ing, Pa.; Lodge No. 259, S. N. P. J., Meadowlands, Pa; and Lodge No. 90, S. N. P. J., Hackett, Pa., protesting against enactment of bill providing for registration of aliens in the United States; to the Committee on Immigration and Naturalization.

1725. Also, petition of Canonsburg Council, No. 303, Junior United Order of American Mechanics, Cannonsburg, Pa., protesting against the enactment of the Wadsworth-Perlman bill; to the Committee on Immigration and Naturalization.

1726. By Mr. WEFALD: Petition of 37 citizens of Clearbrook, Minn., urging the passage of House bills 71 and 7479, two bills aiming to safeguard and conserve the black bass and migratory wild fowl of America; to the Committee on Agriculture.

1727. Also, petition of 322 citizens of Ottertail County, Minn., urging the passage of House bills 71 and 7479, two bills aiming to safeguard and conserve the black bass and migratory wild fowl of America; to the Committee on Agriculture.

1728. Also, petition of 104 citizens of Crookston, Minn., urging the passage of House bill 7479, the bill to establish migratory bird refuges and public shooting grounds as a step toward the conservation of our wild life; to the Committee on Agriculture.

1729. By Mr. WATSON: Resolution passed by the Harold D. Speakman Post, No. 356, American Legion, Narberth, Pa., favoring certain legislation of interest to the service men of the World War; to the Committee on World War Veterans' Legislation.

SENATE

SATURDAY, *April 10, 1926*

(Legislative day of Monday, April 5, 1926)

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

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Fernald	King	Reed, Mo.
Bayard	Ferris	La Follette	Reed, Pa.
Bingham	Fess	Lenroot	Robinson, Ark.
Blease	Fletcher	McKellar	Sackett
Borah	Frazier	McLean	Sheppard
Bratton	George	McMaster	Shipstead
Broussard	Gillett	McNary	Shortridge
Bruce	Glass	Mayfield	Simmons
Butler	Goff	Metcalf	Smith
Cameron	Gooding	Moses	Smoot
Capper	Greene	Neely	Stanfield
Caraway	Hale	Norris	Stephens
Copeland	Harreld	Nye	Swanson
Couzens	Harris	Oddie	Trammell
Cummins	Harrison	Overman	Tyson
Dale	Heflin	Pepper	Wadsworth
Dill	Johnson	Phipps	Walsh
Edge	Jones, N. Mex.	Pine	Warren
Edwards	Jones, Wash.	Pittman	Williams
Ernst	Kendrick	Ransdell	Willis

Mr. PHIPPS. I desire to announce that my colleague the junior Senator from Colorado [Mr. MEANS] is absent on account of illness. I will allow this notice to stand for the day.

Mr. JONES of Washington. I wish to announce that the senior Senator from Kansas [Mr. CURTIS] is necessarily absent and will be absent the rest of the afternoon.

Mr. WALSH. I wish to announce that my colleague the junior Senator from Montana [Mr. WHEELER] is detained from the Senate by illness.

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

SENATOR FROM IOWA

Mr. GOFF. Mr. President, I wish to announce that on Monday, at 12 o'clock, or as soon thereafter as I can obtain the floor, I shall address the Senate on the Steck-Brookhart contest.

Mr. REED of Missouri. Mr. President, I have been detained from the Chamber a great deal during the week on account of an investigation in which I have been participating and have been unable to take part in the debate as I desired. I wish to announce now that on Monday, immediately following the argument of the Senator from West Virginia [Mr. GOFF], if I am permitted by the Senate, I shall ask the privilege of addressing the Senate on the pending question.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

Mr. McKELLAR. Mr. President, I desire to give notice that on Tuesday next, after the morning hour, or as soon thereafter as I can get the floor, I shall make some remarks on the Italian debt settlement.

PETITIONS

Mr. ROBINSON of Arkansas presented resolutions adopted by The Original Club, of Little Rock, Ark., urging support of the eighteenth amendment, with no modification, and indorsing the Cramton bill providing for selection of prohibition officers through the civil service, which were referred to the Committee on the Judiciary.

Mr. WILLIS presented a resolution adopted by the Scandinavian Fraternity of America in convention assembled at Detroit, Mich., favoring an appropriate governmental recognition of Leif Erickson as the discoverer of the New World, which was referred to the Committee on the Library.

CENTENNIAL OF CONGRESS OF PANAMA

Mr. ERNST. I submit and ask to have referred to the Committee on the Library and printed in the RECORD a resolution passed by the Kentucky State Senate providing for the participation of the Commonwealth of Kentucky in the celebration commemorating the centennial of the Congress of Panama, the first Pan-American conference ever held.

There being no objection, the resolution was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

Senate Resolution No. 19, providing for the participation of the Commonwealth of Kentucky in the celebration commemorating the centennial of the Congress of Panama, the first Pan-American conference ever held, memorializing the President and Congress of the United States to appropriate funds for the purchase and erection of a statue of the Hon. Henry Clay at Caracas, Venezuela, in connection with said celebration, and authorizing the Governor of Kentucky to appoint commissioners to represent Kentucky at the centennial exercises of the Pan-American Congress to be held at Panama, Republic of Panama, and in the city of Caracas, Venezuela

Whereas the centennial of the Congress of Panama, the first Pan-American conference ever held, will be celebrated in the city of Panama, Republic of Panama, on or about June 22, 1926, and suitable exercises appertaining to the event will also be conducted at about the same time in the city of Caracas, Venezuela; and

