia, as provided in the act approved April 27, 1904, for observation or treatment, for a period of not more than 30 days, during which said period the Commission shall examine the said person and make a recommendation as to the final disposition of the case", so as to make the section read:

SEC. 6. Recommendations of the Commission must be the unanimous recommendation of the three members acting upon any case. If the three members of the Commission be unable to agree upon the recommendation to be made in any case, they shall immediately file with the court a report setting forth the fact that they are unable to agree on the case, and in that event the court shall hear and determine the case, unless the alleged insane person, or someone in his behalf, shall demand a jury trial, in which

event the case shall be heard and determined by the court and a jury.

If the Commission shall agree upon a recommendation, it shall file with the court a report setting forth its findings of fact and conclusions of law and its recommendation based thereon which recommendation shall be in one of the following forms:

(1) That the person is of sound mind and should be discharged forthwith and the petition dismissed.

(2) That the mental condition of the alleged insane person is such that definite diagnosis cannot be made without further study, or that the mental incapacity of said person will probably be of short duration, and that said person should be temporarily committed to Gallinger Municipal Hospital or any other hospital in the District of Columbia, as provided in the act approved April 27, 1904, for observation or treatment, for a period of not more than 30 days, during which said period the Commission shall examine the said person and make a recommendation as to the final disposition of the case.

(3) That the person is of unsound mind and (a) should be committed to St. Elizabeths Hospital, or any other hospital provided by section 4 of the act approved April 27, 1904, (1) at public expense, or (2) at the expense of those persons who are required by law, or who will agree to pay for the maintenance and treatment of said insane person, or (3) that the relatives of the said insane person, mentioned in section 11 of this act are able to pay a specified sum per month toward the support and maintenance of said insane person; (b) is harmless and may safely be committed to the care of his relatives or friends (naming them) who are willing to accept custody, care, and maintenance of said insane person under conditions specified by the Commission.

The amendments were agreed to.

The next amendments were, in section 7, page 12, line 12, after the word "Commission", to insert "a copy of which shall be served personally upon the alleged insane person, his guardian ad litem, or his attorney, if he have one, together with notice that he has 10 days within which to demand a jury trial"; and on the same page, line 23, after the word "trial", to insert "not less than 10 days after demand for hearing by the court or for a jury trial, or unless the time is extended by the court", so as to make the section read:

SEC. 7. Upon the receipt of the report and recommendation of the Commission, a copy of which shall be served personally upon the alleged insane person, his guardian ad litem, or his attorney, if he have one, together with notice that he has 10 days within which to demand a jury trial, a demand for hearing by the court or a demand for jury trial for the purpose of determining the sanity or insanity of the alleged insane person may be made by the said alleged insane person or by anyone in his behalf, or a jury trial may be ordered by the court upon its own motion. If demand be made for a jury trial, or such trial be ordered by the court on its own motion, the case shall be calendared for trial not less than 10 days after demand for hearing by the court or for a jury trial, or unless the time is extended by the court. The Commission, or any of the members thereof, shall be competent and compellable witnesses at any trial or hearing of an alleged insane person. In any case in which a commitment at public expense, in whole or in part, is sought, the corporation counsel or one of his assistants shall represent the petitioner unless said petitioner shall be represented by counsel of his own or her own choice.

The jury to be used in lunacy inquisitions in those cases where a jury trial shall be demanded or ordered shall be empaneled upon order of the court, from the jurors in attendance upon other branches of the District Court of the United States for the District of Columbia, who shall perform such services in addition to, and as part of, their duties in said court.

The amendments were agreed to.

The next amendment was, in section 8, page 13, line 20, after the word "Commission", to insert "or such judge may order the temporary commitment of said alleged insane person for observation or treatment for a period of not more than 30 days," so as to make the section read:

SEC. 8. If no demand be made for a hearing by the court or by the court and a jury, the judge holding equity court shall determine the sanity or insanity of said alleged insane person, but such judge may, in his discretion, require other proofs, in addition to the petition and report of the Commission, or such judge may order the temporary commitment of said alleged insane person for observation or treatment for a period of not more than 30 days. The judge may, in his discretion, dismiss the petition notwithstanding the recommendation of the Commission. If the judge be satisfied that the alleged insane person is of sound mind, he shall forthwith discharge such person and dismiss the petition.

The amendment was agreed to.

The next amendment was, in section 9, page 14, line 6, after the word "person", to strike out "in accordance with the recommendation of the Commission. The Commission

shall make a final examination of the person alleged to be insane not more than 5 days next before and inclusive of the date of the hearing by the court of the order of commitment," and insert "as he in his discretion shall find to be for the best interests of the public and of the insane person," so as to make the section read:

SEC. 9. If the judge be satisfied that the alleged insane person is insane, or if a jury shall so find, the judge may commit the insane person as he in his discretion shall find to be for the best interests of the public and of the insane person. In case of a temporary commitment, the court may make additional temporary commitments upon further examination by, and the recommendation of, the Commission.

The amendment was agreed to.

The next amendment was, in section 10, page 14, line 17, after the word "Commission", to insert "subject to the review of the court", so as to make the section read:

SEC. 10. If an insane person be found by the Commission, subject to the review of the court, not to be a resident of the District of Columbia he may be committed by the court to St. Elizabeths Hospital as a District of Columbia patient until such time as his residence shall have been ascertained. Upon the ascertainment of such insane person's residence in some other jurisdiction, he shall be transferred to the State of such residence. The expense of transferring such patient, including the traveling expenses of necessary attendants to insure his safe transfer, shall be borne by the District of Columbia only if the patient be indigent.

Any insane person found by the Commission to have been a resident of the District of Columbia for more than 1 year prior to the filing of the petition, and any person found within the District of Columbia whose residence cannot be ascertained, who is not in confinement on a criminal charge, may be committed by the court to, and confined in, said St. Elizabeths Hospital, or any other hospital in said District, which, in the judgment of the health officer of said District, is properly constructed and equipped for the reception and care of such persons, and the official in charge of which, for the time being, is willing to receive such persons.

"Resident of the District of Columbia," as used in this section, means a person who has maintained his principal place of abode in the District of Columbia for more than 1 year prior to the filing of the petition provided for in section 1 of this act.

If it appears that a person found to be insane is harmless and his or her relatives or committee of his or her person are willing and able properly to care for such insane person at some place or institution other than St. Elizabeths Hospital, the judge may order that such insane person be placed in the care and custody of such relatives or such committee upon their entering into an undertaking to provide for such insane person as the court may direct.

The amendment was agreed to.

The next amendment was, in section 11, page 16, line 7, after the word "cost", to insert "to the District of Columbia"; and in line 17, after the word "cost", to insert "to the District of Columbia", so as to make the section read:

SEC. 11. The father, mother, husband, wife, and adult children of an insane person, if of sufficient ability, and the committee or guardian of his or her person and estate, if his or her estate is sufficient for the purpose, shall pay the cost to the District of Columbia of his or her maintenance, including treatment, in St. Elizabeths Hospital, or in any other hospital to which the insane person may be committed. It shall be the duty of said Commission to examine, under oath, the father, mother, husband, wife, adult children, and committee, if any, of any alleged insane person whenever such relatives live within the District of Columbia, and to ascertain the ability of such relatives or committee, if any, to maintain or contribute toward the maintenance of such alleged insane person: *Provided*, That in no case shall said relatives or committee be required to pay more than the actual cost to the District of Columbia of maintenance of such alleged insane person.

If any person hereinabove made liable for the maintenance of an insane person shall fail so to provide or pay for such maintenance, the court shall issue to such person a citation to show cause why he should not be adjudged to pay a portion or all of the expenses of maintenance of such patient. The citation shall be served at least 10 days before the hearing thereon. If, upon such hearing, it shall appear to the court that the insane person has not sufficient estate out of which his maintenance may properly be fully met and that he has relatives of the degrees hereinabove mentioned who are parties to the proceedings, and who are able to contribute thereto, the court may make an order requiring payment by such relatives of such sum or sums as it may find they are reasonably able to pay and as may be necessary to provide for the maintenance of such insane person. Said order shall require the payment of such sums to the Board of Public Welfare annually, semiannually, or quarterly as the court may direct. It shall be the duty of the Board to collect the said sums due under this section, and to turn the same into the Treasury of the United States to the credit of

the District of Columbia. Any such order may be enforced against any property of the insane person or of the person liable or undertaking to maintain him in the same way as if it were an order for temporary alimony in a divorce case.

The amendment was agreed to.

The next amendments were, in section 12, page 18, line 4, after the word "restoration," to strike out "of civil rights" and insert "to the status of a person of sound mind;" in line 12, after the word "restoration," to strike out "of civil rights to said person" and insert "of said person to the status of a person of sound mind;" and on page 19, line 8, after the word "purpose," to insert "At such trial by the court or by the court and a jury, an adjudication shall be made as to whether the person is of sound mind or is still of unsound mind;" so as to make the section read:

SEC. 12. Any insane person who has been committed to St. Elizabeths Hospital, or any other hospital, and who shall have been released from such hospital as improved, or who shall have been paroled from such hospital (but who shall not have been discharged as cured), and who shall have been absent from the hospital on release or parole for a period of 6 months or longer, shall have the right to appear before the Commission for a hearing to determine the sanity and right to restoration to the status of a person of sound mind of said insane person by filing a petition therefor with the court upon a form to be provided by the Commission for that purpose. It shall be the duty of the Commission to make such examination and observation of the insane person as may be necessary to determine such questions, and to make a report and a recommendation to the court. In the event the Commission shall find that the said person is of sound mind and shall recommend to the court the restoration of said person to the status of a person of sound mind such recommendation shall be sufficient to authorize the court to enter an order declaring such person to be restored to his or her former legal status as a person of sound mind. In the event the Commission shall find such person to be of unsound mind, it shall report that finding to the court. Upon the filing by the Commission of a report finding such person to be of unsound mind, the insane person shall have the right to a hearing by the court or by the court and a jury. For the purpose of making the examination and observations required by this section the Commission shall have the right to examine the records and to interrogate the physicians and attendants at St. Elizabeths Hospital or any other hospital in which such patient shall have been confined, who have had the insane person under their care, and the Commission may recommend to the court the temporary recommitment, for a period of not more than 30 days, of such person for purposes of observation, and the court is hereby empowered to order the temporary recommitment of such person for said purpose. At such trial by the court or by the court and a jury, an adjudication shall be made as to whether the person is of sound mind or is still of unsound mind.

The amendments were agreed to.

The next amendments were, on page 19, after line 10, to strike out section 13, and on page 20, after line 23, to strike out section 14, and to renumber the succeeding sections of the bill.

The amendments were agreed to.

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

MATTAPOISETT LIGHTHOUSE RESERVATION, MASS.

The bill (H. R. 9942) to authorize the conveyance of the Mattapoisett (Ned Point) Lighthouse Reservation at Mattapoisett, Mass., to the town of Mattapoisett, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for a price of not less than 50 percent of the appraised value of the property hereinafter authorized to be conveyed, as may be established by the Treasury Department after due allowance for the value of any improvements which the town of Mattapoisett, Mass., may have already erected on the property, the Secretary of the Treasury is authorized and directed to convey, by quitclaim deed, to the board of selectmen of the town of Mattapoisett, Mass., for roadway and public-park purposes, such portions of the Mattapoisett (Ned Point) Lighthouse Reservation, Mass., as are not required to be retained for lighthouse purposes. The deed of conveyance shall describe by metes and bounds the exact portions of the reservation transferred, and shall contain a clause reserving to the United States easements for the transportation of men and materials to and from the area retained by the United States and for the unobstructed showing of light rays between 90 degrees and 310 degrees true seaward from the light tower. The said deed shall further provide that the said town of Mattapoisett shall take the property conveyed by said deed subject to any encroachments thereon and subject to any defects or deficiencies in area or description arising by reason of discrepancies between the description in the deed to the United States and the description in the deed to the town.

BILL PASSED OVER

The bill (S. 3510) amending section 202 of the Agricultural Adjustment Act of 1938, relating to new uses and new markets for farm commodities, was announced as next in order.

Mr. BILBO. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

DISPOSITION OF REMAINS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES OF THE ARMY

The bill (H. R. 9226) to amend the act of March 9, 1928, authorizing appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army, and for other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army", approved March 9, 1928, is hereby amended to read as follows: "That there is hereby authorized to be appropriated from time to time such sums as may be necessary for funeral expenses of the persons hereinafter designated, to be expended under such regulations as the Secretary of War may prescribe.

"Sec. 2. Authorized funeral expenses shall include the expenses of, and incident to, the recovery of bodies, cremation (only upon the request of relatives of the deceased), preparation for burial, transportation to the home of the deceased or to a national or other cemetery designated by proper authority, and interment.

"Sec. 3. Funeral expenses shall be allowed for (1) all persons in the Regular Army as composed under section 2, act of June 3, 1916, as amended (39 Stat. 166; U. S. C., title 10, sec. 4), who die while in the active military service; (2) accepted applicants for enlistment; (3) enlisted men who are discharged in hospitals and continue as inmates of said hospitals to the date of their death; (4) civilian employees of the Army or of the War Department who have been ordered by competent authority away from their homes in the United States to foreign countries, Hawaii, the Philippine Islands, Alaska, Puerto Rico, or the Canal Zone, and who die while on duty in such places or while performing authorized travel thereto or therefrom; (5) civilian employees of the Army or of the War Department who die on Army transports or while accompanying troops in the field, or who, while on Army transports or while accompanying troops in the field, incur injury or contract disease resulting directly in death away from their homes: *Provided*, That the benefits of this act will be denied in no case on the ground that the deceased was temporarily absent with or without leave when death occurred.

"Sec. 4. There is further authorized to be appropriated from time to time such sums as may be necessary for the expenses of preparation for burial and interment of military prisoners who die at military posts, of prisoners of war, and of interned alien enemies who die in prison camps in the United States; for the expenses of the removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines interred in fields, abandoned graves, or abandoned private or city cemeteries; and for the expenses of segregation of bodies in permanent American cemeteries in Great Britain and France.

"Sec. 5. In any case where funeral expenses authorized in section 3 hereof are borne by individuals, reimbursement to such individuals may be made of the amount allowed by the Government for such services, but no reimbursement shall be made of any expenses incurred prior to the enactment of this act which would not have been a proper charge against the Government prior to the date of approval thereof.

"Sec. 6. The act entitled 'An act to authorize an appropriation for the recovery of the bodies of officers, soldiers, and civilian employees', approved March 8, 1928, is hereby repealed."

MISSISSIPPI RIVER BRIDGE AT NATCHEZ, MISS.

The Senate proceeded to consider the bill (S. 3597) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Natchez, Miss., and for other purposes, which had been reported from the Committee on Commerce, with amendments, on page 1, line 7, after the numerals "1934", to insert "heretofore expended by acts of Congress approved May 1, 1936, and August 5, 1937"; in line 9, after the word "hereby", to insert "further"; and on page 2, to strike out section 2 and renumber section 3; so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mississippi River, at or near Natchez, Miss., authorized to be built by the city of Natchez and the county of Adams, State of Mississippi, by the act of Congress approved August 30, 1935, heretofore extended by acts of Congress approved May 1, 1936, and August 5, 1937, are

hereby further extended 1 and 3 years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

FIVE-YEAR BUILDING PROGRAM FOR BUREAU OF FISHERIES

The Senate proceeded to consider the bill (S. 2857) to provide for a modified 5-year building program for the United States Bureau of Fisheries, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert the following:

That the act of May 21, 1930 (46 Stat. 371), is hereby amended to read as follows:

"There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1939, such amounts as may be necessary for—

"(1) The further development of fish-cultural stations at the following places, at a cost not to exceed the amount specified: Flintville, Tenn., \$25,000; Lamar, Pa., \$40,000.

"(2) The establishment of fish-cultural substations in each of the following States, at a cost not to exceed the amount specified: Mississippi, \$40,000; Maine, \$50,000; Alabama, \$75,000.

"(3) The construction of rearing ponds in each of the following areas, at a cost not to exceed the amount specified: Upper Mississippi River, Rock Island to Wabasha, \$60,000; national park and forest areas, \$40,000.

"(4) The purchase of 10 fish-distribution trucks, as a cost not to exceed \$15,000.

"(5) The further development of fish-cultural stations in each of the following States, at a cost not to exceed the amount specified: Ohio, \$25,000; Kansas, \$25,000; Minnesota, \$25,000; North Dakota, \$25,000.

"(6) The establishment of fishery laboratories at the following places, at a cost not to exceed the amount specified: College Park, Md., \$100,000; Milford, Conn., \$50,000; Little Port Walter, Alaska, \$25,000.