Whereas in view of the fact that Henry Clay, of Kentucky, when a Member of the National Congress and Speaker of the National House of Representatives, acted a leading and influential part in assisting the Republics of South America to secure their independence and was cordially supported in all of these activities by the people and government of Kentucky, which first of all the States of the American Union manifested an interest in the liberation of South America, the General Assembly of Kentucky, more than 100 years ago, having entertained a number of resolutions favoring the struggle of the South American countries to achieve their independence, and in the year 1821 having adopted resolutions expressing its sympathly with the cause of South American independence and commending in the highest terms the efforts of the Kentucky Members of Congress in that behalf; and

Whereas the Hon. Charles S. Todd, a Kentuckian, was the first fully accredited diplomatic representative to Greater Colombia, and bearer of President Monroe's message acknowledging the independence of the South American Republics; and the Hon. Richard Clough Anderson, jr., likewise a Kentuckian, was the first minister plenipotentiary and envoy extraordinary of the United States to any South American Republic, and was also one of the envoys extraordinary of the United States to the First Panama Congress; and

Whereas in the year 1921 the Republic of Venezuela presented to the American people a statue of Gen. Simon Bolivar, the great liberator of South America, and at the same time that this statue was unveiled in the city of New York a delegation from Venezuela placed a wreath on the tomb of Henry Clay at Lexington, Ky.; and

Whereas in grateful recognition of the services rendered by him to Venezuela and her sister states of South America the city of Caracas, the capital of Venezuela, has named one of the principal squares of said city, the Plaza Henry Clay, and dedicated same to Mr. Clay's memory; and

Whereas the people of Venezuela and other South American countries have always cherished a feeling of admiration and gratitude for Henry Clay and the people of Kentucky because of their early, earnest, and protracted efforts to promote the cause of liberty in South America: Therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky (both Senate and House concurring), That the President and Congress of the United States be, and they are, requested to appropriate a sum sufficient to purchase and erect in Caracas, Venezuela, a suitable statue of Henry Clay, to be presented on behalf of the people of the United States to the people of Venezuela, and, with that end in view, that this memorial be transmitted, through our Senators and Representatives in Congress, to the President of the National Congress; and be it further

Resolved, That in the event action conformable to this resolution is taken by Congress and such an appropriation is made the Common-

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wealth of Kentucky shall participate in the approaching centennial celebration to be held in the states of Panama and Venezuela in commemoration of the one hundredth anniversary of the Congress of Panama, the first Pan-American conference, and in order that Kentucky may be fittingly represented at said celebration the Governor of Kentucky be, and he is hereby, authorized and empowered to appoint a commission, to consist of five members, all of whom shall be citizens and residents of Kentucky, and any three of whom may act to attend the aforesaid centennial celebration in the city of Panama, Republic of Panama, and in the city of Caracas, in the Republic of Venezuela, as the official representatives of the Commonwealth of Kentucky, and of said commission the Governor of Kentucky shall himself be ex-officio a member and the chairman thereof; and that the actual necessary expenses of said commissioners in the discharge of their duties as such shall be paid by the Commonwealth of Kentucky, on itemized account approved by the governor, out of any money in the State treasury not otherwise appropriated; and be it further

Resolved, That a certified copy of the foregoing preamble and resolutions be forwarded by the secretary of state of Kentucky to the President of the United States and to both of the United States Senators and to each of the Members of the National House of Representatives from Kentucky; and be it further

Resolved, That this resolution shall take effect from and after its passage and approval by the governor.

HENRY H. DENHARDT,
President of the Senate.

G. L. DRURY,
Speaker of the House of Representatives.

Approved March 26, 1926.

W. J. FIELDS, *Governor.*

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE SECRETARY OF STATE.

Certificate

I, Emma Guy Cromwell, secretary of state for the Commonwealth of Kentucky, do certify that the foregoing writing has been carefully compared by me with the original record thereof, now in my official custody as secretary of state and remaining on file in my office, and found to be a true and correct copy of Senate Resolution No. 19, passed by the Kentucky State Senate which convened on January 5, 1926, and adjourned on March 17, 1926.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done at Frankfort this 1st day of April, 1926.

[SEAL.] EMMA GUY CROMWELL,
Secretary of State.

BERT MOORE

Mr. ROBINSON of Arkansas presented sundry papers to accompany the bill (S. 3882) for the relief of Bert Moore, heretofore introduced by him, which were referred to the Committee on Claims.

REPORTS OF COMMITTEES

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2620) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department, reported it without amendment and submitted a report (No. 564) thereon.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 9831) to provide for the completion and repair of customs buildings in Porto Rico, reported it without amendment and submitted a report (No. 565) thereon.

Mr. REED of Pennsylvania, from the Committee on Immigration, to which was referred the bill (H. R. 9761) to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War, reported it with amendments and submitted a report (No. 566) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 3802) to amend the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes, reported it with amendments and submitted a report (No. 568) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (H. R. 8132) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, reported it with amendments and submitted a report (No. 569) thereon.

MISSISSIPPI RIVER SURVEY

Mr. RANSDELL. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9957) authorizing a survey for the control of excess flood waters of the Mississippi River below Point Breeze in Louisiana and on the Atchafalaya Outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes, and I submit a report (No. 563) thereon.

The provisions of the bill are confined entirely to the State of Louisiana. I ask unanimous consent for its immediate consideration. If it involves any debate, I shall not press it.

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

Mr. SMOOT. I ask that the bill may go to the calendar.

Mr. RANSDELL. Mr. President, may I say to the Senator from Utah that the bill applies entirely to Louisiana? I believe it will lead to no debate. The bill does not require any appropriation. It simply makes provision for funds from an appropriation that has already been made.

Mr. HARRISON. Mr. President, may I suggest to the Senator from Utah that this is a matter about which there was some controversy between the States of Mississippi and Louisiana. There is now no objection to the provision which was in controversy at that time, because it has been changed. I think everyone is united now behind the measure.

Mr. FLETCHER. It is a flood-control matter.

Mr. RANSDELL. And it does not require any additional appropriation at all. It is simply a diversion from a fund already appropriated.

Mr. SMOOT. I would like to have the bill read.

Mr. RANSDELL. Let the bill be read. It passed the House unanimously.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made, and estimates of the costs of such controlled and regulated spillway or spillways as may be necessary for the diversion and control of a sufficient volume of the excess flood waters of the Mississippi River between Point Breeze and Fort Jackson in Louisiana, in order to prevent the waters of said river exceeding stages of approximately 16, 17, 18, 19, and 20 feet on the Carrollton gauge at New Orleans and of approximately 46, 47, and 48 feet on the gauge at Simmesport on the Atchafalaya Outlet, and the Secretary of War is hereby authorized to cause the Mississippi River Commission to transmit to him all engineering records, data, field notes, and such other information in its possession as he may deem desirable and useful in carrying out the purposes of this act.

SEC. 2. The Secretary of War is authorized to use $50,000, or so much thereof as may be necessary, from funds heretofore appropriated for flood control, Mississippi River, to carry out the objects and purposes of this act: *Provided*, That no spillway shall be constructed as a result of the survey authorized by this act whereby the waters of the Mississippi River would be diverted into Mississippi Sound.

SEC. 3. The Secretary of War is hereby authorized and directed to report to the Congress as soon as practicable the results of the survey authorized by this act.

Mr. SMOOT. I would like to ask the Senator if there has been an appropriation already made for the survey.

Mr. RANSDELL. Yes; it has been already made and is included in the general appropriation for floods in the Mississippi River. The bill merely authorizes the Secretary of War to take the amount needed from that fund and have it used by the Chief of Engineers instead of the Mississippi River Commission. It does not require any additional appropriation.

There being no objection, the bill was considered as in Committee of the Whole.

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

BILLS INTRODUCED

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

By Mr. JONES of Washington:

A bill (S. 3935) amending the Federal highway act; to the Committee on Agriculture and Forestry.

By Mr. SWANSON:

A bill (S. 3936) granting an extension of patent to the United Daughters of the Confederacy; to the Committee on Patents.

By Mr. FRAZIER:

A bill (S. 3937) granting an increase of pension to Martha M. Lambert; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3938) for the relief of Norman S. Cooper; to the Committee on Naval Affairs.

A bill (S. 3939) for the relief of the United Gas & Electric Engineering Corporation; to the Committee on Claims.

By Mr. CAMERON (for Mr. McKINLEY):

A bill (S. 3940) for the relief of Sterling Morelock; to the Committee on Finance.

A bill (S. 3941) for the relief of Ollie Keeley; to the Committee on Claims.

A bill (S. 3942) granting an increase of pension to Charles Oakley;

A bill (S. 3943) granting an increase of pension to John T. Degnan (with an accompanying paper);

A bill (S. 3944) granting an increase of pension to Ambrose B. Judy (with an accompanying paper);

A bill (S. 3945) granting an increase of pension to John T. Smith (with an accompanying paper);

A bill (S. 3946) granting a pension to Margaret E. Knight (with an accompanying paper); and

A bill (S. 3947) granting a pension to Rosa Kemp (with an accompanying paper); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 3948) granting an increase of pension to Emma C. Moore; and

A bill (S. 3949) granting an increase of pension to Evelyn McBryer (with accompanying papers); to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 3950) making Leona E. Kidwell eligible to receive the benefits of the civil service retirement act; and

A bill (S. 3951) making H. C. Gibson eligible to receive the benefits of the civil service retirement act approved in 1920; to the Committee on Civil Service.

By Mr. JONES of New Mexico:

A bill (S. 3953) to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings; to the Committee on Indian Affairs.

CONTRACTS CONNECTED WITH THE PROSECUTION OF THE WAR

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 3641) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, which was ordered to lie on the table and to be printed.

CLAIMS AGAINST THE GERMAN GOVERNMENT

Mr. KING. I submit a resolution and ask that it be read and lie on the table.

The resolution (S. Res. 198) was read, as follows:

Resolved, That the Secretary of State transmit to the Senate, if not incompatible with the public interest, copies of all correspondence, notes, exchanges, and communications which have passed directly or indirectly between the Secretary of State and the Government of Germany respecting the settlement and payment of claims against the German Government for indemnification on account of destruction of life and property of American nationals subsequent to August 1, 1914, including the instructions given to Ambassador Kellogg, who represented the Department of State at the Paris Finance Conference, and also advise the Senate as to whether the State Department at the Paris conference, or otherwise, agreed that the United States should assume the burden of the payment of awards made in favor of American nationals against Germany, and accept from Germany, in subrogation of the rights of its own nationals, annual installments of $11,000,000 for the payment of private American awards and annual installments of $12,000,000 in reimbursement of the costs of the American army of occupation of the Coblenz area on the Rhine and in payment of other Government claims, as representing the entire obligation of the German Government to the Government of the United States in the premises, and if the Secretary made such an agreement, to advise the Senate of the considerations which induced him to make the same.