"(7) The further development of the fishery laboratory at Pensacola, Fla., at a cost not to exceed \$10,000.

"(8) The construction of a fishery laboratory boat for use in southeastern Alaska, at a cost not to exceed \$20,000.

"(9) The construction of 12 high-speed patrol boats for enforcement of Alaska fishery laws and regulations, as a cost not to exceed \$60,000.

"(10) The construction of two seagoing patrol vessels for the enforcement of Alaska fishery laws and regulations, at a cost not to exceed \$120,000.

"(11) The establishment of salmon-counting weirs in the important salmon streams in Alaska, at a cost not to exceed \$20,000.

"Sec. 2. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1940, such amounts as may be necessary for—

"(1) The establishment of a fishery laboratory at Karluk, Alaska, at a cost not to exceed \$35,000, including the construction of a road.

"(2) The establishment of a fish-cultural station in Arizona, at a cost not to exceed \$75,000.

"(3) The further development of fish-cultural stations at each of the following places, at a cost not to exceed the amount specified: Leetown, W. Va., \$35,000; Marion, Ala., \$25,000; Natchitoches, La., \$25,000; Cortland, N. Y., \$25,000.

"(4) The construction of rearing ponds in each of the following areas, at a cost not to exceed the amount specified: Upper Mississippi River, Rock Island to Wabasha, \$60,000; national park and forest areas, \$40,000.

"(5) The purchase of 10 fish-distribution trucks, at a cost not to exceed \$15,000.

"(6) The repair and improvement of the aquarium in the Commerce Building at a cost not to exceed \$10,000.

"(7) The establishment of a fish-cultural station in eastern Washington, at a cost not to exceed \$75,000.

"(8) The construction of a seagoing patrol vessel for the enforcement of Alaska fishery laws and regulations, at a cost not to exceed \$60,000.

"(9) The construction and equipment of a seagoing vessel for the conduct of scientific and oceanographic research in waters off the Pacific coast, at a cost not to exceed \$400,000.

"(10) The establishment of salmon counting weirs in the important salmon streams in Alaska, at a cost not to exceed \$20,000.

"Sec. 3. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1941, such amounts as may be necessary for—

"(1) The purchase and further development of the Fields fish hatchery in Comanche County, Okla., at a cost not to exceed \$40,000.

"(2) The establishment of fish-cultural stations in the following States at a cost not to exceed the amount specified: Illinois, \$75,000; Arkansas, \$60,000.

"(3) The establishment of shad-rearing stations in the following States at a cost not to exceed the amount specified: South Carolina, \$35,000; Virginia, \$50,000; Maryland, \$50,000.

"(4) The establishment of a fishery products laboratory in Puerto Rico at a cost not to exceed \$25,000.

"(5) The construction of rearing ponds in each of the following-named areas, at a cost not to exceed the amount specified: Upper Mississippi River, Rock Island to Wabasha, \$60,000; national park and forest areas, \$40,000.

"(6) The purchase of 10 fish-distribution trucks, at a cost not to exceed \$15,000.

"(7) The construction of a seagoing patrol vessel for the enforcement of Alaska fishery laws and regulations, at a cost not to exceed \$60,000.

"(8) The construction of dwellings and other buildings for natives on the Pribilof Islands, Alaska, at a cost not to exceed \$20,000.

"(9) The establishment of a fishery products laboratory in the Territory of Alaska, at a cost not to exceed \$50,000.

"Sec. 4. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1942, such amounts as may be necessary for—

"(1) The establishment of a fish-cultural station in New Jersey, at a cost not to exceed \$75,000.

"(2) The construction of rearing ponds in national park and forest areas, at a cost not to exceed \$40,000.

"(3) The purchase of 10 fish-distribution trucks, at a cost not to exceed \$15,000.

"(4) The construction of a seagoing patrol vessel for the enforcement of Alaska fishery laws and regulations, at a cost not to exceed \$60,000.

"(5) The construction of dwellings and other buildings for natives on the Pribilof Islands, Alaska, at a cost not to exceed \$20,000.

"(6) The construction of a vessel to serve as a tender for the Pribilof Islands, Alaska, at a cost not to exceed \$300,000.

"Sec. 5. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1943, such amounts as may be necessary for—

"(1) The establishment of fish-cultural substations in the following States, at a cost not to exceed the amount specified: Northern Idaho, \$50,000; Kentucky, \$50,000.

"(2) The construction of rearing ponds in national park and forest areas, at a cost not to exceed \$40,000.

"(3) The purchase of 10 fish-distribution trucks, at a cost not to exceed \$15,000.

"(4) The construction of a seagoing patrol vessel for the enforcement of Alaska fishery laws and regulations, at a cost not to exceed \$60,000.

"(5) The construction of dwellings and other buildings for natives on the Pribilof Islands, Alaska, at a cost not to exceed \$20,000.

"Sec. 6. (a) The new stations, substations, and laboratories authorized by this act shall be located at such specific points as may be selected by the Secretary of Commerce.

"(b) Any appropriation made under authority of this act may be expended for the purchase of sites, equipment, the construction of buildings, and for such other items as may be incidental to the establishment, further development, or purchase, as the case may be, of the station, substation, or laboratory in question.

"(c) No part of an appropriation made under authority of this act shall be expended in the establishment, further development, or purchase of a station or substation unless the State in which such station or substation is to be located shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish-cultural operations and all other necessary operations connected therewith, in such manner and at such times as is considered necessary and proper by the said Commissioner or his agents. The operation of any station or substation established, further developed, or purchased under authority of this act may be discontinued whenever the State ceases to accord such right, or whenever, in the judgment of the Secretary of Commerce, State laws or regulations affecting fishes propagated are allowed to remain so inadequate as to impair the efficiency of such station or substation.

"(d) The authorizations herein with reference to appropriations for certain specified years are for the purpose of indicating priority proposed to be given the various projects but shall not be held to require the appropriations to be made in the years specified, and the appropriations enumerated are likewise authorized in prior or subsequent years in annual or supplemental appropriation Acts.

"Sec. 7. In carrying out the provisions of this act the Bureau of Fisheries may cooperate with States, counties, municipalities, individuals, and public and private agencies, organizations, and institutions, and may accept donations of lands, funds, and other aid to the development of this program. Title to sites for the establishment of stations, substations, or laboratories, whether acquired by donation or purchase, may be acquired subject to such easements, restrictions, or provisions for reversion as may in the judgment of the Secretary of Commerce be considered consistent with the public interest."

Mr. KING. Mr. President, I should like an explanation of the bill.

Mr. WHITE. Mr. President, this bill provides for a 5-year construction program for the Bureau of Fisheries. The Senate will remember that in 1930 such a construction program was authorized by the Congress. That program was in itself a 5-year program; but, because of business and governmental vicissitudes which overtook us, it was never carried out, although a portion of it, extending over a year or so, was completed, and then the entire program was allowed to lapse.

This bill undertakes to revive the authority provided by the legislation of 1930 and to project the work of the Bureau of Fisheries for a 5-year term. There is no project provided for in the bill that has not had the definite and affirmative approval of the Bureau of Fisheries. It is the judgment of the technical experts of our Government that the bill provides a rounded program, which will do much for the conservation of the fish resources of our country and assure immediate steps being taken in the direction of an expansion of aquatic life. I think those who have studied the question believe that this program, or something similar to it, is absolutely necessary if we are to save many of our fish species and if we are to have in the future fish resources in any degree comparable to those of the past. I think I am fully warranted in saying that the bill represents the best technical judgment of the country.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. KING. I shall not object to the passage of the bill, with the understanding that immediately thereafter I shall move to reconsider the vote by which the bill is passed, so that I may have an opportunity to look into it. That motion can be taken up and passed upon during the next week. I have received word of some objections to the bill and some very serious criticisms as to some acts of omission or commission on the part of the Fisheries Service.

Mr. WHITE. May I say that, of course, this bill seeks to avoid what has been almost a scandal in past years—

Mr. KING. Exactly; many scandals.

Mr. WHITE. Of the indiscriminate passage of legislation authorizing fish hatcheries and fish cultural stations solely in the interest of particular congressional districts. This bill has been formulated without any regard for the desires of the particular Members of the House or Members of the Senate, and represents, as I have already stated, the finest technical judgment of the country as to what is necessary and what is wise.

Mr. KING. I do not ask the Senator to assent to it, but if he will agree to the suggestion which I have made, it will be all right with me, and I shall not object to the passage of the bill; but, as soon as it is passed, I shall move to reconsider the vote, the motion to lie on the table; and we may take it up some time next week, after opportunity for a full investigation shall have been afforded.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

Mr. KING. I now move to reconsider the vote by which the bill was passed, and I will ask that that motion lie on the table.

The PRESIDENT pro tempore. The motion entered by the Senator from Utah will lie on the table.

CITY OF NEW BRUNSWICK, N. J.

The Senate proceeded to consider the bill (S. 1294) for the relief of the city of New Brunswick, N. J., which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, as amended, is hereby amended by adding at the end thereof the following new sections:

"Sec. 9. The United States Housing Corporation (hereinafter referred to as the 'Corporation') is authorized and directed to accept from any person holding an existing contract for the property in the Lincoln Gardens project, New Brunswick, N. J., a full release of any right or interest any such person may have acquired by

reason of any such contract. Upon tender of release by any such person and acceptance by said Corporation, such contract shall become null and void and of no further force or effect, and shall be considered as a forfeiture of any right or interest any person may have acquired under or by reason of such contract.

"Sec. 10. Upon any such tender, acceptance, and forfeiture, the Corporation shall sell to such person the property covered by such forfeited contract for an amount equal to the sum of (a) 14 percent of the original contract price of such property, (b) any sum which was due the Corporation under such contract and unpaid on the date of such forfeiture, and (c) the value of any other valid liens (but not tax liens) against such property existing on the date of such sale. Such sale shall be made upon the terms and conditions set forth in section 11 hereof, and the purchaser shall have the option to elect whether to pay the purchase price in cash or partly in cash, or to have the payment of the same in whole or in part secured by the mortgage referred to in section 11.

"Sec. 11. Upon the sale of such property as provided in section 10, the Corporation shall, notwithstanding any alleged tax liens against such property, execute and deliver to the purchaser a warranty deed for such property, free and clear of all encumbrances to the date of such sale. The United States, upon conveyance, shall retain a first lien for any unpaid portion of the purchase price. To secure such lien the purchaser shall execute and deliver a first mortgage to the Corporation for any unpaid portion (or all) of the purchase price, but such mortgage shall not exceed 50 percent of the original contract price at which the property was first sold by the United States. Such first mortgages shall be executed upon a form approved by the Federal Housing Administrator for use in the State of New Jersey, shall bear interest at a rate not to exceed 5 percent per annum, and shall contain such further terms and conditions as may be necessary to make them legally eligible for insurance under title 2 of the National Housing Act as amended: *Provided*, That at the option of the purchaser such mortgages may be made to mature in not to exceed 15 years.

"Sec. 12. (a) The Reconstruction Finance Corporation shall purchase such first mortgages from the United States Housing Corporation at their face value and may sell or otherwise dispose of the same as it may determine.

"(b) The proceeds received by the United States Housing Corporation from such sales to the Reconstruction Finance Corporation and from the sales provided for in sections 10 and 13 shall be used to clear any liens described in clause (c) of section 10, and the remainder shall be paid to the city of New Brunswick, N. J., for municipal and school services rendered to the Lincoln Gardens area and the residents thereof prior to the date of the sale of such properties as provided in section 10.

"Sec. 13. (a) Anyone who fails or refuses to execute a release to the Corporation as provided in section 9 hereof, for any reasons whatsoever, within 90 days after the date such section takes effect, shall be ineligible to receive the benefits of sections 9 to 11, inclusive, of this act, and the Corporation shall cause such proceedings to be instituted as may be appropriate to enforce the rights of the United States, and if necessary, to divest anyone of any interest which may have been acquired in any property in the Lincoln Gardens project, and sell the property so recovered at public or private sale. The Corporation may, however, in its discretion, extend such time for a further period of not to exceed 90 days.

"(b) The Corporation, with the approval of the Secretary of the Treasury and the Reconstruction Finance Corporation, shall have power to make such rules and regulations as may be necessary to carry out the provisions of sections 9 to 13, inclusive, of this act."

The amendment was agreed to.

Mr. KING. Mr. President, I should like an explanation of the bill. If no Senator is here to explain it, I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

JOHN G. EDWARDS

The bill (H. R. 5842) for the relief of John G. Edwards was considered, ordered to a third reading, read the third time, and passed.

JOSEPH ZANI

The bill (H. R. 4819) for the relief of Joseph Zani was considered, ordered to a third reading, read the third time, and passed.

ROBERT R. BLAISDELL AND EDWARD W. HAWKES, UNITED STATES NAVY

The Senate proceeded to consider the bill (S. 3142) for the relief of Commander Herbert Dumstre, Chaplain Corps, United States Navy, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the respective accounts of Lt. Comdr. Robert R. Blaisdell, Supply Corps, United States Navy, in the sum of \$189.30, and Lt. Edward W. Hawkes,

Supply Corps, United States Navy, retired, in the sum of \$695.07, which sums represent amounts paid by said officers to Commander Herbert Dumstre, Chaplain Corps, United States Navy, as rental allowance covering the periods from January 1, 1933, to March 31, 1933, and January 1, 1934, to November 20, 1934, while on duty at the United States Naval Station, Guam, and which were subsequently disallowed by the Comptroller General in said disbursing officers' accounts.

The amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Lt. Comdr. Robert R. Blaisdell and Lt. Edward W. Hawkes (retired), Supply Corps, United States Navy."

NEW YORK & BALTIMORE TRANSPORTATION LINE, INC.

The bill (H. R. 1099) for the relief of the New York & Baltimore Transportation Line, Inc., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the New York & Baltimore Transportation Line, Inc., a corporation organized and existing under the laws of the State of Maryland, with its principal place of business in New York City, the sum of \$129,000 in full satisfaction of its claim against the United States for damages arising out of the frustration of a certain contract of sale for its vessel, *The Baltimorean*, resulting from the requisition by the United States Government for public use of two other vessels, the *Chesapeake* and the *Manna Hata*, both the property of the said New York & Baltimore Transportation Line, Inc.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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.

E. C. BRISENO AND HECTOR BRISENO, A MINOR

The bill (H. R. 1258) for the relief of E. G. Briseno and Hector Briseno, a minor, was considered, ordered to a third reading, read the third time, and passed.

FLORENZ GUTIERREZ

The bill (H. R. 1904) for the relief of Florenz Gutierrez was considered, ordered to a third reading, read the third time, and passed.

GEORGIA MARBLE CO.

The Senate proceeded to consider the bill (S. 3092) for the relief of the Georgia Marble Co., which had been reported from the Committee on Claims with amendments, on page 1, line 7, after the word "company", to insert "against the United States"; in line 8, after the word "labor", to strike out "and material"; and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Georgia Marble Co., of Tate, Ga., the sum of \$8,338.88 in full settlement of the claim of said company against the United States for increased cost of labor incurred due to the National Recovery Administration and/or the President's Reemployment Agreement and/or the applicable approved code in the performance of its contract with the War Department dated July 1, 1933, for furnishing certain quantities of different-type headstones: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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 amendments were agreed to.

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

EIGHTH AMERICAN SCIENTIFIC CONGRESS

The joint resolution (S. J. Res. 289) to provide that the United States extend an invitation to the Governments of the American republics, members of the Pan American Union, to hold the Eighth American Scientific Congress in the United States in 1940 on the occasion of the fiftieth anniversary of the founding of the Pan American Union; to invite these

Governments to participate in the proposed congress; and to authorize an appropriation for the expenses thereof, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the President be, and is hereby, authorized and requested to invite the governments of the American republics, members of the Pan American Union, to hold the Eighth American Scientific Congress in the United States in 1940 on the occasion of the fiftieth anniversary of the founding of the Pan American Union, and to invite these governments to participate in that Congress.

Sec. 2. That the sum of \$90,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of organizing and holding the Eighth American Scientific Congress, including personal services in the District of Columbia and elsewhere, without regard to the Classification Act of 1923, as amended; communication services; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); travel expenses; local transportation; hire of motor-propelled passenger-carrying vehicles; transportation of things; rent in the District of Columbia and elsewhere; printing and binding; entertainment; official cards; purchase of newspapers, periodicals, books, and documents; stationery; membership badges; and such other expenses as may be actually and necessarily incurred by the Government of the United States by reason of observance of appropriate courtesies in connection therewith, and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments have been made for any of the purposes herein specified.