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator ask for the immediate consideration of the resolution?

Mr. KING. I asked that it might lie on the table, but I shall call it up at as earily a date as possible.

The PRESIDING OFFICER. The resolution will go over under the rule.

Mr. KING. I offer another resolution of similar import directed to the Treasury Department asking for similar information, which I ask may also lie on the table.

The resolution (S. Res. 199) was ordered to lie on the table, as follows:

Resolved, That the Secretary of the Treasury transmit to the Senate all correspondence, notes, exchanges, and communications which have passed directly or indirectly between the Secretary of the Treasury and representatives of the German Government respecting the settlement and payment of American claims against Germany, together with a statement concerning all conferences and negotiations on the subject of such claims, to which he directly or indirectly has been a party, and to advise the Senate whether representatives of the Department of the Treasury, with his authorization, have carried on negotiations in Germany respecting the settlement and payment of such claims, and to report to the Senate any and all arrangements, recommendations, or agreements, which he has made in the premises, and the considerations which induced him to make the same.

REMOVAL OF THE BARTHOLDI FOUNTAIN

Mr. WILLIS. Mr. President, I desire at this time to enter a motion to reconsider certain action taken by the Senate yesterday which, in my judgment, was ill-advised. At page 7164 of the RECORD of yesterday's proceedings it appears that action was taken touching the bill (S. 3423) authorizing the removal of the Bartholdi Fountain from its present location and authorizing its reerection on other public grounds in the District of Columbia.

I do not believe that the Senate gave proper consideration to this measure. I do not believe that many Senators were aware of what was being done when it was passed. The Bartholdi Fountain, as I view it, is the splendid, artistic old fountain in the Botanic Garden. Now, it is proposed to remove that fountain, it being alleged that it interferes with some other work which is contemplated. I do not know what other Senators think about it, but, in my judgment, it is of very great importance that the Botanic Garden should be maintained. There are some people who think that most of the trees and shrubbery there should be taken away and it should be devoted to another purpose. There are in that garden historic trees which ought not to be touched, and, so far as I am concerned, I want more time to look into this matter.

I, therefore, at this point enter a motion to reconsider the vote by which the bill was passed, it being my understanding that the papers have not yet passed out of the possession of the Senate. I make that motion and ask that the bill may go to the calendar.

The VICE PRESIDENT. The motion to reconsider will be entered.

SENATOR FROM IOWA

The Senate resumed the consideration of the resolution (S. Res. 194) declaring Daniel F. Steck to be a duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925, reported by Mr. ERNST from the Committee on Privileges and Elections.

Mr. BLEASE. Mr. President, I represent in part on this floor the State of the American Union that was the mother of secession, of which fact I am proud. It has been sometimes stated that the war of secession was fought for the purpose of keeping the Negro race from becoming free. There has never been a more malicious slander perpetrated upon any people than that statement, whether it be by voice of mouth or whether it be in the writings of some man's story called history. It was fought for a great principle. The soldiers of the Southern Confederacy were as true and as devoted to the Constitution of this country as any body of men who have ever been citizens of this great Nation.

I have regretted from time to time the effort which has been made to take from the various States of this Union their individual liberty and their rights. I regret to see here to-day a sentiment in the Senate which would lead Senators to take from the great State of Iowa the right to say who shall represent her upon the floor of the United States Senate by a shifting of ballots when it is admitted by those who are prosecuting this case against Mr. Brookhart that there was not any fraud.

Mr. President, in a speech delivered in Boston, Mass., on one occasion I said:

The greatest debate this Nation ever witnessed was staged in the Senate of the United States between a son of Massachusetts and a son of South Carolina. Both were imbued with the highest patriotism, and each was striving toward the same goal, but along different paths. Looking back to that time, we can see that the gloom of civil war, in which brother was to be pitted against brother, was already settling upon our great Nation. A few years later the inevitable storm was upon us. Fifty years have now passed since its fury was spent, and to-day South Carolina and Massachusetts, by that fervid devotion to principle which helped to bring on the great battles in which the sons of one wore the gray and the sons of the other the blue, can clasp hands with higher respect each for the other

and with the friendship of brothers, each of whom knows the courage of the other and his devotion to a common mother.

The Constitution of the United States distinctly provides that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Yet, Mr. President, the chairman of the Committee on Privileges and Elections, who presented the report on behalf of the majority of that committee, makes this astounding statement:

Nothing is clearer than that the Committee on Privileges and Elections is its own judge, and it does not have to follow the law of Iowa, and has not done so, and has not attempted to do so.

A more flagrant violation of State rights has never been known, and I am surprised that Southern Senators, the sons of Confederate veterans, will sit upon the floor of the Senate after that war, after that fight, and admit by this kind of a report that they were wrong in the position then taken and to-day turn their backs upon it and attempt to cast it aside as if it had never been taken.

Mr. President, another section of the Constitution reads:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

That does not, however, Mr. President, wipe out the other section which I have read. And in the seventeenth amendment to the Constitution of the United States it is provided:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors—

Not the Senate, not the Members of the Senate but—

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Then, Mr. President, we find that it has been laid down by the court in New York:

When the people create a single, entire government, they grant at once all the rights of sovereignty. The powers granted are indefinite and incapable of enumeration. Everything is granted that is not expressly reserved in the constitutional charter or necessarily retained as inherent in the people.

Going back to the Constitution and saying that the principle is there distinctly and plainly laid down, the court in another case says:

The guaranty of equal privileges and immunities to citizens of the United States * * * does not limit the power of the State government over the rights of its own citizens.

Yet the Committee on Privileges and Elections of the Senate comes in here and tells us that they do not propose to be bound by the laws of Iowa, when this election was held, and properly so, under the Iowa law and could not be held under any other.

Mr. President, if the Senate shall establish that rule, then suppose in the next election in November, in my own State, the Republican convention were to meet and nominate for the United States Senate Joseph W. Talbort, the chairman of the Republican committee of that State and a member of the Republican national executive committee from that State, who has been in the service longer than has any other man on that committee. He goes into the general election in November. He can control 10,000 or 15,000 votes. He sends to the ballot boxes all over the State of South Carolina men who are disqualified under the laws of the State of South Carolina, which this committee says they will not recognize. He has at the polls in the precincts men to take down the names of those persons who offer to vote and say that they would vote for Talbort. They come here to the Senate and present 40,000 or 50,000 votes of persons who are disfranchised under the law of South Carolina. The Senate goes into the contest, and the Committee on Privileges and Elections says, "We will not pay any attention to the law of South Carolina; we are the judges of the qualifications of our own Members"; and the committee turns back to the Constitution where it provides that no man shall be prohibited from voting on account of race, color, or previous condition of servitude. In such a case, why would not the Senate seat Talbort as a Senator from South Carolina instead of the man who the election board certifies here has been elected to that position? If the Senate can do this in the Iowa case, it can do it in such a case from South Carolina. I want my southern friends to stop and think before they set such a precedent here, because if they set it to-day in this case then they certainly will have no right to complain if it is used against them after the 4th day of March, 1927.

Mr. President, I believe in State rights, and I wish to be excused a brief personal reference along that line. Back in the nineties in the Legislature of the State of South Carolina I saw that what Mr. Hayne said on the floor of the Senate was true, and that the United States Government was stealing from the States their rights as States and their right to do as they pleased. They have taken from us our water powers. The United States claims the right to turn them over to individuals who may become millionaires, and to charge the people who have to use the current generated most outrageous rates. They have assumed the power to build bridges over the rivers in the States; they have taken from us many other rights, including the control of our railroads and the control of a great many other matters in the States. Day by day they are encroaching more and more upon the liberties and rights of the States. I was opposed to it then and I made speeches against it. In the State Senate of South Carolina in 1905, when they sent the Dick law down there to get ready for war, I stood on the floor single handed and fought against the invasion of the rights of South Carolina by any such measure. It became a law and is a law to-day, and if it had not been for that law I do not think that the administration which has just passed out would be charged with as many murders in the sight of God as it is charged with by the fresh-made graves in this country and in France.

When I was the governor of my State I wrote message after message and I want to read a few extracts from them along this line:

Once again, gentlemen, I call to your attention the encroachment by the Federal Government upon State rights, and I desire to quote you, in this connection, the words of that great South Carolinian, our acknowledged leader and champion, Robert Y. Hayne.

Mr. President, I am quoting from a message I sent to the General Assembly of South Carolina while governor of the State:

In the speech which he delivered in the United States Senate, in his celebrated debate with Webster, he said:

"The people whom I represent—

Said Mr. Hayne—

are the friends of the Union; and who are its enemies? Those who are constantly stealing power from the States and adding strength to the Federal Government."

What think the people of our State to-day, and who is it that is "stealing power from the States and adding strength to the Federal Government?" Can it be possible that, under the lead of a man sometimes called a southerner—

I was referring then to one whom you all know, I presume—

the Democratic Party is to become the party that is "stealing power from the States"——

Mr. JONES of New Mexico. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Mexico?

Mr. BLEASE. Mr. President, I am sorry, but I decline to yield to anybody until I get through. A Senator's speech yesterday was ruined by interruptions, and I do not propose to be caught in the same trap. I am sorry, but I can not yield.

Mr. JONES of New Mexico. Mr. President, the interruption I desire to make——

Mr. BLEASE (continuing reading)—

and giving it to the Federal Government, and that the Republican Party——

Mr. JONES of New Mexico. Mr. President——

Mr. BLEASE (continuing)—

under the lead of a Hughes or a Whitman, is to become the State rights party, and stop this "stealing of power" spoken of by Mr. Hayne?

If the Senator wants to call me to order, all right; otherwise, I positively refuse to yield.

Mr. JONES of New Mexico. I do want to take exception to and to utter my protest against the use of certain language that the Senator has used.

Mr. BLEASE. I am quoting from Mr. Hayne's speech on the floor of the Senate.

Mr. JONES of New Mexico. I do not refer to that. I refer to a remark of the Senator, if I understood him aright, in which he referred to the soldiers who made the supreme sacrifice in the late war as having been murdered by this Government of ours.

Mr. BLEASE. Well, we just have a difference of opinion on that; that is all.

Mr. JONES of New Mexico. If that language is unparliamentary——

Mr. BLEASE. Mr. President, I refuse to yield. I am responsible for what I say here.

Mr. JONES of New Mexico. I think it ought to be expunged. At any rate, I want to enter my earnest protest against its use.