HARRY P. RUSSELL, A MINOR

The bill (H. R. 6062) for the relief of Harry P. Russell, a minor, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN ARMY DISBURSING OFFICERS

The bill (H. R. 9198) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department was considered, ordered to a third reading, read the third time, and passed.

BLACK HILLS NATIONAL FOREST, WYO.

The Senate proceeded to consider the bill (S. 3416) providing for the addition of certain lands to the Black Hills National Forest in the State of Wyoming, which had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 7, after "20," to insert "north half, southwest quarter"; and in line 24, after the word "southeast," to strike out "quarter" and insert "quarter" followed by a comma, so as to make the bill read:

Be it enacted, etc., That subject to all valid existing claims, entries, and leases, all of the lands of the United States within the following-described area are hereby added to and made a part of the Black Hills National Forest in the State of Wyoming, and such lands shall hereafter be administered under the laws and regulations relating to the national forests:

BEAR LODGE UNIT, SIXTH PRINCIPAL MERIDIAN

Township 55 north, range 63 west: Sections 5 to 9, inclusive, 16 to 21, inclusive, 28 to 34, inclusive, and west half section 4, west half section 27.

Township 54 north, range 63 west: Sections 4 to 9, inclusive, 17, 18, 19, 28 to 32, inclusive, west half section 3; north half northeast quarter and west half section 20; north half, southwest quarter and north half southeast quarter and north half southwest quarter southeast quarter section 33.

Township 53 north, range 65 west: Sections 1, 12, 13, 24, 25, 36.

Township 53 north, range 64 west: Sections 1 to 12, inclusive, 15 to 22, inclusive, 27 to 34, inclusive, northeast quarter and west half section 14.

Township 52 north, range 65 west: Sections 1 to 36, inclusive.

Township 52 north, range 64 west: Sections 3 to 10, inclusive, 14 to 36, inclusive.

Township 52 north, range 63 west: Section 31 and east half section 36.

Township 51 north, range 63 west: Sections 1, 6, 8, 10, 11, 12, and west half southwest quarter section 5; east half northeast quarter, southeast quarter, south half southwest quarter section 9.

Sec. 2. Any of the lands described in the first section of this act which are privately owned may be accepted in exchange by the Secretary of the Interior under the provisions of the act entitled "An act to consolidate national forest lands" approved March 20, 1922, as amended. All of such lands so accepted in exchange shall be added to and made a part of the Black Hills National Forest in the State of Wyoming and shall thereafter be administered under the laws and regulations relating to the national forests.

The amendments were agreed to.

Mr. O'MAHONEY. Mr. President, a committee amendment was inadvertently omitted from the print of the bill. I send it to the desk and ask to have it stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Wyoming will be stated.

The CHIEF CLERK. On page 2, after line 15, it is proposed to insert:

T. 53 N., R. 63 W., N $\frac{1}{2}$ sec. 5, sec. 6, and NW $\frac{1}{4}$ sec. 7.

The amendment was agreed to.

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

WILLIAM H. AMES

The bill (H. R. 1930) for the relief of William H. Ames was considered, ordered to a third reading, read the third time, and passed.

MILDRED G. YUND

The bill (H. R. 6780) for the relief of Mildred G. Yund was considered, ordered to a third reading, read the third time, and passed.

MRS. NEWTON PETERSEN

The bill (H. R. 6803) for the relief of Mrs. Newton Petersen was considered, ordered to a third reading, read the third time, and passed.

EPHRIAM J. HICKS

The bill (H. R. 6885) for the relief of Ephriam J. Hicks was considered, ordered to a third reading, read the third time, and passed.

TRANSFER OF ENLISTED MEN OF COAST GUARD TO FLEET NAVAL RESERVE

Mr. KING. Mr. President, I have pending a motion to reconsider the vote by which Senate bill 2206 was passed. It is a bill to provide for the transfer of enlisted men of the Coast Guard to the Fleet Naval Reserve.

Mr. REYNOLDS. Mr. President—

Mr. KING. I yield to the Senator from North Carolina. We have arranged with our leader to take up that motion for consideration, and the Senator from North Carolina desires to submit a memorandum on the subject.

Mr. REYNOLDS. Mr. President, in connection with the motion to reconsider, I ask unanimous consent that a memorandum prepared by the Coast Guard men themselves, who are principally interested in this particular subject, be published in the RECORD at this point as part of my remarks.

Mr. KING. I have no objection.

The PRESIDING OFFICER. Without objection, the memorandum will be printed in the RECORD.

The memorandum is as follows:

MEMORANDUM FOR SENATOR ROBERT R. REYNOLDS, OF NORTH CAROLINA
NEW YORK, February 2, 1938.

Subject: Savings which will accrue to the Government if S. 2206 is enacted into law.

The problem: To prove that savings will accrue to the Government.

Given: (a) Average age of enlistment in Coast Guard, 20.44 years. (b) Those who live to be 40 years of age have a future life expectancy of 29.25 years. (c) Those who live to be 50 years of age have a future life expectancy of 21.54 years.

Solution: A enlists at 20, A serves 20 years, A transfers to Reserve at 40. B enlists at 20, B serves 30 years, B retires at 50.

From normal life expectancy, A will live to be 69.25 years of age, B will live to be 71.54 years of age. (These figures are based on Guardian Life Insurance Co. statistics for men of the U. S. Coast Guard.)

Under the provisions of S. 2206, A transfers to Reserve on pay of \$103.95 after 20 years; B retires on \$133.87 after 30 years of service.

After 20 years' active service, A receives \$1,247.40 per annum, which is \$12,474 for 10 years (in reserve). B receives \$1,890 per annum, or \$18,900 for 10 years (on active duty).

From the age of 50 years, A receives \$1,247.40 per annum for 19.25 years, \$24,012.45; B receives \$1,606.44 per annum for 21.54 years, \$34,602.72.

After 20 years of service:

A will have received.....\$12,474.00
And.....24,012.45

Total.....36,486.45

B will have received.....18,900.00

And.....34,602.72

Total.....53,502.72

The Government will then have saved the difference between \$53,502.72 and \$36,486.45, or the sum of \$17,016.27 on each person transferred to a Coast Guard Reserve after 20 years of active service.

But the Government must advance enlisted personnel in rating to fill vacancies created by the transfer of men to the Reserve.

This will cost \$1,669.60 per annum. For the 10 years between 20 and 30 years of service, this will therefore cost \$16,696.

However, since the widow of each man who dies while on active duty is paid 6 months' pay as a "death gratuity," the Government will save, on a chief petty officer, the amount of \$945 (6 months' pay) for each chief petty officer who is in the Reserve or on the retired list. If one-third of those who transfer to a Reserve after 20 years of service die before reaching the age of 50, there will be a one-third of \$945, or a \$315 saving to the Government on each person transferred to a Coast Guard Reserve.

Result:

Credits.....\$17,016.27
315.00

Total.....17,331.27

Debits.....16,696.00

Total.....16,696.00

Total saving per person (chief petty officers only considered in this problem) will then be the difference between debits and credits, or the sum of \$635.27.

Summary

The sum of \$635.27 would be saved over a period of 31.54 years on each person transferred to a Reserve after 20 years of service on only \$103.95.

As of January 1, 1938, there were 244 persons in the Coast Guard with over 20 years of service. While many of these have between 25 and 30 years of service, these have been discounted as not taking advantage of transfer to Reserve. Approximately 75 percent of the remainder, or 133 men, would be transferred to Reserve the first year.

The cost mounts from \$113,000 the first year to nearly \$1,000,000 the tenth, but then, like a stock-market barometer, the curve goes down as the savings go up, until after an additional 21.54 years the Government can show a definite saving in each case of \$635.27.

Briefly, the following are reasons why S. 2206, which creates a Coast Guard Reserve, should be enacted into law:

(1) Raise a shattered morale: The attitude of the enlisted men of the Coast Guard has gotten to the stage where they say, "What's the use; no matter what we do, we won't get advanced in rating." In 1932, 1,700 enlisted men were discharged and 1,300 were reduced in rating. Today, hundreds of those who were reduced "for the convenience of the Government" still hold lower ratings and receive less money than they did 6 years ago. No warrant officers and no chief petty officers have been made in the past 6 years. Few advancements have been made to petty officer ratings.

(2) Increase efficiency: With many men just holding on to their jobs, doing what is required and no more, for they see no promotion; efficiency would be increased if these men were permitted to transfer to a Reserve after 20 years of active service and permit new blood to fill the vacancies. This year approximately 133 men would be available, next year 40 more would become available, etc., until at the end of 10 years a high of approximately 953 men would be the "whole" of a Coast Guard Reserve.

(3) National defense and preparedness: In time of national emergency—war, hurricane, or flood—these men would be ready for instant duty in the affected area. In wartime the Coast Guard operates as a part of the Navy. Recently the Secretary of the Navy said he desired more men for the Naval Reserve. Since the Coast Guard is simply a Naval Reserve, is it not logical to increase this useful arm of the Military Establishment at this time? It is a fact that it was 5 months after the commencement of hostilities in 1917 before the Coast Guard had built up a wartime strength. With 953 trained chief petty officers in a Coast Guard Reserve, no such delay would occur. In 1937 many stations and ships of the Coast Guard along the coasts of the Atlantic were depleted of man-strength because of duty of these men in the flood areas. With a Reserve strength to call upon, no such condition would have resulted, and each unit would have remained at top strength in case of disaster at sea.

(4) Economy: It can be proven that over a period of 10 years the bill will cost more than is saved. But after this period of time and until the thirty-first year, a saving accrues to the Government. It is estimated that a saving over the 31 years will amount to \$635.27 per man so transferred to a Coast Guard Reserve on one-half pay.

(5) Men of the United States Coast Guard fought the prohibition war under conditions similar to those prevailing during wartime, during the years 1924-32. They were gassed by the "enemy"; they were crowded into small boats and destroyers; they remained at sea for weeks at a time in "drives" to rid the coasts of rum runners. The Government should provide a relief for the situation in the Coast Guard today, which was caused by repeal of the Volstead Act.

ARMISTICE DAY

Mr. McADOO. Mr. President, by the courtesy of the chairman of the Judiciary Committee, I am permitted to bring

to the attention of the Senate the matter to which I am about to refer.

I ask for the present consideration of House bill 6656, which has been reported without amendment from the Committee on the Judiciary, and is a bill to make Armistice Day a national holiday. Forty-four States of the Union have already passed laws making this day a national holiday, and four States of the Union usually designate, by gubernatorial action, observance of the day as a holiday.

Since Armistice Day represents so much not only in the way of memories but in the way of the ultimate outcome of the great World War and respect for the veterans of the war, I think it would be eminently fitting and appropriate if the Senate would concur in the action of the House with respect to this matter.

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

Mr. McADOO. I yield.

Mr. BARKLEY. I have examined the language of the House bill to which the Senator refers. It places the so-called national holiday on the 11th of November in each year on the same basis as the 1st of January, the 22d day of February, the 30th day of May, the 4th day of July, the first Monday in September, and Christmas Day.

Congress never has passed a law making any day a national holiday in the States—the Fourth of July, or Christmas, or any other day. It has always been construed that Congress had no power to fix a national holiday within the different States. All the acts which have ever been passed by Congress have been limited to the District of Columbia, and the acts referred to in the House bill mentioned by the Senator are limited to fixing these days as national holidays in the District of Columbia. The language of this bill puts the 11th of November on the same basis as the days referred to in the other acts mentioned.

If the Senator from California has the impression that the bill creates a national holiday all over the United States, I think he is laboring under a misapprehension, because the bill does not do so, and it has been universally held, all during the history of this country, that Congress has no power to fix a national holiday within the States.

I have no objection to the consideration of the bill under its terms, because, with that interpretation of the bill, it seems to me it is limited to the District of Columbia. I doubt whether we have power to go beyond the District of Columbia in fixing a national holiday for the whole United States.

I make that explanation because I do not know whether or not the Senator has looked into the matter. I have made some investigation and have here a memorandum from the Senate Library, which has gone into the subject, in which it is stated that Congress has never exercised the power to declare a holiday throughout the United States. Such holidays as have been declared by Congress have been limited to the District of Columbia, except that the President by proclamation may designate as national holidays certain days like Thanksgiving and other days, which is done as a matter of inherent right on his part. I am speaking now, however, of the power of Congress to fix an obligatory legal holiday within the States so as to make it universal in its application.

Mr. KING. I shall object to the consideration of the bill unless it is amended to conform to the suggestion made by the Senator from Kentucky.

Mr. BARKLEY. It is not necessary to amend it, because the bill itself says Armistice Day shall be on the same basis as the other days which have been declared holidays by act of Congress, but limited to the District of Columbia.

Mr. BONE. Mr. President, would not that language in itself rather limit the application of the bill? Where it refers to some other act the text of the other act would be binding if we refer to it; would it not?

Mr. BARKLEY. It would be. It would place this holiday on the same basis with the others.

Mr. McADOO. Thanksgiving or any other holiday?

Mr. BARKLEY. Thanksgiving is not a holiday by act of Congress; only by proclamation of the President.

Mr. McADOO. This bill, if passed, would simply give the President authority by a similar proclamation to make Armistice Day a holiday.

Mr. BARKLEY. He probably would have that inherent authority anyway, without an act of Congress.

Mr. McADOO. I may say that, of course, the bill is not intended to interfere with any of the prerogatives of the States, because 44 States have already declared Armistice Day to be a national holiday, and 4 of the States which have not done so by law make it a holiday by proclamation of their executives.

Mr. BARKLEY. I am sympathetic to the idea. I will say to the Senator from California that years ago, in the House of Representatives, I introduced a bill to make the 11th of November a national holiday throughout the United States; and I ran up against the same difficulty to which I am now calling the Senator's attention. I did not want the Senator to be under a misapprehension as to the application of this bill if it should be enacted.

Mr. McADOO. I am not unaware of the force of the Senator's observation. I will only say that the action proposed to be taken is qualified by the reference to the other holidays we have; and the bill does not go any further than the authority under which these other days are observed as holidays. It is merely a recognition of the fact that so far as the Federal agencies throughout the United States are concerned, Armistice Day is a legal holiday.

As the matter stands today, in the States in which Armistice Day is a legal holiday, the Federal agencies do not necessarily observe it as a holiday at all. The Federal agencies have to continue to operate. The enactment of the bill will only bring us into harmony with sentiment in the United States, I am sure, and also into harmony with the action which the States themselves have already taken. The action we propose to take is not exclusive of, and does not interfere with, the laws of the States.

Mr. REYNOLDS. Mr. President, I assure the Senator from the State of California that I am in hearty sympathy with the matter in which he is interested. I merely wish to state that a bill of exactly the same language was introduced by me on January 5, 1938. The bill to which my distinguished friend from California has referred, and which was passed on by the Judiciary Committee, was introduced in the House on April 20.

I therefore ask that my bill be substituted for the House bill. It is identical in language. My bill is Senate bill 3727.

Mr. BARKLEY. Mr. President, of course that would mean that the bill would have to go back to the House for further action. Inasmuch as the House has passed a bill of identical language, what is the object of the Senator's request?

Mr. REYNOLDS. It is my understanding that the Senate would accept my bill as a substitute, the result of which, under the parliamentary rules of procedure to which we are accustomed here, would be that the bill would not have to go back to the House for reaffirmation, so to speak.

Mr. BARKLEY. The Senator's bill would be in the nature of an amendment, which would have to go back to the House for further action. If the language is identical, nothing would be gained by that.

Mr. REYNOLDS. I am not offering my bill as an amendment. I am offering it as a substitute; and as such, I understand, it would not have to go back to the House.

Mr. BARKLEY. In any event it would be necessary to strike out the language of the House bill and substitute other language, which would be an amendment, whether in the nature of a substitute or not; and the bill would have to go back to the House, bearing the same House number, but with all the language passed by the House stricken out, and new language inserted in italics that would be identical with the present language of the House bill.

I really do not see what is to be gained by it. It is just striking out language and inserting the identical language.

Mr. REYNOLDS. I will be perfectly frank in stating to Senators that there is no difference between the House bill and my bill. I merely have a little personal pride in the matter; but I am perfectly willing to waive that.

Mr. BARKLEY. We all appreciate that; but the bill would have to go back to the House.

Mr. BONE. Mr. President, I should like to make an inquiry of the Senator from Kentucky with respect to the rule he just announced. I have a bill pending before a committee, and an identical bill has just passed the House. I take it the proper procedure would be to ask that the Senate bill be indefinitely postponed at the time action is had on the House bill.

Mr. BARKLEY. That is the usual course. After the House bill has been passed, the proper procedure is to ask that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from California [Mr. McAdoo] that the Senate proceed to the consideration of House bill 6656?