Mr. BLEASE. To proceed with the quotation, Mr. President—

I desire to call your attention to that part of my annual message of 1914 which dealt with this grave question. Since that time more power has been "stolen" from the States and given to the Federal Government, and more of this power is now sought to be "stolen." And, to the surprise of those who loved and fought for the Southern Confederacy and those of a later generation who now love its memory and hold sacred the cause for which the southern armies battled, we find many of those whose fathers and brothers, yea, some who themselves fought for this cause, and who themselves to-day owe their lives and freedom to it, now taking part in this "stealing of power" as described by Mr. Hayne. Can it be possible that, by the records of Southern Senators and Congressmen, generations yet unborn will be led to believe that the northern historian recorded the truth when he wrote that the southern soldiers, led by those matchless leaders, Robert E. Lee and Stonewall Jackson, and the other gallant men who made that fight, made it only to keep the negro from being a freeman and not in defense of their honest convictions in behalf of State rights? God forbid it. We love the cause too dearly. We know the Southern Confederacy fought for a higher and nobler purpose, and surely those who represent us will be too manly and too brave and too patriotic to permit the motives of their forefathers and of their own people, in one of the greatest struggles the world has ever known, to be regarded by coming generations as low and contemptible. Surely they will protect the glorious heritage which has been handed down to us of the South.

Further, along this line, I desire to quote you from the remarks of another southerner, one who fought for State rights in times of peace and in times of war. I refer to the remarks of Justice L. Q. C. Lamar, in an oration delivered on the Hon. John C. Calhoun:

"The American Union is a democratic Federal Republic, a political system compounded of the separate governments of the several States and one common government of all the States, called the Government of the United States.

"Each was created by written constitution, those of the particular States by the people of each acting separately, and that of the United States by the people of each in its sovereign capacity, but acting jointly. The entire powers of government are divided between the two—those lodged in the General Government being delegated by specific and enumerated grants in the Constitution; and all others not delegated being reserved to the States, respectively, or to the people. The powers of each are sovereign, and neither derives its power from the other. In their respective spheres neither is subordinate to the other, but coordinate; and being coordinate, each has the right of protecting its own powers from the encroachments of the other, the two combined forming one entire and perfect Government. The line of demarcation between the delegated powers to the Federal Government and the powers reserved to the States is plain, inasmuch as all the powers delegated to the General Government are expressly laid down, and those not delegated are reserved to the States unless specially prohibited.

Mr. Thomas Jefferson—and I believe to-day in New York, and in a day or two in this city, banquets have been and will be given at which great speeches were and are to be made on Thomas Jefferson and his democracy—said, in 1821:

It is a fatal heresy to suppose that either our State governments are superior to the Federal, or the Federal to the State; neither is authorized literally to decide which belongs to itself or its copartner in government. In differences of opinion between their different sets of public servants the appeal is to neither, but to their employers peaceably assembled by their respectives in convention.

In a letter, written just after that, he said:

I see, as you do, and with the deepest affliction, the rapid strides with which the Federal branch of our Government is advancing toward the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic, and that, too, by constructions which leave no limits to their powers, etc. Under the right to regulate commerce, they assume, indefinitely, that also over agriculture and manufactures, etc. Under the authority to establish post roads, they claim that of cutting down mountains for the construction of roads and digging canals, etc.

Patrick Henry, Mr. President, in the Virginia convention, said:

The officers of Congress may come upon you now, fortified with all the terrors of paramount Federal authority. Excisemen may come in multitudes—

Here is a prediction made years and years ago that is just as true as if he had made it to-day:

Excisemen may come in multitudes, for the limitation of their numbers no man knows. They may, unless the General Government be restrained, go into your cellars and rooms—

And they are going—

and search, ransack, and measure everything you eat, drink, and wear. They ought to be restrained within proper bounds.

And he was right; they should have been restrained, and we would not be as we are to-day without protection to our castles and our homes.

Louis Kossuth, speaking in this country on local self-government, said:

We Hungarians are very fond of the principle of municipal self-government; and we have a natural horror against the principle of centralization. That fond attachment to municipal self-government, without which there is no provincial freedom possible, is a fundamental feature of our national character. We brought it with us from far Asia a thousand years ago, and we conserved it throughout the vicissitudes of 10 centuries.

Sir Wilfrid Laurier, in 1899, in speaking at a banquet given in his honor in this country, said:

There was a civil war in the last century. There was a civil war between England, then, and her colonies. The union which then existed between England and her colonies was severed. If it was severed, American citizens, as you know it was, through no fault of your fathers, the fault was altogether the fault of the British Government of that day. If the British Government of that day had treated the American Colonies as the British Government for the last 20 or 50 years has treated its colonies; if Great Britain had given you then the same degree of liberty which it gives to Canada, my country; if it had given you, as it has given us, legislative independence absolute, the result would have been different—the course of victory, the course of history would have been different.

Mr. President, we hear a great deal about State rights. Why have we not heard from some of these men who are clamoring for State rights to-day, who want to be candidates for President of the United States on the Democratic ticket? Where were they when these rights were being stolen? Did you hear anything about it then? No! Did you hear anything about State rights when they were destroying everything we had and taking from us the control of all of our agencies? No. When did you hear it? Liquor! Liquor! You never heard it from the other side. You never heard it from these great governors of some States who now want to be candidates for President on the Democratic ticket—not a word—but when you took their liquor away from them, then you began to hear them exclaim: "State rights!" "State rights!"

Why, Mr. President, the greatest curse in this world had to be saved back to the last; the greatest curse ever known to man had to be dragged in as the last chance to whip some people into line for State rights. That is true, and we all know it.

This committee say they ignore the law of Iowa. I wish the distinguished senior Senator from that State [Mr CUMMINS]—a man for whom I have the greatest respect, and I might almost say love—had waited and come upon the floor of the Senate and made a speech as to what was the law of Iowa, even though he had not voted. Some people have been so unkind as to say that some Senators will be governed in their votes on this matter by the effect they might have on the senior Senator from Iowa. I want to say personally that while, of course, that has no effect on my vote, if I had a vote in Iowa I would cast it for ALBERT B. CUMMINS; I would not care who ran against him.