There being no objection, the Senate proceeded to consider the bill (H. R. 6656) making the 11th day of November in each year a legal holiday, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the 11th day of November in each year, a day to be dedicated to the cause of world peace and to be hereafter celebrated and known as Armistice Day, is hereby made a legal public holiday to all intents and purposes and in the same manner as the 1st day of January, the 22d day of February, the 30th day of May, the 4th day of July, the first Monday of September, and Christmas Day are now made by law public holidays.

THREE HUNDREDTH ANNIVERSARY OF THE PERMANENT SETTLEMENT OF THE DELAWARE VALLEY BEGINNING IN 1638

THE VOYAGES AND EXPEDITIONS BY THE SWEDES TO THE DELAWARE VALLEY

Mr. LUNDEEN. Mr. President, the commemoration of the three hundredth anniversary of the permanent settlement of the Delaware Valley would be incomplete without recounting the voyages and expeditions which made that settlement possible. It is proper that we who are the beneficiaries of European culture in the New World should pay tribute to those courageous souls who dared the hazards of the Atlantic to plant the seeds of civilization in Delaware Valley.

PIONEERS BRAVE HARDSHIPS

The records disclose that a very large number of the hardy group of pioneers that entered upon these voyages did not survive the hazards of the ocean voyage, and that an equally large number of those who landed on our shores did not live through the common experience of sickness, plague, and lack of proper provisions which often beset them.

In recounting the achievements and lasting monuments to the perseverance and courage of these pioneers, we are apt to forget the hardships and the heartaches upon which they were founded. The vanguard of civilization in the Delaware Valley consisted of citizens from all walks of life—soldiers, peasants, seafaring men, engineers, schoolmasters, theologians, and adventurers, but for the most part the group included those who sought, in a new frontier, an improvement of their social and economic status.

HISTORICAL RESEARCH

A comprehensive and scholarly account of the expeditions and voyages to New Sweden on the Delaware has been compiled by Dr. Amandus Johnson, director of the John Morton Memorial Museum and a member of the faculty of the University of Pennsylvania, and I am indebted to him for research material on this subject. Dr. Johnson is one of the outstanding scholars of the early history of the Delaware Valley and is recognized by students of history as preeminent in this field.

Dr. George H. Ryden, State archivist of Delaware and head of the department of history of the State University, deserves special recognition for his contribution to the tercentenary celebration. A valuable service has been performed by W. N. Morell, Esq., in the field of bibliographical research on this subject. The bibliography incorporated herein includes the names of other scholars who likewise have added to our knowledge of this history.

THE FIRST EXPEDITION—1637-38

The first expedition to Delaware consisted of two vessels, the *Kalmar Nyckel* and the *Fogel Grip*, under the command of Peter Minuit, Capt. Mans Nilsson Kling, and Hendrick

Huygen. The preparations for the expedition were under way in the fall of 1637, under the direction of Chancellor Axel Oxenstierna, who upon the death of Gustavus Adolphus was charged with the responsibility of carrying out his ambitious plans of colonization.

The *Kalmar Nyckel*, a frigate, was furnished by the old South Co. in Sweden and the *Fogel Grip*, a sloop, was furnished by the Swedish Government. History records that these vessels were ready to sail about the end of October, but their departure was delayed by contrary winds. When these ships finally entered upon their voyage from Göteborg they encountered an unusually heavy storm in the North Sea and the two ships became separated.

DAMAGED BY STORMS

The *Kalmar Nyckel*, badly disabled, after cruising around for almost a month, finally made port in Holland, minus her prow and a mast. Shortly thereafter the *Fogel Grip* also made port in a very battered condition. It was necessary to make extensive repairs and to take on new supplies. The crew and the passengers were sick and exhausted from exposure and hardships.

It must be recalled that these vessels were not much larger than the ordinary coastwise fishing vessel of more modern times, the largest vessel being only 120 tons.

CROSSING OF THE ATLANTIC

The vessels finally were repaired, and, after waiting for favorable winds, they finally set sail for the New World in December 1637.

The log of this voyage has been lost, but the history of the perilous crossing of the Atlantic by the *Kalmar Nyckel* and the *Fogel Grip* indicates that the voyage was a difficult one.

VESSELS REACH DELAWARE

History records that the vessels finally reached the Delaware about the middle of March 1638 and some time during the latter part of that month cast anchor before "a ledge of rocks" within the confines of the present city of Wilmington. A salute of two guns was given to notify the Indians of that territory that white men had come up the river. An exploration of the territory along Christina Creek and surrounding country was made. This exploration disclosed that no white people occupied this territory. Shortly after this exploration the Indian sachems of the Leni-Lenape Confederation, with their retinue, appeared on the banks of the river and five of the chiefs—Mattahorn, Metatsimint, Elupacken, Mahomen, and Chiton—were invited aboard the *Kalmar Nyckel* and negotiations were entered into for the sale and purchase of land.

LAND PURCHASED

The negotiations were finally completed and the deed signed on March 29, 1638, for the territory, including the west shore of Delaware from Cape Henlopen to the Schuylkill River and extending westward indefinitely, or, as the document reads: "As far as Minuit desired." The Indians traced their marks on the document and the signatories for the colonists were Peter Minuit, Capt. Mans Nilsson Kling, Hendrick Huygen, Andreas Lucasson, and Jacob Evertson Sandelin.

TERRITORY CALLED NEW SWEDEN

The Swedish coat of arms was erected on a pole "and with the report of a cannon, followed by other solemn ceremony, the land was called New Sweden. The creek was named Christina in honor of the young Queen, and the new fort which was erected back of the rocks, about 30 or 40 feet from the water's edge, was given the same name. Two houses were erected within the fort as a shelter for the garrison. The fort was garrisoned with 23 men in command of Capt. Mans Nilsson Kling, and Hendrick Huygen was designated as the commissary.

Small tracts in the neighborhood were planted with vegetables and sown with grain. The records state "two barrels of wheat and two barrels of seed corn were brought here on the ships."

DEPARTURE AND DEATH OF MINUIT

About the middle of June, Minuit left the colony in charge of Captain Kling, who thus became the first "acting gov-

ernor" of New Sweden. Minuit never saw the colony again. While at the island of St. Christopher on his way home he went on board the *Flying Deer* from Rotterdam to dine with the captain. One of those sudden storms, so common in those waters, tore the ship from her moorings and drove her to sea. The *Flying Deer* never returned and Minuit disappeared from history.

"KALMAR NYCKEL" MEETS MISFORTUNE

The *Kalmar Nyckel* also lost her anchorage and was blown out to sea, but she suffered only slight damage and was able to return to port. After waiting for a few days for her commander, the ship set sail for Europe. About the beginning of October as she was approaching the shores of Holland she was overtaken by a devastating storm. The main mast was cut and sent adrift to keep the vessel from capsizing, and she sustained such serious damages that the master put into a Dutch harbor for repairs. Here the ship was seized by orders of the Dutch West India Co. and duty demanded on the cargo, as the skipper refused to show his commission; but, when it was ascertained that the expedition sailed under the authority of the Swedish Government, the vessel was released.

During the late summer of 1638 the *Fogel Grip* left the colony to search for Spanish prizes. Little is known of this expedition. In the early part of 1639 the ship returned to Fort Christina and about the end of April she set sail for Sweden with a cargo of skins, arriving at Göteborg about the beginning of June, a record journey for those early days.

The total value of the cargoes (pelts and tobacco) of the first expedition was 23,849 florins, while the cost amounted to more than 46,000 florins.

PREPARATIONS FOR NEW EXPEDITION

In the spring of 1638 Admiral Klas Fleming, who had become enthusiastic about the colonial venture, began preparations for a second expedition, and proposed that several ships should be chartered for the voyage. He also invited Willem Usselinx to come to Sweden as an adviser and director, but this promoter of colonial settlements was busy elsewhere and besides he thought that "New Sweden would never amount to much." Pelts and tobacco, the chief exports of North America, would, in his opinion, never build fortunes.

THE SECOND EXPEDITION—1640

When the reports and Indian deeds of the land-purchase arrived on the *Kalmar Nyckel*, Fleming's enthusiasm was reawakened and preparations for a second expedition to the Delaware were begun in earnest.

The *Kalmar Nyckel* was again fitted out. Fleming and the other Swedish stockholders in the Delaware Co. apparently decided the project should not only be a trading post, as some of the organizers had conceived it, but an agricultural establishment which would grow into a considerable colony. "Colonists, horses, fodder, and provisions" as well as cattle, farming implements, munitions, and supplies for the Indian trade, were taken on board.

THE SECOND GOVERNOR

Peter Hollandaer Ridder went to New Sweden on the ship as the second governor of the colony. The Rev. Reorus Torkillus was appointed pastor in New Sweden and he thus became the pioneer of Lutheranism in the New World and the first Lutheran clergyman to serve within the present territory of the United States. His services, however, were of short duration for he died in February of 1643. Gregorius Van Dyck, a Dutchman but a faithful servant of the Swedish Crown, was sent over as assistant commissary.

"KALMAR NYCKEL" SAILS AGAIN

The *Kalmar Nyckel* left Göteborg in the beginning of September 1640 for her second voyage to New Sweden. In the North Sea she sprang a leak and was taken to Medenblik for repairs. Twice the ship set sail and twice she was compelled to return—the repairs had been badly done. The ship was now taken to Amsterdam and fully reconditioned. The captain was dismissed and a new master, Pauwel Jansen,

was engaged in his place; some new sailors were also hired. Again the ship was ready to lift anchor, but on December 27 a severe storm, approaching a hurricane, swept over the Dutch coast, damaged the vessel and further delayed sailing. Finally on February 7, 1640, all troubles were at an end and the *Kalmar Nyckel* rode out of harbor under full sails.

ARRIVAL AND DEPARTURE

On her course the ship encountered terrible storms, causing "the people and cattle to suffer severely," but she arrived safely at Fort Christina, New Sweden, on April 17, 1640. Governor Ridder now took charge of the colony. The storehouse was given over to Gregorius Van Dyck.

The ship left the colony about the middle of May on her return voyage. Capt. Mans Nelsson Kling and Hendrick Huygen returned to Sweden with the vessel.

EXPEDITION A FINANCIAL LOSS

The financial losses of the second expedition were even greater than the first, and the Dutch shareholders were thoroughly dissatisfied. The Government of Stockholm, therefore, "found it expedient to release the Dutch participants in the New India or Florida Co. as they were a hindrance." In February 1641, 18,000 florins were paid to the Dutch stockholders. From now on the New Sweden Co. was operated entirely by Swedish capital.

THE THIRD EXPEDITION—1640

At this time a plan was on foot to establish a group of Dutch colonists in New Sweden. A ship was chartered for the purpose, and the emigrants, 50 strong, settled a few miles above Fort Christina in the autumn of 1640, but it seems that they soon removed to their kinsmen in New Amsterdam, for there is no mention of the settlement in documents after 1641.

THE FOURTH EXPEDITION—1641

A fourth expedition of two ships, the trusty *Kalmar Nyckel* and a new ship, the *Charitas*, were prepared in the spring and summer of 1641.

The *Kalmar Nyckel* carried most of the settlers, who consisted of Swedes and a few Finns from the northern part of the kingdom. Horses, goats, cattle, sheep, and farming implements, as well as seed corn of various kinds, were loaded into the *Charitas*. The two vessels sailed in July. The voyage was unusually stormy. Two passengers and some cattle died, and when the ships finally cast anchor in Christina Creek before the fort, on November 7, 1641, "the people were very weak and powerless." Five horses, eight cows, five sheep, and two goats were landed alive, but two horses and one cow died soon after they had been brought ashore.

A new pastor, Reverend Christoffer, arrived on this ship. Captain Kling returned as commander of the fort, and a tailor, a millwright, a blacksmith, and other skilled workmen, as well as some freemen or colonists, arrived on this expedition.

The ships departed from New Sweden about the end of November, carrying a detailed report from Governor Ridder and one or two returning soldiers, but no cargo.

THE FIFTH EXPEDITION—1642-43

Before the ships reached Sweden, Admiral Fleming had begun preparations on a large scale for a new expedition—three ships were to be sent. The arrival of Ridder's report at Stockholm in the late spring or early summer gave new life to the preparations and it was decided to dispatch the expedition at the earliest possible moment even though supplies for the Indian trade could not be procured.

It was decided to establish Swedish authority on the Delaware more firmly. A new governor was to be appointed and the civil as well as military authority was to be placed on a firm and businesslike basis.

JOHAN PRINTZ—THE THIRD GOVERNOR

Per Brahe, one of the members of the Government, proposed a man for governor who was now in retirement. His name was Johan Printz—Bjornsson—one of the forceful characters of the Thirty Year War. Printz had enjoyed a varied career; in his youth he studied theology expecting to follow in the footsteps of his paternal ancestors who had been pastors in the Swedish church for many generations,

but circumstances made him a soldier of fortune and he served under many masters in many armies and in various nations. He was born in Småland, Sweden, where his forefathers had lived for generations. His exploits before entering the Swedish Army in the Thirty Year War recommended him for dangerous service. In 1640 he was commander of an important fortress in Germany. Being attacked by vastly superior forces he was compelled to surrender after offering a brilliant and stubborn resistance against overwhelming odds. Due to his brave resistance he obtained favorable terms and was allowed to return to Sweden. Johan Printz went to live in retirement on his estates in Finland, which were given to him for services in the Army.

THE FIRST CONSTITUTION OF TWO STATES

Printz was now called out of his retirement and appointed Governor of New Sweden. The order or instruction which was presented to him for the government of the colony has been called the first constitution or fundamental law of Delaware and Pennsylvania.

The instructions—dated August 15, 1642—contained 26 articles regulating the religious, civil, legal, military, commercial, agricultural, and manufacturing activities of the colony and defining the powers of the governor and his relations to the natives and to the neighboring colonies.

As in the case of the previous expedition, emphasis was placed on the development of the colony and the settlement of the country.

JOHAN CAMPANIUS HOLM

A mining expert was engaged to look for minerals in the settlement and skilled workmen and laborers were hired for services on the plantations and on the forts. Additional soldiers and officers were also enlisted and a new pastor, the famous Johan Campanius Holm, was appointed.

The company was reorganized in August 1642, and the Royal Government and the respective participants resolved to furnish capital stock of 36,000 riksdaler in the New Sweden Co. The journal of the corporation on August 28, 1642, included the above entry.

THE "SWAN" AND "FAWA" SAIL

The preparations dragged out through the summer and not until the end of October were the ships ready to depart. On the 1st day of November 1642 the *Swan* and the *Fawa* left Göteborg and set their course through the North Sea.

They had reached the stormy waters of the Spanish Ocean by the 15th of November and shortly before Christmas they sailed into the harbor of Antigua where the exhausted passengers spent the Christmas holidays.

Johan Printz, Johan Campanius Holm, and the other officers were lavishly entertained by the governor of the island, and the rest of the Swedes were treated hospitably by the inhabitants. In the beginning of January 1643 the travelers were on the way again "having as many oranges and lemons as they could take with them."

SHIPS ENCOUNTER STORM

The ships arrived at the Delaware Bay toward the end of January 1643. As they were about to enter the river a terrible storm broke upon them. The *Fawa* tore away from her three anchors and ran ashore, with heavy damages, losing her main mast and spritsail.

The anchors of the *Swan* held, but the ship suffered heavily and part of her cargo was ruined. The *Fawa* was refloated with the rising tide and temporary repairs were made. On February 15 the ships arrived before the rocks in front of Fort Christina. What a joy those early representatives of Swedish power in the New World must have felt as the ship which Governor Printz commanded was moored to its anchoring place. As Printz moved over to the port side the ship reeled and the landing plank swayed and bent under his ponderous form of 400 pounds.

RETURN WITH LARGE CARGO

The ships left the colony about the middle of April 1643 with large cargoes of pelts. Governor Ridder, Johan Papegoja, son-in-law of Governor Printz, and some soldiers and

workmen left the colony on the ships. Toward the end of July the ships anchored in Göteborg.

Johan Papegoja, and perhaps Ridder and other officers, went overland to Stockholm, bringing letters and the first reports of Governor Printz from New Sweden. The documents arrived at the Swedish capital on August 1. The ships with their cargoes made their appearance some weeks later.

THE SIXTH EXPEDITION—1644

Even before the ships came to Stockholm, preparations had begun for another expedition. Two ships were fitted out and this time trade with the Indians and commerce in West Indies were to be the main purpose of the voyage. Large supplies of merchandise were procured in Holland and Sweden.

But the colonists were not forgotten, Papegoja enlisted some soldiers; two or three colonists came from Finland and two noblemen were registered among the passengers. Johan Papegoja also made himself ready to return to the Delaware. The *Fawa* and the *Kalmar Nyckel* were selected for the voyage. Only the former ship, however, went to Fort Christina in New Sweden, where she arrived on February 27, 1644. The *Kalmar Nyckel* made a trading journey to the Caribbean Islands.

THE "FAWA" SAILS

About June 20, 1644, the *Fawa* set her course for Europe with a large cargo of skins and tobacco. The two ships, which reached Europe some weeks apart, were seized on their homeward journey by order of the Dutch West India Co.; but they were finally released, through the efforts of the Swedish Ambassador to Holland.

The *Fawa* carried earnest requests from Governor Printz and Papegoja for more colonists and more supplies. But Admiral Klas Fleming, the driving force of the New Sweden Co., was engaged in a task of far more importance to Sweden at that moment than the fortunes of the little settlement along the Delaware.

ADMIRAL FLEMING KILLED

The Danish War was in full swing, and Admiral Klas Fleming pressed every ship into the service. The *Swan* and the *Charitas*, which had made journeys to New Sweden, fought in the Battle of Fehmern, and when the *Kalmar Nyckel* and the *Fawa* arrived at Göteborg in the summer of 1644 they were refitted and added to the fleet. The war not only prevented the dispatching of aid to Governor Printz at this time but inflicted an irreparable loss on the company. Admiral Klas Fleming was killed by a stray shot from a Danish battery on July 26, 1644.

Chancellor Axel Oxenstierna, who was the mainspring in the first voyage, now became the unappointed head of the New Sweden Co. But he was too busy with the peace negotiations that were in progress and did not even find time to peruse the letters and reports which Governor Printz had sent to Stockholm.

THE SEVENTH EXPEDITION—1646

The war soon came to an end, and ships could be spared for commercial voyages. A new expedition on a large scale was planned as soon as ships could be prepared.

It was proposed that 400 women, 400 men (half of them soldiers), and 200 children were to be dispatched to Governor Printz. The project could not be realized, and accordingly it was decided that two ships would be sent. A new vessel, the *Gyllene Haj* (the *Golden Shark*), fully rigged, was purchased in Holland for the voyage. The documents mention that the *Fawa* was to make the trip also, but for some reason the *Gyllene Haj* sailed alone.

STORMS AND SICKNESS

In May 1646 she set her sails for the Delaware. She had a perilous and stormy voyage and did not reach Fort Christina until November 1, minus sails, topmast, and several implements. The master of the ship, the mate, and all of the crew except one man were ill, so that, according to their own reports, they would all have perished if they had not reached land at that time. The sailors recovered slowly,

and the repairs on the vessel were not completed until December.

As the winter was cold, the river froze over, and the vessel was unable to begin its homeward journey until the first part of March. She arrived safely at Göteborg in June with her cargo of tobacco and reached Stockholm in the autumn of 1647.

THE EIGHTH EXPEDITION—1648

In the meantime a new expedition was prepared. Provisions for the needs of New Sweden and merchandise for Indian trade were loaded into the hold of the vessel, and the *Swan*, now a veteran in the colonial service, was ready to sail in the autumn of 1648. Johan Papegoja, the great traveler to and from New Sweden, endeavored to obtain passengers. He was but moderately successful, and few colonists came to the Delaware on the ship.

The *Swan* left Gothenburg Harbor on September 25 and arrived at Fort Christina in the late autumn without casualties and without mishaps, an unusual experience for ships in those days.

THE LUCKY SHIP

On May 16, the following spring, the *Swan* spread her white sails for the return voyage. She was a lucky ship, as mariners would say. On the 19th of May she rounded Cape Henlopen for the open sea, and on the 13th of June she was off Plymouth, having crossed the Atlantic in 25 days. On June 17 the ship was approaching the Scandinavian shores and, without touching at Gothenburg, proceeded directly to Stockholm, where she arrived on July 3. The famous pastor Johan Campanius Holm was a passenger on the ship, and Capt. Mans Nelson Kling was among the returning officers and men.

THE NINTH EXPEDITION—1649

Preparations for a new expedition were on foot in Stockholm before the *Swan* arrived, but little progress was made and not until the following summer was the ship ready to sail. Now reports of fabulous opportunities for colonists in New Sweden were abroad in old Sweden, circulated by letters and reports, and after 1648 immigrants in abundance were willing to brave the dangers of the long voyages and migrate to New Sweden as colonists.

THE SHIP "KATTAN"

Hundreds of prospective colonists apparently applied for passage on the ship named *Kattan* (*The Cat*). About 70 of these were selected, including many women and some children—not counted, however. The passengers included Rev. Matthias Nertunius; the barber-surgeon, Timon Stidden; the bookkeeper, Joachim Lycke; and Hans Amundsson. Lycke and Amundsson were sent as aides to Governor Printz.

Cannon and large quantities of ammunition, as requested by Governor Printz, were loaded into the ship, and provisions for 12 months were taken on board.

After long delays the ship finally got under sail. The weather was favorable, and by August the vessel reached Antigua. The ship cast anchor at St. Christopher on August 21, and on the following day she entered the harbor of St. Martin. Here salt was taken on board, and on August 26 the journey was resumed. A fine wind drove the ship on at a good speed, but in the early morning she entered dangerous waters not far from Puerto Rico.

SHIPWRECKED NEAR PUERTO RICO

About 2 o'clock the ship struck a reef with a crashing noise. A cliff penetrated the prow, and the vessel struck fast on the rock. The journal of one of the passengers intimated that it looked like treachery.

The ballast was thrown overboard to lighten the ship, but she would not move. Then the salt from St. Martin's was dumped into the sea, and, lastly, the water supply was thrown out, but still the ship would not float. When twilight broke the darkness, a small island could be seen rising out of the sea, giving hope and joy to the unfortunate people. The women and children, with some provisions, were brought ashore in lifeboats, but the men stayed on the ship for another day, expecting that some vessel might come their way and help them off the cliff. On Monday, August

30, additional provisions were carried to the island. The men abandoned the ship and joined the women ashore. They were now in a terrible plight. They had thoughtlessly thrown out their water supply to lighten the vessel, apparently thinking that water could easily be obtained as soon as they reached land, but the island was uninhabited, and "we could not find a drop of water on the island," says Johan Rudberus, one of the passengers who kept a journal on the voyage.

PASSENGERS AND CREW ROBBED

On Thursday following, August 31, a Spanish bark came within a mile or two of the island. The mate, observing the stranded ship as well as "two distress signals" of the Swedes on the island, brought the news to the Governor of Puerto Rico. He sent two ships to take the Swedes to his city. The cargo and provisions on the Swedish ship were confiscated, and the passengers and crew were robbed of their possessions, and all except two were forbidden to leave Puerto Rico.

SOME ESCAPE

From time to time a few of the unfortunate Swedes found opportunity to leave the island, and in April 1650 all that were still alive, 24 souls, boarded a small bark and set sail for St. Christopher, expecting to find passage from there to new or old Sweden.

Near the island of Santa Cruz they were captured by a French vessel and taken ashore, where they were robbed of their few belongings and subjected to the most inhuman torture.

MISTREATMENT AND SLAVERY

A Dutch skipper heard of the plight of the unfortunate travelers and related the story of the shipwrecked Swedes to Johan and Andrius Clausen, who, touched by the account of their misfortunes, presented the case to the Governor and asked permission to remove the Swedes from Santa Cruz and take them to Europe. The Governor doubted the story, as no report about it had been made to him, but he readily issued orders for the release of the prisoners, if they should be found, and gave a passport to the Clausen brothers. Only 5 of the 24 who reached Santa Cruz were now alive, two women, two children, and Johan Rudberus, who had been sold into slavery for 500 pounds of tobacco. The two women and two children were placed on board the vessel. Rudberus managed to escape from his master and boarded the ship at night. The ship was held in port by contrary winds, and he was discovered by his owner the following day, but his release was obtained by the payment of 500 pounds of tobacco. The ship set sail the following day. The next day the older child and the two women died and the other child passed away a short time later.

ONLY 19 COLONISTS SURVIVE

Only 19 of the shipwrecked colonists and a few soldiers and sailors eventually reached their native land. The others—a hundred or more, including many women and children—succumbed to hardships, exposures, and ill-treatment. Johan Rudberus, who has written an interesting journal of the voyage, arrived safely in Stockholm in the autumn of 1651. Rev. Mathias Nertunius, Timon Stidden, and a few other officers also managed to get back to Stockholm, where they made oral and written reports about their misfortunes.

The shipwreck was an irreparable blow to Printz and his colonies. It was one of the links in the chain of misfortunes which finally overwhelmed Swedish sovereignty on the Delaware.

PLANS FOR NEW EXPEDITION FUTILE

As soon as the officers of the company at Stockholm heard of the shipwreck they decided to send another ship to New Sweden from Holland, and money was assigned for the purchase of a cargo. But the activity of the company was hampered by the inactivity of the Government.

Preparations for a new expedition from Sweden were also begun. The *Golden Shark*, which had been riding at anchor for months and months, was repainted and generally repaired, but for some reason the activity again subsided. The officers of the company at Stockholm realized the condition in the colony must have been desperate, but they lacked authority.

The chancellor was old and Queen Christina was more interested at this time in pageants and court festivities than in matters of state and colonial affairs.

QUEEN CHRISTINA AND THE COLONY

In the autumn of 1651 the Government again seemed to bestir itself about its colony, and on March 16 the following year, 1652, the Queen was actually present at the council chamber to discuss the requirements of New Sweden. It seems that the reports of Governor Printz about the invasion of the colony by the Dutch and "the outrages" of Governor Stuyvesant, and his disrespect of His Royal Majesty's authority finally awakened the Swedish Government to a realization of its obligations for its forsaken settlement.

A second meeting was held on March 18, and again the Queen was present. It appears that some member of the council advised that a sufficient force should be dispatched to New Sweden to drive the Dutch from the river, but Queen Christina's idea was that the Dutch should be approached for a settlement.

FURTHER DELAYS

A few days later the Queen ordered the admiralty to make the *Swan* ready for a "new journey to the West Indies." It was found that the ship was unseaworthy and it seems that the company decided to send its own vessel, the *Golden Shark*, on which new repairs were made. But the summer and fall of 1652 came and went and nothing happened. The winter of 1652-53 and the summer of 1653 followed and still nothing was done—Queen Christina had important personal matters to consider at this time, for she was planning her abdication.

NEW LIFE PUT INTO PLANS BY OXENSTIERNA

In the late summer of 1653, new letters from Printz were received by Brahe and Oxenstierna and again new life was put into the preparations. The Royal Commercial College, which had previously been instructed to take care of the affairs of the New Sweden Co., was again ordered by Queen Christina to take charge of the preparations. This move was fortunate for the colony. Eric Oxenstierna, son of the great chancellor and possessing much of his ability, was chairman of the company and was intensely interested in the colonial enterprise. He returned to Stockholm in the summer of 1653 and now the preparations began to take definite form. The Government was in arrears to the company for several thousand riksdaler and the Queen ordered the admiralty to fit out a ship for the new voyage. Three hundred colonists and a large cargo including munitions of war were to be sent to the South River, "in order that New Sweden should not go to ruin."

THE TENTH EXPEDITION—1654

The *Orn* (Eagle), a government vessel, was elected for the journey and Jan Bockhorn, first mate on the shipwrecked *Kattan*, was made captain of the new ship. There were great efforts made to enlist soldiers and to find colonists and skilled workmen. The soldiers and passengers from central Sweden (many came from Västrås) boarded the vessel at Stockholm. The *Orn* left the Swedish capital on October 8, 1653, and arrived at Göteborg a month later, November 8—those were days of slow travel. New supplies were loaded into her hold at Göteborg and cabins were built for the passengers and other arrangements were made for their comfort.

GOV. JOHAN CLASSON RISING

The various requests of Governor Printz were now to be granted. Johan Classon Rising, the secretary of the newly established Royal Commercial College, was appointed an assistant to Printz and designated to act in his place in his absence.

Rising was a man of outstanding ability and training, the first economist of note in Sweden, a generation or more ahead of his time. He was born in 1617 in Risinge Parish where his father was a pastor. He was a graduate of the University of Upsala. He had traveled widely on the continent and in England and had studied at first hand the economic and commercial theories and activities of the great

maritime nations of Europe. Like all educated Swedes of his day, he was intensely patriotic and devoted his energies to the furtherance of Swedish interests.

THE "ORN" FINALLY SAILS

After long delays due partly to contrary winds, partly occasioned by the nonarrival of the *Golden Shark*, the ship finally set sail on February 2, 1654. She carried the largest number of passenger ever sent to New Sweden. The misfortunes of the ship *Kattan* had become known far and wide deterring many from migrating, but large numbers of colonists were willing to take the risk and anxious to find fortunes in the New World. Dozens of families had sold everything they possessed and made their way to Göteborg in the hope of finding room on the *Orn*. More than 100 were left behind and "it was a pity" wrote Lindestrom, "to see the weeping and lamentations among these people on account of the disappointment of not being able to sail."

DISTINGUISHED PASSENGERS

Pehr Lindestrom, a young nobleman who had specialized in mathematics and the art of fortifications, went on the ship as engineer, and Sven Skuta returned to the colony as "captain of the lands people." Another passenger on this ship was Morten Mortenson, whose grandson, John Morton, was destined to cast the deciding vote for the Declaration of Independence of the American Colonies, and who was a signer of that Declaration. Reverend Nertunius, one of the survivors of the doomed ship *Kattan*, was also a passenger. The courage and persistence of this clergyman was symbolic of the fortitude of these early pioneers. Reverend Nertunius became the pastor at Upland (now Chester in Pennsylvania).

STORMS, ADVENTURES, AND SICKNESS

The vessel encountered storms, contrary winds, and mishaps of many kinds. She was searched by English cruisers; she lost her way in fog and bad weather; she was blown back almost to the point of departure; she sprung a leak in the bow; she was attacked by Turks, and had many other adventures. On March 19, 1654, the ship fortunately reached the Canaries and the passengers were allowed to go ashore to refresh themselves after their terrible experience. Fresh food and fresh air revived the majority, "but many died in the harbor." On the 25th of March the ship again set sail. Fresh water and other supplies augmented by fish caught on the journey now made life more tolerable for the people. However, when the vessel reached the tropical climate of these southwestern seas, violent cases of dysentery and intermittent fevers broke out among the crowded passengers. "They that jumped into the sea—those who did so in the daytime," says Lindestrom, "were pulled out again, but those who jumped through the portholes at night were not rescued." After 3 weeks of misery they were near the Caribbean Islands, and on April 16 they put into the harbor of St. Christopher. Fresh water and fresh food were now supplied. A large ox, "purchased for three pieces of Holland cloth," was butchered and roasted and the meat distributed among the people.

VESSEL NEARLY WRECKED

On the 19th of April the *Orn* set sail again, and in about 2 weeks the Swedes had come as far as the bay of Virginia. Here a thunderstorm overtook them. The sails were quickly furled, but the wind was so violent that the ship turned over with its masts in the water. "Several men on the upper deck were thrown into the sea and lost." The mainmast was cut loose to enable the ballast to pull the keel down and straighten the vessel. For 3 days they were delayed; the weather was dark and cloudy and they lost their bearings, and for 9 days they sailed along the coast. Finding no river, the captain supposed they had passed the Delaware and reversed his course.

After 3 days' sailing they came upon Cape Henry, thinking they were "in New Sweden Bay." Again a sudden and violent wind broke upon them. Part of the sails snapped from the rigging like paper and blew far out to sea, but the ship survived, and finally cast anchor before the ruins of Fort Elfsborg in the evening of May 12, 1654. Rising took command, as he was aware that Printz had left the colony.

CAPTURE FORT CASIMIR

The Dutch had erected Fort Casimir on the western shore of the Delaware almost opposite the ruins of the Swedish stronghold. Contrary to his instructions from the Government, Rising attacked and captured Fort Casimir, thereby arousing the hostility of the Dutch. Rising then ordered the *Orn* to proceed to Christina, where it arrived on May 22. Not a soul on the vessel was well, and some were unable to care for themselves or walk ashore. They improved quickly, however, and most of the colonists were assigned to plantations or given work in the forts during June and July.

The *Orn* left New Sweden on July 15. The return voyage was long and dangerous, and the vessel did not reach Gothenburg until July 24 of the following year.

THE ELEVENTH EXPEDITION—1654

The *Golden Shark*, which was left behind in Gothenburg harbor when the *Orn* set sail on February 2, 1654, was greatly delayed by repairs and by the incompetence of its crew. Captain Hans Amundsson, who was on the unfortunate ship *Kattan*, was placed in command of the expedition, but he was removed later and Sven Hook appointed in his stead. Some of the immigrants who could not find room on the *Orn* went on the *Golden Shark*, and a few soldiers and laborers were also on the ship.