This committee say that they will not, do not, and have not paid any attention to the laws of the State of Iowa. Where have these ballots been, Mr. President? Nobody is agreed on that. They admit that these sacks came here in bad order. They held this election in Iowa. It is presumed that they were honest in handling the election. Those honest men counted these ballots. Some of them, they say, were in the machine. I have not yet heard whether it was a Republican or a Democratic or a Progressive machine; it simply was a machine. These honest, true men counted those ballots and certified them up to the State canvassing board.

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

Mr. BLEASE. No; I refuse to be interrupted.

They certified those ballots to the State canvassing board. The State canvassing board canvassed them at home, right where they knew the people and knew the intent of the people, and they have sent a certificate down here saying that Brookhart was elected.

What happened eight or nine months afterwards? Nobody knows where these votes were. They say they were in a courthouse. Yes; I have seen things put into courthouses, too. I have seen jury boxes in courthouses, and I have known them to be tampered with the night before a trial commenced, and people brought up and punished for it. There these ballots lay out there all this time. They hung around, nobody knows where. Then they were shipped down here in sacks, some of them not sealed, just burst open. What would have hindered any man who wanted to do it from taking a bunch of ballots and sticking them in one of those boxes and taking out that many that were already there? What would have hindered somebody from interfering with those ballots even after they came down here to Washington? And then we, the representatives of the people of this country, sit down here and say we will pay no attention to what the voters in Iowa did; we will not pay any attention to what the county canvassing boards in Iowa did; we will not pay any attention to what the State canvassing board did. No; "we discard it all," says this committee here, "and we pay absolutely no attention to the laws of Iowa. We are the judges; and we are going to say, regardless of this, who shall be seated and who shall not be seated in the United States Senate."

I am opposed to it. It does not make any difference to me what Mr. Brookhart's politics is. It does not make any difference to me what Steck's politics is; but it is a mighty strange thing to me, if he is such a good Democrat, that so many Republicans out in Iowa flopped over and voted for him to try to get him in the Senate against one who claims to be, was nominated by Republicans, and was running on the Republican ticket. I do not believe Steck is a Democrat; and if he had been, I do not believe the Republicans would have voted for him, any more than I believe the Democrats of South Carolina would vote for a Republican under similar circumstances.

That is my opinion about it. I have heard these speeches. I have listened pretty carefully to most of them. I have heard these figures. Why, anybody can make figures. They say figures do not lie, but the man that makes them sometimes is a liar. There is no question about that. I have listened carefully and attentively, and I can not see any reason in the world why the Senate, sitting here to-day or on Monday, should turn Mr. Brookhart out of his seat and set any such precedent as is sought to be set here to-day.

I hope, Mr. President, that Senators will stop and think. It is not simply a question of this case. It may be a very small matter as to whether or not you will turn out Mr. Brookhart. That is simply a question, possibly, as to one man; but it reaches further than that. It sets a precedent that will be held up for years and years before the Senate. It will be said that the Senate in 1926 decided that they were not bound by the laws of Iowa, that they made their own laws, that they could take the ballots eight months afterwards and count them better than the counters at the ballot box could count them; that they were more competent to pass on their validity than was the county board, and that they were more honorable to make the count than the State board who canvassed these results.

They say that the people meant to do so and so. Nobody in God's world can tell what a man meant except the man in the box. He may have made crosses and meant to mark out names, and he may not have meant to do that. In my State we print all the names on one ticket—United States Senator A, B, C, and D, all the way down, governor, and all State officers. When a man goes in to vote, he draws a mark through the name of the man for whom he does not want to vote. The man whose name is left, and not marked out, is the man for whom that voter intends to vote. We have a separate ticket for county officers, and it is handled in the same way. Even with that, Mr. President, I have seen tickets come out of the box many a time with two names left on them for one office. Of course, those tickets had to be discarded. On the other hand, I have seen them marked in such a way that they marked out all the candidates, and left nobody for one particular office. Of course, such a ballot could not be counted for that particular office. Therefore I submit to the Senate that when a man goes into the booth his intention may change after he gets in there; he may vote entirely differently from the way he says, as he goes in, he is going to vote.

I myself, and I have no doubt every man in the Senate, have sometimes found so many names on a ticket, possibly running for the House of Representatives or some office where they have had three or four candidates, that even after the voter got into the booth he would change his mind, and possibly vote for one of his favorites, or maybe two, and then change off and vote for another man, as he had no special preference left. Therefore who can come down here to Washington City on a committee and say what a man in Iowa meant? Who can say what he intended to do? It is said that we are to judge his intention by his ballot. His ballot may not always express his intention, because he might himself have made a mistake.

Where are all these missing votes? Were they before the State canvassing board? I have not heard whether they were or not. If they were, and the State canvassing board counted them, why should they have been lost in coming to Washington and not be counted after they get here? Why should we sit here and say that those people in Iowa did not have sense enough to hold an election, and, when they did hold it, that the officials who held it did not have brains enough to count what the people wanted and what they intended?

In conclusion, Mr. President, let me say that not a charge of fraud is brought here, so far as I have heard—not one—and that, it seems to me, ought to be the turning point in this whole case. The State of Iowa holds its election, certifies its votes, gives the certificates to Mr. Brookhart, and Mr. Brookhart brings it here and presents it to the Senate. He is sworn in the Senate, and sits here for more than a year.