The mate was said to be incompetent and "a rascal." It was not a good prospect for a successful journey. On April 15, after 3 months' delay, the ship finally set sail with a good wind. She was to go by way of Puerto Rico to collect damage for the ship *Kattan* before proceeding to the Swedish colony. The ship encountered the usual storms and the hardships of those days. The water supply and provisions became exhausted before the ship reached its destination, making it necessary to land at the Azores as well as at the Caribbean Islands and the vessel did not arrive at Puerto Rico until June 30.

The task of collecting the bills for the ship *Kattan*, private and public, was undertaken. After a month and a half of unsuccessful effort to obtain remuneration, Sven Hook ordered the ship to proceed to New Sweden. The vessel set sail on August 15 and seems to have had an uneventful journey. By mistake, or possibly by fraud, she passed Delaware Bay and probably through the treachery of the mate, she was run in behind Staten Island where she was seized by the Dutch. The majority of the colonists and crew were persuaded to remain in New Amsterdam.

SWEDISH COLONISTS IN NEW YORK 1654

The Swedish colonists on the *Golden Shark*, who settled in New Amsterdam in 1654, became a substantial factor in the life and affairs of that colony and many distinguished people of New York trace their ancestry to members of that group. They also formed a nucleus for subsequent immigration to that State by other Swedish colonists.

The name of the ship, the *Golden Shark*, was changed to *Dimen* and used for the West Indian trade. The addition of men and material which Governor Rising was expecting thus miscarried. This was the last expedition sent from Gothenburg during the existence of the Delaware Colony as a Swedish possession.

THE TWELFTH EXPEDITION—1656

On September 6, 1655, Stuyvesant's fleet and army, consisting of seven armed ships and 300 soldiers, arrived in the Delaware River. The Dutch attacked the little garrison at Fort Casimir and it was compelled to surrender to superior numbers. The Dutch then besieged Fort Christina (Wilmington) and the defenders, hopelessly outnumbered, withstood the siege for about 10 days, but finally capitulated. The Dutch burned Christinahamn to the ground. Thus the government passed into the hands of the Dutch; but as a condition of the surrender, the Swedes retained their churches, their lands, and property. The Swedish influence, however, did not wane.

On March 14, 1656, the *Mercurius*, the last of the Swedish expeditions, arrived at Fort Christiana. Jean Paul Jacquet, the Dutch vice director of the colony, refused them permis-

sion to land so they disembarked at Tinicum (Philadelphia). There were approximately 105 settlers on this vessel of whom 92 were from the then Swedish Province of Finland. There was, however, no government of New Sweden to welcome the colonists of this, the twelfth expedition.

THE WORK OF THE COLONISTS

It is now in order to transfer our story to the settlements which were founded on March 29, 1638, at present Wilmington, Del. When Peter Minuit left the colony in the summer of 1638, the soldiers and workmen continued their daily routine clearing grounds for future farms, improving the fort, building new houses near the river, trading with the Indians, and fishing and hunting to supply fresh provisions for the table.

THE FIRST AMERICAN LOG CABIN

The primitive dwellings the Swedes erected on the Delaware in these early days, according to the archeologists, were the first log cabins ever built in the United States of America. The Swedes on the Delaware contributed this important addition to early American life and civilization.

Capt. Mans Nilsson Kling, with his little garrison, expected a ship from Sweden in 1639. The visit of the *Fogel Grip* in the summer of that year broke the monotony of their isolated lives, and we may assume that the commander of the vessel promised to hurry the reinforcements when he reached the fatherland.

The Swedes, under the leadership of Henrick Huygen, carried on a brisk traffic with the Indians and Governor Kieft, Dutch Governor of Manhattan, complained bitterly that the Dutch Indian trade "had fallen short fully 30,000 florins because the Swedes, by underselling, depressed the market."

SWEDES REFUSE TO DESERT UNDER HARDSHIP

We know very little about the internal life in New Sweden during the first 2 years except the report from Dutch sources. The Dutch reported that the garrison at Fort Christina was invited by the Governor of New Amsterdam to desert to the Dutch, but the Swedes did not accept the invitation, although the little garrison at Fort Christina at the time experienced great privation and was subjected to the severest hardships.

The *Kalmar Nyckel* cast anchor at Fort Christina on April 16, 1640, bringing new supplies and additional colonists, a pastor, and a new Governor, Peter Hollandaer Ridder.

RIDDER A MAN OF ENERGY

Ridder was a man of great energy. He had been employed in Swedish service for many years and had proven himself a faithful and dependable officer. When Ridder arrived in the colony he found the fort and other dwellings in poor condition. He repaired the walls of the fort, improved the old houses, erected new ones, cleared the forests near the colony, and built roads. He had fences erected for the two horses and a colt, which comprised the farm animals at that time. Other domestic animals are not mentioned at this early period, except pigs, which may have been brought over on the first expedition or purchased from the neighbors. Some of these escaped into the woods, where they increased rapidly and became wild. The reports speak of capturing wild pigs.

Ridder made many suggestions for the improvement of the colony and sent detailed reports to Stockholm. Huygen, assisted by Van Dyck, continued the Indian trade with great results, making it possible to dispatch the ship to Sweden on May 14, 1640, with a valuable cargo.

DISPUTES WITH THE DUTCH

The Dutch, who had a fortress on the eastern bank of the Delaware River near the present city of Camden, protested vigorously to Minuit in 1638 and now to Ridder about the presence of the Swedes on land that the Dutch claimed by first discovery and purchase from the Indians. They were unable to sustain their claims. When the Swedes sailed up the Delaware above the Dutch fort, the commander of the stronghold frequently challenged them, but failed to halt their travels.

Ridder increased the territory of New Sweden by purchases from the Indians—one tract was bought on the western side

of the river from the Schuylkill up to the falls, present Trenton, another on the Jersey side of the river extending north and south at present Raccoon Creek.

FIRST LUTHERAN MISSIONARY

There were two pastors in New Sweden before the coming of Governor Printz. Rev. Reorus Torkillus arrived in 1640 and Reverend Christoffer, who arrived in November 1641. A chapel was built inside of Fort Christina in 1640 and it is likely that Torkillus served in the fort while Christoffer administered to the Swedes on the near-by plantations.

Reorus Torkillus learned the Indian language and instructed the aborigines in the truths of Christianity. He was the first Lutheran missionary among the American Indians.

GOV. JOHAN PRINTZ

Johan Printz arrived at Fort Christina on February 17, 1643, and took over the management of the colony. He inspected in a military manner the entire territory of New Sweden, especially on the west side of the river, so as to be able to make a detailed report to his superiors at Stockholm. He was instructed by the Government to erect new fortifications so as to control the river, and he was directed to select a residence for himself in a place convenient for administrative purposes. Printz selected Tinicum Island as a place for his residence, Printzhof, and he also erected Fort Gothenburg on the island opposite Gibbstown in Gloucester County. In order to control the river he constructed Fort Elfsborg on the Jersey side west of the present town of Salem. It made the Swedes masters of the Delaware; the Delaware was called the Swedish River. The soldiers nicknamed the fort "Myggenborg" because of the Jersey mosquitoes which infested the place.

FIRST PENNSYLVANIA STATEHOUSE

Printzhof, on Tinicum Island, was the capital of New Sweden from 1643 to 1653, and the first statehouse of Pennsylvania. A contemporary describes it as beautiful and well built with adjoining orchards and pleasure gardens.

In a letter to Per Brahe, April 12, 1643, Printz says: "That such a splendid country as this, which is endowed with all kinds of wonderful things, I have never seen, and nothing is wanting except means, diligence, and seriousness to continue this work." He found it fertile and well suited for agriculture and he was certain that in time it would develop into one of the jewels of the Swedish Crown.

While Governor of New Sweden (1643-53) Printz erected three forts, the two mentioned above and New Korsholm, in 1647, on Province Island in the Schuylkill, and six blockhouses—Upland, 1643, at present Chester; New Vasa, 1643, at Kingessing, West Philadelphia; a blockhouse on Province Island in the Schuylkill, 1643; Mölndal, 1645, at present Blue Bell Tavern, where Woodland Avenue crosses Cobbs Creek in West Philadelphia; Torné, in 1647; and a blockhouse on the east bank of the Schuylkill within present Philadelphia.

THE CIVIL AND MILITARY STAFF OF TINICUM ISLAND

The civil and military budget of the colony, as prepared in Stockholm in 1642 and put into effect by Printz on his arrival, was as follows:

Military: Johan Printz, governor; Sven Skute, lieutenant; Gregorius Van Dyck, head guard; Anders Swensson Bonde, gunner; Karl Hoakansson, corporal; Eric Andersson, trumpeter; Sven Andersson, drummer; Johan Olofsson (profoss), provost marshal; 24 common soldiers.

Civil: Johan Campanius (Holm), preacher; Hans Janeke, barber-surgeon; Knut Persson, bookkeeper.

The original budget also included an executioner but no one was appointed to the office.

AN AGRICULTURAL COLONY

The Indian trade in New Sweden was lively in certain periods when ships came in or when merchandise had been brought from the English and Dutch traders, but New Sweden soon developed into an agricultural colony rather than a trading post.

Some years the crops in New Sweden were so plentiful that large quantities of grain could be sold, but in other years, such as in 1655, there were crop failures and provisions had

to be purchased from the neighbors. Several trading expeditions were sent from New Sweden to New Amsterdam, to New England, and to Virginia. Cattle, horses, and other domestic animals were purchased on these journeys, as well as merchandise of various kinds. The Swedes also sold to their neighbors considerable quantities of goods manufactured in Sweden, such as brushes and tools and implements, made in Swedish steel and iron.

Printz was greatly handicapped not only by lack of supplies, but by the absence of skilled laborers and sufficient colonists. The work at first was slow and tedious, on account of the few workmen, but Printz was a hard taskmaster and kept the people constantly on their jobs.

FIRST WAR VESSEL BUILT ON THE DELAWARE

Printz purchased two or three vessels from the English and Dutch and he also built his own boats. He asked for a warship from Sweden to remain in the river as a protection against intruders and, as such a ship was not furnished, he built a vessel himself of about 200 tons burden, a very large ship for those days. It was completely ready in 1652, except for tackle, cannon, and other equipment. The equipment never arrived from Sweden and the ship finally decayed and fell to pieces.

THE FIRST MILL IN DELAWARE—THE FIRST MILL IN PENNSYLVANIA

The first flour mill in New Sweden was erected by The Rocks at Fort Christina—present Wilmington. It was a windmill that ground the flour for the colonists for several years. In 1643 the windmill became inadequate to serve the increased population. Accordingly Printz erected a watermill on Cobbs Creek near present Blue Bell Tavern, about 200 feet above the bridge on Woodland Avenue that crosses the creek in West Philadelphia. The place was called Mölndal. This mill served for generations and is often mentioned in the records throughout the seventeenth century. It was the first "factory" in the State of Pennsylvania.

POPULATION—CHARACTER AND NUMBER

After the arrival of the large expedition in 1643 the total male population of New Sweden was 135, but 26 officers and men died during the year and 4 returned to Europe, leaving only 105 adult male inhabitants of the colony in June 1644.

Rev. Israel Acrelius, the historian and theologian, who served in the Swedish churches in New Sweden and who wrote an account of the colony, states that the colony was settled by good people and that the persons who were sent to the colony to labor as punishment for a crime were kept under guard, were not permitted to mingle with the settlers, were not allowed outside the forts, and, if they survived the hard labor, were returned to Sweden prior to release. Acrelius states further that the friendship of the Indians was based on fair dealings, which, in turn, was founded on the good character of the colonists, and that to maintain that friendship the Government provided a penalty for any attempt to transport a person of bad character to the colony.

We do not know how many women and children there were, but the total population of the settlement in 1644 was not over 150 souls. Practically all of these were Swedes, but there were nine English and at least two Germans. There were some Swedish Finns in the colony at this early date—1644. Only two are definitely mentioned in the lists, but probably there were a few more.

THE SETTLERS FROM FINLAND

The Finns arrived on later expeditions and they made up a larger element in New Sweden after 1656. A district south of Upland—present Chester—is called Finland on Lindstrom's map. This place was first settled in 1641, but it was apparently not called Finland until the arrival of Rising in 1654. Governor Printz does not mention the place as Finland in his list of cultivated districts in 1644, nor in his inventory of 1653.

In 1648 the total adult male population was only about 90. These were mostly Swedes. There was, however, at least one Dane, three or four Dutchmen, about four Germans, and six Finns. Some were singled out and called "Henrik, the Finn," "Hans, the Finn." Most of the 110 colonists that arrived

here on the *Mercurius* in 1655 were Finns. It should be remembered that Finland was a part of Sweden for several hundred years and at that time Finland was a province of Sweden. All of these pioneers were a courageous, industrious, and god-fearing people.

POPULATION IN 1663

During the term of Governor Rising the population was said to be about 370, and in 1663, in the upper colony above Christina River, the population was about 700, mostly farmers. The lists mention 100 good farms.

POPULATION IN 1693

The document left by Mr. Rudman lists by name 139 families and 939 individuals, described as Swedish, residing in New Sweden in the year 1693. It is fair to assume that they were the permanent residents and members of the Swedish church. The names are, almost without exception, Swedish names.

THE LOG CABINS

The first dwellings erected here by the Swedes and Finns were log cabins, probably about 12 feet by 14 feet with a fireplace in one of the corners. These earliest dwellings were built of round logs, laid close together, with their ends cut into each other. Log cabins of this character are still found in the Delaware Valley. As time went on, more pretentious dwellings were erected. Some of these were built of square logs with flush corners. At least one dwelling of this type still survives in New Jersey.

FOOD FOR THE COLONISTS

The food of the people was greatly modified in the colony. They could not always obtain the provisions they were accustomed to and they were often compelled to adopt new dishes from the Indians. Indian corn bread was one of these adaptations which the Swedes seem to have relished. Fish and venison were at times plentiful. The Swedes used nets and fishhooks for catching fish and fowling pieces as well as snares for larger game. It is also quite likely that many of the settlers used crossbows in hunting, which were common in Sweden at this time and which were very efficient in the hands of skilled marksmen.

PURCHASE OF LAND

The Swedes purchased the land from the Indians as did the English and Dutch. The Indian conception of ownership was different from that of the civilized peoples of Europe. When they sold a tract of land they believed that they merely sold the right to hunt and occupy it for a certain period, for they had no idea of exclusive and continuous possession or ownership. It was therefore not uncommon for an Indian chief to sell his land to more than one party or to desire it back again at some future date. This occasioned endless misunderstandings and often led to serious consequences.

THE FRIENDSHIP OF THE INDIANS

The relations between the Indians and the Swedes were uniformly friendly and only a few minor incidences occurred. In his instruction and in letters from Oxenstierna and Brahe, Governor Printz was directed to treat the Indians in a friendly manner, "never do them any injustice," and "try to convert them to Christianity." Acrelius also states that the friendship of the Indians was based on the good character of the colonists and that the Government in order to maintain this policy made it an offense to send persons of bad moral character to the colony as settlers. This policy was followed throughout the history of New Sweden. As a result, the Indians called the Swedes, Netappi; that is, "our kind" or "our people."

This friendship continued for many generations and long after New Sweden had been absorbed by the Dutch and later by the English the Indians looked upon the Swedes as their particular friends.

PENN PROFITED BY SWEDISH FAIR DEALINGS

William Penn is known in every school history for his peaceful relations with the Indians. However, if it had not been for the policy inaugurated by the Swedes, 44 years before William Penn came to America, it would not have

been possible for him to carry out his policies. The Indians would not have had confidence in the white man had they been treated by the Swedes as history records they were treated by the English and the Dutch. William Penn's interpreters were Swedes and the Indians relied on their word when they assured them that William Penn was honest and would treat them justly.

INTRODUCE THE JURY SYSTEM

Johan Printz has been called the first judge in the Delaware Valley. Law courts were held here before Johan Printz arrived, but it is said that justice and order were more firmly established with his arrival. There are several records of law courts held within the present limits of Pennsylvania. It is also an interesting fact that the jury was first introduced into this territory by the Swedes. The jury system was prevalent in Sweden from time immemorial and Johan Printz was instructed to follow the customs and usages that they obtained in the mother country.

RELIGIOUS WORSHIP

The seventeenth century was a religious age. Prayers and religious exercises were conducted on all occasions and religion was a large part of the daily lives of the people of Sweden, and consequently of New Sweden. Printz was especially enjoined to see to it that churches were erected and that the pure Lutheran religion was taught according to Swedish church law and usage.

TRANSLATION OF BIBLE INTO INDIAN TONGUE

During the governorship of Printz four pastors served in the colony. These clergymen were also farmers and raised domestic animals for their own needs. The most important of these was Johan Campanius Holm, who came with the Governor and who served until 1648. He was a man of unusual attainments, a theologian as well as a scholar, and he has been called the first meteorologist in America. He also translated Luther's small catechism into the Indian language (1645-48) and did considerable missionary work among the Indians.

THE FIRST CHURCHES

The church or chapel erected about 1640 was the only religious edifice in the colony for 6 years. In the spring of 1646 Printz made plans for the erection of a church at Tinicum Island. It was built of logs with a roof of clapboards bought from the English. It was fitted out and decorated in Swedish fashion, and a burial place was laid out near the church. The Handsome Church, as it was called, was ready in the autumn and it was dedicated on September 4 by Johan Campanius Holm and Israel Fluviander.

THE CHURCH SERVICES

The Swedish Lutheran order of services were followed closely and the three principal holidays, Christmas, Easter, and Pentecost were strictly observed. The services on these holidays began very early in the morning, about 4 or 5, and lasted until about 8 or 9. Sometimes services were conducted in the afternoon also. Other Swedish holidays, such as New Year, Epiphany, Candlemas Day, and so forth, were likewise observed, as well as two or three solemn prayer days during the week.

Services were conducted on Wednesdays and Fridays, probably alternately at New Gothenburg and Christina. Prayers were offered every morning and evening accompanied by Psalms in the forts as well as the private dwellings of the settlers.

THE PERMANENT CHURCHES

Near the river front of Philadelphia where Delaware Avenue and Swanson Street converge, stands Gloria Dei Church, better known as Old Swedes' Church. It was revered as a landmark when the founding fathers of the Republic met in Old Philadelphia to frame the immortal Declaration of Independence. The permanent congregation was founded in 1667, a successor of earlier congregations, and the present edifice was erected in 1700. It is a shrine of beauty as well as of antiquity. Fittingly it faces the Delaware River, for its pious founders were seafaring men. The present bell in

the church contains part of the metal used in the first bell which was cast in 1643. A blockhouse stood on the site of the present church in 1669, and at that time the blockhouse was used as a place of worship by the Swedes.

IN 1675 ALL CHURCHES IN PENNSYLVANIA AND DELAWARE WERE SWEDES' CHURCHES

Rev. George Foot, of Drawyers Church in Delaware (writing on May 10, 1842) stated that in 1675 there were only three established churches in Delaware and Pennsylvania, and all three of which were Swedes' churches. They were at Craine Hoeck (Wilmington), Tinicum (Philadelphia), and Wicocoea (Philadelphia). Dr. Foot based this statement on the record of the special court held by the Governor at New Castle May 13 and 14, 1675.

Drawyers Church in New Castle County, Del., was founded May 10, 1711, on land donated by Hans Hanson, Andrew Peterson, Isaac Vigorue, Frances King, and John Peterson.

St. James' Church (Old Swedes) of Kingessing (Sixty-ninth Street and Woodland Avenue, in Philadelphia) was founded in 1760. The edifice was erected in 1762-63 under the pastorate of the famous Rev. Dr. Charles Magnus Von Wrangel, of an illustrious Swedish family.

Old Swedes' Church at Fort Christina, Wilmington, is a successor of the chapel founded by Reorus Torkillus in 1640, and, therefore, the oldest of the Old Swedes' churches.

RELATIONS WITH NEIGHBORS

The first few years of the governorship of Printz, peaceful relations existed with the Dutch, but there was much trouble with the English. Several people from the New England colonies came into the river to trade, and especially one Lamberton trucked with the Indians without respect of the Swedes and without paying any attention to Swedish protests.

As a consequence, Lamberton was arrested by Governor Printz, tried, convicted, and fined heavily. On Lamberton's return to New England he complained bitterly of the treatment he had received in New Sweden. Out of this grew an interesting correspondence between Governor Winthrop and Governor Printz. Finally the matter was settled amicably. Other attempts were made by the English to settle along the Delaware, but these efforts were frustrated by the Dutch and the Swedes. The small English colony (at present Salem, N. J.) swore allegiance to the Swedish crown. They raised tobacco and probably corn and other grains, and they were able to sell several thousand pounds to the New Sweden Co. for one of the cargoes.

ARRIVAL OF STUYVESANT

The relations with the Dutch took a turn for the worse in 1645, and from that time we read of constant disputes, protests between the two peoples. In 1650 Stuyvesant himself came to the South River, since none of his inferiors could make an impression on Governor Printz. Stuyvesant arrived with a strong force which greatly outnumbered the Swedish force. He bought large tracts of land from the Indians, which the Swedes had purchased years before, and finally erected a fortress at Fort Casimir. This fort commanded the river and made the Dutch masters in the Delaware. Printz wrote often to Sweden asking for aid, new supplies, new colonists, and more soldiers, but Queen Christina was more interested at this time in philosophy, pageants, and balls than in the little settlement on the Delaware and Printz was left more or less to himself. The expedition of the ship *Kattan* which would have relieved the distress was wrecked near Puerto Rico.

PRINTZ RETURNS TO SWEDEN

Printz also had internal trouble to contend with. It is not surprising when it is recalled that Printz was civil governor, chief judge, military leader, and representative of the Crown. His long military career had developed an arbitrary, arrogant, and sometimes a despotic nature, but he was an able administrator, a strict disciplinarian, and a brave and wise soldier. An insurrection arose against the Governor and some of his people deserted him. "The Rebels," as the Governor calls them, presented a written petition of 11 articles signed by 22 settlers. The people resented the dictatorial attitude of Printz. The Governor was ac-

cused of ill-treating the settlers on many occasions, making it almost impossible for them "to find their sustenance." The petition kindled the wrath of the Governor, who used strong measures. He had the ringleader, Anders Jonsson, arrested with others, and after a trial, Jonsson was executed on a charge of treason; the others were acquitted. A few days after the execution, which took place on August 1, 1653, the Governor made a written reply to the charges, denying everything he was charged with, and explaining the various points of differences. Printz was now finding this position untenable and made preparations to return to Europe to hurry the despatching of ships and aid to the sorely tried Swedish settlement. Delivering the government of the colony into the hands of his son-in-law, Johan Papegoja, Printz left New Sweden with his family about the beginning of October 1653 and arrived in Old Sweden shortly after the tenth expedition left Göteborg.

PAPEGOJA FAILS AS ADMINISTRATOR

Johan Papegoja continued to live at Christina with his wife even after the departure of the Governor. It is possible that Lieutenant Gyllengren was put in charge of Printzhof and Tinicum Island. Conditions on the island and in the colony in general did not improve after the departure of Printz.

Papegoja was not a competent administrator and his wife, Armegot, the daughter of Governor Printz, and who had many of the old soldier's characteristics, was the power behind the throne. The Swedish colonists, however, objected to his petticoat government.

RIISING A MAN OF ACTION

When Rising arrived in May he took over the management of the colony and settled at Fort Christina, which thus again became the capital of New Sweden. Rising was a man of great energy and much learning but undiplomatic, and through his unwise capture of Fort Casimir on Trinity Sunday, 1654, he called forth the storm which finally destroyed Swedish power in the New World.

Shortly after his arrival Rising assembled the settlers, first at Fort Christina and later at Tinicum Island. He admonished them to be true and faithful citizens and to live up to the laws and regulations of the Swedish Government and of the Swedish Company. The old difficulties with Printz were aired and discussed, but not even a compromise could be effected—the feelings ran too high.

AGRICULTURE ENCOURAGED

The new arrivals were given farms and plantations to cultivate, and by fall a great many new dwellings had been erected. Rising paid much attention to agriculture, cattle raising, and even forestry. He drew up rules and regulations for every form of activity, and the outlook for a prosperous period was bright. By the summer of 1655 the tillable area of New Sweden had increased greatly, and the settlers were prosperous and contented. There was activity everywhere and a new spirit among the people. But in the autumn the merchandise in the storehouse became low. The *Golden Shark*, whose cargo would have supplied every want, ran into New Amsterdam and was captured by Stuyvesant. Soon the entire stock of cloth for undergarments and other raiment was consumed. It became necessary to sew shirts for the soldiers and servants out of sail cloth. But this material also gave out, and the plight of the people was great.

In August the Dutch Governor came to New Sweden with a large force of ships and soldiers and captured the strongholds. On September 15, 1655, Rising signed the articles of capitulation. Thus New Sweden as a political unit was terminated.

SETTLEMENTS IN NEW JERSEY

After 1655 the Swedes and Finns began to clear lands and to build homes on the Jersey shore, and by 1682—the coming of Penn—the eastern banks of the Delaware was plotted with homesteads from Salem northward for a considerable distance.

One of the settlements was called Stockholm—named after the Swedish capital—and another place became known as Sveaborg—present Swedesboro.

On the Pennsylvania side Swedish homesteads extended almost as far north as Bristol in 1683 and westward for many miles along the banks of the various tributaries of the Delaware, from Christina Creek to the Neshaminy.

SWEDISH INFLUENCE CONTINUED

The Swedish colony as a racial unit did not disappear with its capture. The Swedes dominated the Delaware Valley long after the coming of William Penn. Several new additions arrived from Sweden and Finland and a few Dutch and English who came to live here were compelled to learn Swedish in order to be able to trade with their neighbors. As a result, Swedish was the everyday language along the Delaware for more than a generation. Swedish customs and usages continued for many more generations.

WILLIAM PENN PURCHASED LAND FROM SWEDES

It has been said that William Penn founded Pennsylvania. When he came he found a fully established community with churches and schools and law courts and all the other elements of civilization. He changed the name of the colony, as well as the name of some of the cities that existed before he came, as, for instance, Upland to Chester. He carried on the work which the Swedes had so firmly established, and he extended the domain which had been founded in a frontier wilderness by the sacrifices and courage of a tenacious people. The land on which Philadelphia now stands was purchased by William Penn from the three Swenson brothers, owners and farmers.

PIONEERS AND FOUNDERS

Pioneers they were; courageous, noble, industrious, and faithful to God and country. They built a firm foundation for two States—Delaware, the "first to join the Union," and Pennsylvania, "the keystone of the arch of liberty."

I ask unanimous consent to have printed a bibliography on New Sweden, compiled by William Nelson Morell, of Isanti County, Minn., and Washington, D. C.

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

BIBLIOGRAPHY ON NEW SWEDEN COMPILED BY WILLIAM NELSON MORELL, OF ISANTI COUNTY, MINN., AND WASHINGTON, D. C., FOR USE IN CONNECTION WITH THE THREE HUNDREDTH ANNIVERSARY OF THE PERMANENT SETTLEMENT OF THE DELAWARE VALLEY

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MARKET PRICES OF WHEAT IN THE UNITED STATES AND CANADA

Mr. NYE. Mr. President, on March 31 I addressed an inquiry to the Under Secretary of Agriculture, as follows:

Why is our wheat market on the down trend and why has the Canadian market been 20 cents over ours when, as a general thing, the balance has been the other way?

Under date of April 18 I received a response to the inquiry, and I ask unanimous consent that it may be printed in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 18, 1938.

HON. GERALD P. NYE,
United States Senate.

DEAR SENATOR NYE: Reference is made to your letter of March 31, in which you ask for our comments on certain questions with regard to wheat:

1. "Why is our wheat market on the down trend and why has the Canadian market been 20 cents over ours when, as a general thing, the balance has been the other way?"

Early in the 1937-38 season domestic and foreign wheat prices rose sharply following reports of serious damage to the Canadian crop and the threat of rust damage in the United States. Following this advance prices have persisted downward, with large upward revisions in estimates of world production, the likelihood of large shipments from Soviet Russia, a slow European demand, disturbed business conditions, and a falling in the general commodity price level. Liverpool wheat prices have remained above the levels of a year ago until only recently, when large receipts of Southern Hemisphere grain have been received at European markets and adjustment to the new-crop basis has started. Domestic prices, however, are lower this year compared with Liverpool as a result of adjusting to an export basis after 3 years of very small crops.

The price of good milling wheat in Canada this year is higher than usual relative to all other wheats because there is a shortage of good milling wheat in Canada, which type of wheat is superior to the hard wheats of the United States and Argentina. The 1937 Canadian wheat crop was very small and only a relatively small proportion of the crop qualified for the better grades. On the other hand, the price of hard spring wheat in the United States is about in its normal relationship to Liverpool prices.

On April 5 No. 3 Manitoba Northern at Winnipeg was 9 cents higher than the price of the early comparable No. 1 Dark Northern Spring at Minneapolis. The quotations for April 5 are used because there have been no sales of No. 1 Dark Northern Spring at Minneapolis reported since that date. In the 5 years, 1928-29 to 1932-33, when the United States was on an export basis, the price of No. 3 Manitoba Northern at Winnipeg averaged 16 cents below No. 1 Dark Northern Spring at Minneapolis. Supplies of milling wheat in Canada have been so small this year that imports of hard red spring wheat from the United States have taken place.

2. "How much wheat was imported from other countries during the past 3 years?"

Imports of wheat including flour in terms of wheat, but excluding wheat imported for milling in bond, in the three seasons preceding the present, were as follows:

	Bushels
1934-35	14,069,000
1935-36	34,660,000
1936-37	34,455,000

Imports of milling wheat were necessary during the past 3 years because of successive small crops of hard wheats in the United States, and most of the imports consisted of milling wheat paying the full duty of 42 cents. However, because of short supplies of feed grains also, some wheat "unfit for human consumption," which pays a tariff of 10 percent ad valorem, was also imported. With a large crop of wheat produced in 1937 we have been on an export basis again this year.

Some imports of wheat continued to take place early in the season, since which time imports have been negligible. For the entire period, July through February, inclusive, our imports of wheat, including flour in terms of wheat for domestic utilization, were only 694,000 bushels. On the other hand, exports of wheat from the United States, including flour in terms of wheat, made from United States wheat, July through February, totaled 58,000,000 bushels.

3. "How much wheat is shipped into this country under the milling-in-bond provision?"

The imports of wheat into the United States for milling in bond during the last 3 years, July through June, have been as follows:

	Bushels
1934-35	11,064,000
1935-36	11,979,000
1936-37	13,469,000

The imports of wheat for milling in bond in the current season, July through February, have been only 2,673,000 bushels.

Sincerely yours,

M. L. WILSON, Under Secretary.

THE COST OF WAR—ARTICLE BY THOMAS J. WATSON

Mr. NYE. Mr. President, in the April number of Think, a magazine published by the International Business Machines Corporation of New York, there appears an amazing article under the title "The Cost of War," written by Thomas J. Watson, the president of the International Chamber of Commerce. Accompanying his article is a so-called "balance sheet," under the title "Our World War Balance Sheet."

After making a finding that our participation in the World War has cost us to date \$51,000,000,000, Mr. Watson writes:

The \$51,000,000,000 which the World War has cost us to date could do all of the following:

Wire the 9,400,000 urban and rural homes of the United States which do not have electricity; pay all farm mortgages in the United States; install bathrooms with running water in the 80 percent of our farm homes which do not have them; double the present endowment funds of all institutions of higher learning in the United States; build four consolidated rural high schools at \$250,000 each in every county of the United States; spend a million dollars in each county for airports and emergency landing fields; build 10 bridges like the Triborough Bridge; build another canal across the Isthmus of Panama; establish a \$5,000,000,000 program for prevention of floods and soil erosion; set up an endowment fund which at 3-percent interest would provide a pension of \$100 a month for every blind person and deaf mute in the United States; finance the entire recovery and relief program of the United States from the time it was begun in 1932 to the end of the fiscal year 1938, which includes aid to agriculture, the Civil Works Administration, the Public Works Administration, aid to home owners, and the resettlement and housing activities of the Government; and endow at 2 percent an organization to promote world peace at more than the combined cost of the League of Nations, the World Court, and the International Labor Organization.

I ask unanimous consent that the article, together with the so-called balance sheet, be printed in the RECORD.

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

[From Think for April 1938]

THE COST OF WAR

(By Thomas J. Watson, president, International Chamber of Commerce)

[The futility of war established by figure facts. Enormity of World War cost, in social and economic waste, passes human understanding. * * * Loss of millions of lives and expenditure of \$51,000,000,000 by the United States alone. What this money might have accomplished if employed for the people's welfare. * * * Another such war would bankrupt civilization.]

The World War took toll of 23,000,000 lives—10,000,000 soldiers and 13,000,000 civilians. In addition, 23,000,000 soldiers were wounded or missing, 9,000,000 children were orphaned, and 10,000,000 persons became refugees. This toll of lives was taken from the ablest and best of the world's population. Among those killed and disabled were many whose ability and genius would have made great contributions to the civilization and progress of mankind.

The Treaty of Versailles, which ended the "war to end all wars" was signed only 19 years ago. In the intervening years the utter futility of war has been vividly apparent from the fact that none of the combatants in the World War won; they all lost.

Yet today the nations of the world, large and small, are again engaged in a race to rearm at an expense of many billions of dollars annually in the fear that the world is headed for another outbreak of hostilities.

What humanity faces in this terrific race for rearmament is only to be shown by figure facts. Let us examine the cost of the World War. Let us consider what might have been done with the money expended for the World War by this country alone, if it had been employed instead for the welfare of our people. And, finally let us attempt to estimate what participation in another World War would cost us, for we could not keep out of another World War.

In money, the World War cost \$337,846,000,000, of which 189 billions were spent directly and the remaining cost was in destruction of property and stoppage of industry. Of this amount, the cost to the United States for the war period was \$32,000,000,000. Continuing costs of the World War now total \$19,000,000,000, which when added to the costs of the war period, make a staggering total of \$51,000,000,000.

The human mind can scarcely realize the enormity of the social and economic waste represented by the part of this war cost borne by the United States alone. Fifty-one billions of dollars would pay the cost of running the public elementary and high schools and universities and colleges of the entire Nation for 17 years. It would build nearly 2,000,000 miles of paved roads, which is about three times the mileage of all surfaced roads now in use in the United States. It would construct 12,750,000 six-room houses. It would construct 16 hospitals, costing a million dollars each, in every one of the 3,073 counties of the United States. It would pay the unemployment insurance premiums on all employees of business and industry of the United States for more than 100 years at the New York State rate.

The \$51,000,000,000 which the World War has cost us to date could do all of the following:

Wire the 9,400,000 urban and rural homes of the United States which do not have electricity; pay all farm mortgages in the United States; install bathrooms with running water in the 80 percent of our farm homes which do not have them; double the present endowment funds of all institutions of higher learning in the United States; build four consolidated rural high schools at \$250,000 each in every county of the United States; spend a million dollars in each county for airports and emergency landing fields; build 10 bridges like the Triborough Bridge; build another canal across the Isthmus of Panama; establish a \$5,000,000,000 program for prevention of floods and soil erosion; set up an endowment fund which, at 3-percent interest, would provide a pension of \$100 a month for every blind person and deaf mute in the United States; finance the entire recovery and relief program of the United States from the time it was begun in 1932 to the end of the fiscal year 1938, which includes aid to agriculture, the Civil Works Administration, the Public Works Administration, aid to home owners, and the resettlement and housing activities of the Government; and endow at 2 percent an organization to promote world peace at more than the combined cost of the League of Nations, the World Court, and the International Labor Organization.

The combined national debts of the countries of the world was increased from about \$43,000,000,000 in 1913 to \$400,000,000,000 in 1921. The cost of living was doubled. The inflated price structure and dislocation of trade and industry finally resulted in the world-wide depression which began in 1929.

The world is still paying for that war in interest on debt and in caring for the crippled and insane. Over \$4,000,000,000 of the expenditures of the United States Government in 1936 can be traced directly to war, and more than three and one-fourth billions more was for relief due to the depression which grew out of the war. Of the eight and one-half billions of dollars of Government expense of 1936, about seven and one-half billions, or 88 percent, was due, directly and indirectly, to war.

That another world war would lead to bankruptcy for the Nation seems certain when we examine the cost of wars to this country, beginning with the Civil War. That war cost about three and one-half billions of dollars, not including destruction of property, and raised Government expenses to a new level about five times as high as before the war. The per capita debt of the country was increased 30 times—from \$2.06 to \$63.19. Five years after the war—in 1870—the interest on the public debt annually was approximately double the pre-war total of all Government expenses.

The Spanish-American War, 33 years after the close of the Civil War and lasting only a few months, left the United States with an annual expenditure for national defense more than three times as high as it was before and increased the total running expenses of the Government by 46 percent. Nearly 20 years later the United States entered the World War, which raised expenditures from \$734,000,000 to more than three and one-fourth billions, a new level about four and one-half times as high as before. National debt was increased from \$12.15 per capita before the war to \$222.35 in 1921, and the interest was nearly one and one-fourth times as much as all Government expenses together had been before the war.

Based upon such figures, it seems fair to conclude that another major war would cost the United States from 130 to 150 billions of dollars and would leave us with a debt burden of about 160 billions.

Comparing military expenditures of 1913, the year before the World War, with those of the current fiscal year, Great Britain's has gone from \$385,000,000 to \$870,000,000; France's from \$307,-

000,000 to \$653,000,000; Germany's from \$281,000,000 to \$1,560,000,000; Italy's from \$195,000,000 to \$291,000,000; and the United States' from \$245,000,000 to \$962,000,000.

The \$962,000,000 the United States is now spending for armaments is about double the amount we are spending to run our normal schools, colleges, universities, and professional schools. It would provide \$1,375 for the special education and correction of every one of the 700,000 boys and girls of this country who are making a wrong start that leads to crime.

We cannot eliminate all of our crime bill, estimated to be 15 billions annually, but we are thinking within the bounds of possibility if we speak of eliminating half of it.

The great lesson which civilization must now learn is that another great war is certain to bankrupt the world, both financially and morally.

It must also learn that war can be avoided; and that the free interchange of ideas and ideals, of men and methods, of products and processes can afford every nation an equal opportunity to advance the welfare of its people. As a result of this lesson we should see all countries of the world reduce trade barriers in time, stabilize their currencies, and adjust their international debts on a basis that will be fair to debtor and creditor countries alike.

If all countries would adopt spiritually the principle of "world peace through world trade" higher living standards and prosperity for all would be sure to follow.

OUR WORLD WAR BALANCE SHEET

United States World War debits and the credits which could have been had at like cost

DEBITS (COST OF WAR)

World War expenditures of the United States, fiscal years 1917 to 1921:

Operating the War Department.....	\$14,849,594,000
Operating the Navy Department.....	3,401,343,000
Cost of Federal control of transportation.....	1,634,118,000
Cost of war risk insurance.....	504,773,000
Interest paid on the war debt.....	2,746,641,000
Cost of war emergency corporations and miscellaneous expense.....	2,592,531,000
Prearmistice loans to other nations.....	5,319,852,000

Cost during war period..... 32,048,852,000

Continuing cost of the World War to the United States from 1921 to the end of the fiscal year 1937:

Interest paid on war debt.....	8,816,416,000
Cost of caring for the disabled.....	8,102,969,000
Payment of veterans' adjusted compensation.....	1,823,493,000
Settlement of the War Claims Act of 1928.....	88,000,000

Costs resulting from war..... 18,830,878,000

Total..... 50,879,730,000

CREDITS (WOULD HAVE PAID FOR ASSETS LISTED BELOW)

Wiring for electricity 9,400,000 urban and rural homes now without current (estimated).....	\$2,350,000,000
Paying off all farm mortgages in the United States.....	7,645,000,000
Equipping with bath rooms the 5,750,000 farm homes without (estimated).....	2,875,000,000
Establishing additional endowments for education equal to those now in existence.....	1,500,000,000
Building 4 consolidated schools at \$250,000 each in every county of the United States.....	3,073,000,000
Constructing airports in the amount of \$1,000,000 in every county of the United States.....	3,073,000,000
For prevention of floods and soil erosion.....	5,000,000,000
Establishing a trust fund at 3 percent to provide \$100 monthly pension for each blind and deaf person in the United States.....	4,829,000,000
Building 10 bridges each equivalent to Triborough Bridge.....	603,000,000
Building another canal across Panama at the cost of the present one.....	526,000,000
Duplicating the recovery and relief program of the United States from 1932 to 1938.....	18,687,354,000
Endowing at 2 percent an organization to promote world peace at more than the combined cost of the League of Nations and World Court and International Labor Organization.....	718,376,000

Total..... 50,879,730,000

Mr. LUNDEEN. Mr. President, instead of the cost of the war being fifty-one billion, we have the word of President Calvin Coolidge in his Armistice Day address, on November 11, 1928, that when the last soldier and the last dependent of a soldier of the World War shall have passed to the Great Beyond, the total cost of that war will have exceeded \$100,000,000,000; so the Senator's statement is very mild indeed.

Mr. NYE. Mr. President, Mr. Watson's statement is a very conservative one. Last week we listened to estimates, which were well established, revealing that the cost, instead of being \$51,000,000,000, has already reached the figure of \$66,000,000,000.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of several officers for appointment, by transfer, in the Regular Army of the United States.

Mr. THOMAS of Utah, from the Committee on Foreign Relations, reported favorably, with reservations, Executive V, Seventy-fifth Congress, first session, draft convention (No. 53), concerning the minimum requirement of professional capacity for masters and officers on board merchant ships, adopted by the International Labor Conference at its twenty-first session held at Geneva, October 6-24, 1936, and submitted a report (Ex. Rept. No. 11) thereon.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the calendar is in order.

PROPOSED CONSIDERATION OF TREATIES ON THE CALENDAR

Mr. BARKLEY. Mr. President, there are a number of treaties on the Executive Calendar for consideration, and I hope that at an early date, perhaps some day next week, the treaties may be taken up and disposed of. We will not attempt to do it today.

DIPLOMATIC AND FOREIGN SERVICE

The PRESIDENT pro tempore. The clerk will state in their order the nominations on the calendar.

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Diplomatic and Foreign Service be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

POSTMASTERS—NOMINATION REJECTED

The legislative clerk read the nomination of William A. Farek to be postmaster at Schulenburg, Tex., which had been reported adversely by the Committee on Post Offices and Post Roads.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

The nomination was rejected.

POSTMASTERS—NOMINATIONS CONFIRMED

The legislative clerk proceeded to read sundry nominations of postmasters which had been reported favorably.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters reported favorably be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

RECESS TO MONDAY

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 33 minutes p. m.) the Senate took a recess until Monday, May 9, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 5 (legislative day of April 20), 1938

PROMOTIONS IN THE FOREIGN SERVICE

FOREIGN SERVICE OFFICERS OF CLASS 6

William W. Butterworth, Jr.	Gerald Keith
Warren M. Chase	James S. Moose, Jr.
Paul C. Daniels	Henry S. Villard
Cecil Wayne Gray	George H. Winters

FOREIGN SERVICE OFFICERS OF CLASS 7

Burton Y. Berry	Charles A. Hutchinson
David H. Buffum	John H. Madonne
Andrew W. Edson	James B. Pilcher
George M. Graves	

FOREIGN SERVICE OFFICERS OF CLASS 8, AND CONSULS

Robert A. Acly	Hedley V. Cooke, Jr.
Edward Anderson, Jr.	William S. Farrell
Ralph J. Blake	Richard S. Huestis
Claude B. Chipperfield	George Bliss Lane
Montgomery H. Colladay	William E. Scotten
Charles A. Converse	James H. Wright

POSTMASTERS

ALABAMA

Ralph A. Blythe, Alexander City.
Charles W. Horn, Brantley.
Robert G. Davis, Gordo.
Alven H. Powell, Hackleburg.
Roy L. Nolen, Montgomery.
Effie Mann, Nauvoo.
George W. Buck, Thomaston.
John T. Maddox, Vernon.

CONNECTICUT

John Welsh, Killingly.
Aaron A. French, Jr., Sterling.
William J. Farnan, Stonington.
John J. Burns, Waterford.

HAWAII

Marie Blankenship, Koloa.

INDIANA

Marshall Winslow, Greenfield.

MARYLAND

Jacob R. L. Wink, Manchester.
Frances H. Matthews, Oakland.
Howard Griffith, Silver Spring.
Nellie T. Reed, Williamsport.

MINNESOTA

Benjamin M. Loeffler, Albert Lea.
Bert C. Hazle, Alden.
Gertrude M. McGowan, Appleton.
Svend Petersen, Askov.
Charles B. Fraser, Battle Lake.
Henry P. Dunn, Brainerd.
James L. Paul, Browns Valley.
Paul F. Preice, Calumet.
Howard H. Gunz, Center City.
Elmer J. Larson, Cokato.
Alexander Kolhei, Cottonwood.
Glen J. Merritt, Duluth.
Aloysius I. Donahue, Elk River.
William Guthrie, Emmons.
Dagny G. Sundahl, Grove City.
Tillman A. Brokken, Harmony.
Flora P. Lowry, Hollandale.
Bernice Otto, Isanti.
Ignatius F. Lano, Long Prairie.
Peter H. Riede, Mabel.
Joseph G. Bauer, Madison.
Francis L. Dolan, Milroy.
John P. Lanto, Nashwauk.

Carl C. Heibel, Northfield.
 Michael E. Gartner, Preston.
 Joseph R. Keefe, Redwood Falls.
 Henry Schneider, Rush City.
 Arthur A. Van Dyke, St. Paul.
 Andrew Anderson, Thief River Falls.
 Ewald G. Krueger, Vergas.
 Loretta M. Harper, Worthington.
 Sarah E. Jones, Zimmerman.

MISSOURI

Thomas A. Breen, Brookfield.
 William P. Clarkson, Callao.
 Lamonte R. Saxbury, Queen City.

NEW YORK

Hugh M. Bulger, Norwich.
 William P. Degenaar, Slingerlands.

OREGON

Tracy Savery, Dallas.
 Jack R. Strauss, Falls City.
 Glen C. Smith, Independence.
 Bryan Dieckman, Myrtle Creek.
 Elton A. Schroeder, Myrtle Point.
 Grace E. Neibert, Stayton.

REJECTION

Executive nomination rejected by the Senate May 5 (legislative day of April 20), 1938

POSTMASTER

TEXAS

William A. Farek to be postmaster at Schulenburg, in the State of Texas.

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 5, 1938

The House met at 12 o'clock noon.

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

O God, wonderful art Thou in Thy holy places, even the God of Israel; He will give strength and power unto His people. O Thou who sittest in the heavens, over all from the beginning, send out Thy voice, Thy mighty voice. We entreat Thee, let not the pits of intolerance and hate shut their mouths upon thy children. Almighty God, come to this world, leave it not alone, and subdue all the forces of darkness. Let the blessings of Heaven rest upon the Congress; guided by Thy spirit, may its issues be in consonance with Thine eternal purposes which Thou hast ordained. Kindle, we pray Thee, within all hearts the sacred flame of brotherhood, and may it grow brighter and more radiant until the coveted goal is reached. Through Jesus Christ our Lord. Amen.

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

MESSAGE FROM THE SENATE

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

H. R. 8039. An act to authorize the attendance of the Marine Band at the observance of the seventy-fifth anniversary of the Battle of Gettysburg, to be held at Gettysburg, Adams County, Pa., on July 1, 2, and 3, 1938.

The message also 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. 10291. An act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference

with the House thereon, and appoints Mr. COPELAND, Mr. HAYDEN, Mr. THOMAS of Oklahoma, Mr. SHEPPARD, and Mr. TOWNSEND to be the conferees on the part of the Senate.

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

S. 3949. An act to amend the Agricultural Adjustment Act of 1938.

The message also 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. 9784. An act to authorize an appropriation to aid in defraying the expenses of the observance of the seventy-fifth anniversary of the Battle of Gettysburg, to be held at Gettysburg, Pa., from June 29, to July 4, 1938, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9218) entitled "An act to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WALSH, Mr. TYDINGS, and Mr. HALE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2650. An act to authorize the completion, maintenance, and operation of the Fort Peck project for navigation, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10066) entitled "An act to amend the District of Columbia Revenue Act of 1937, and for other purposes."

NATIONAL LABOR RELATIONS BOARD

Mrs. NORTON. Mr. Speaker, I present a privileged report on House Resolution 474, from the Committee on Labor, which I send to the Clerk's desk.

The Clerk read as follows:

House Resolution 474

Resolved, That the President be requested to furnish the House of Representatives at once the names and addresses of all persons now employed by the National Labor Relations Board, the age of each person so employed, the place of birth of each person, where last employed and by whom, the rate of pay received from the former employer, and the rate of pay now being received as an employee of the National Labor Relations Board.

Mrs. NORTON. Mr. Speaker, I move that the resolution be laid upon the table.

The motion was agreed to; and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD on the subject of helium.

The SPEAKER. Without objection, it is so ordered.
 There was no objection.

CURRENCY EXPANSION—DEVALUING THE DOLLAR

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. RANKIN. Mr. Speaker, on yesterday I called the attention of the House to the financial situation in this country and pointed out the necessity for an immediate and direct limited, controlled expansion of the currency to restore prosperity and to prevent the further increase of the public debt.

I have noticed from the papers lately that England and France are both rather jubilant over the prospect of this country borrowing and spending several billions of dollars, for the purpose of priming the pump, instead of issuing