Now, without a single charge of fraud the Senate is requested to set aside the election in Iowa and say that we are going to give this seat to a man who did not receive a majority of the votes.

If anyone can show me that there was fraud, I will be delighted to vote to correct fraud. I have always been against it. I have always been in favor of letting the people have a fair vote, untrammeled, unterrified, a chance to vote for whom they please, and when the majority have spoken I believe in abiding by their verdict, let it elect whom it may. Let the people rule, let the people be the masters, and when we do, we will have performed our solemn duty as Senators.

It has been said that certain pressure is being brought to bear on some people. I do not believe that. I do not believe in these slanders on Senators. I have never mentioned his name on this floor before; I have said very little about him publicly or privately, but I do not believe that the President of the United States, a man elected by the people of this country, overwhelmingly elected, would be so little as to take part in a partisan fight on the floor of the Senate over the seating or unseating of any one man. I deny it. While I have never spoken to him in my life, have not seen him since his inauguration, never wrote him a line or received a line from him that I know of, and have never heard anybody else express an opinion for him, I know that a man who can be President of the United States can not be that small a man. That is my opinion of our present President.

Unless we can show fraud, we have no right to go behind this State election. To set aside the return of the State officials would establish a precedent which we should not set, because if we do that we will have to face it in the days to come. I do hope that Senators in this Chamber, unless they can show fraud, will stand by the people in Iowa in the election of Senator Brookhart. If he has come here wrongly, four years from now the people from Iowa will pass on that and our hands will be clean. We will have done our duty.

Once again I turn back to this side of the Chamber and plead with the southerners not to put themselves on record as saying that the Senate can set aside the law of a Southern State, set aside the returns of the board of managers of a Southern State, and by a majority seat whom they please without fraud being shown and in absolute violation of and disregard of the laws of the State wherein the election was held, as this majority report said they advocate in this case.

There never has been an election held and never will be an election held where irregularities and mistakes do not occur. They happen in all elections. They can not be avoided. But they do not necessarily indicate fraud. They happen on both sides. When there are too many ballots the managers pull some out of the box. In the drawing they may take out every ballot for the same candidate; but that is not fraud. That is done in executing the laws that govern them and under which they should act. I believe, as earnestly as I believe in any doctrine on this earth, in the doctrine of State rights, not confined to liquor, either, but applied to all State rights and all the powers of the State. I believe in leaving such powers with the States.

For the reasons I have given I propose to cast my ballot for Mr. Brookhart to retain his seat as the representative of the thousands of people in Iowa who themselves said he was the man they wanted in the Senate.

Mr. TRAMMELL. Mr. President, on account of the very high regard and appreciation I have for the Senator now occupying a seat in the Senate as the junior Senator from Iowa, I speak with some reluctance in the contest now pending. My mind was absolutely open as to the course I should pursue until the case was presented by the Senator representing the majority of the committee and the Senator representing the minority of the committee and some subsequent discussions on the floor of the Senate by Senators on each side of the controversy.

From the facts in the case, from the record in the case, on the presentation of both facts and law, I have been impressed that unquestionably Mr. Steck received a majority of the votes that were cast for United States Senator in the election of 1924 in Iowa. If he did receive a majority of the votes, he should not be deprived of a seat in the Senate on account of some technicality or on account of some pretext or alleged claim based on the doctrine of State rights.

I believe in State rights. I always defend that principle. But the question is how the doctrine of State rights will be applied. Should it be applied so as to deprive a man of a seat in the United States Senate who receives a majority of the votes of the citizens of Iowa, or should it be applied so as to seat a candidate who did not receive a majority of the votes?

I think that if we are going to fortify ourselves by an appeal to the doctrine of State rights, if we are going to perpetuate and sustain the principle of State rights, then we should recognize the expressed voice and the will of the people who cast their ballots at the ballot box in Iowa, and we should not switch their verdict upon some mere technicality or flimsy hair-splitting technical construction of the law.

Our recognition of the fact that we should give heed to the rights of the people led us to seat the present junior Senator from North Dakota [Mr. NYE]. I for one did not believe that the law of North Dakota authorized the governor to appoint him as a Member of the Senate. Even by the most liberal construction the Legislature of North Dakota had not complied with the constitutional requirement that a law should be passed providing for the filling of a seat in the Senate if a vacancy occurred after the adoption of the constitutional provision for popular election of Senators. But we felt that in justice and right North Dakota deserved representation here, and we waived that technicality of the law.

The entire contention in behalf of Senator Brookhart has been founded on a technical construction of the law. No decision has been read before the Senate which sustains the idea that ballots that were not cast for a candidate should be counted for the candidate. In this case there were 1,344 votes upon which the name of Senator Brookhart was not crossed, but it is said these ballots should be counted for him because of some technicality of the law, in which it is provided that if the voter puts a cross in the circle at the top of the ballot it becomes a vote for the entire party ticket. But that provision of the law is no more sacred, it is no more binding, than the provision of the law that if one desires to vote only a part of the ballot he may go down the ticket and place a cross in front of the name of the candidates of his choice.

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

Mr. TRAMMELL. I will ask the Senator not to interrupt me in the midst of a thought.

On the question of the 1,344 votes which were given by the official canvassers in Iowa to Senator Brookhart, but which were not marked for him—unless we hold that they were marked for him merely through a technical construction of the law—I contend that section 812 of the law, which authorized the voter to mark a part of the ticket and to omit a part of it if he desired, is just as binding, and should be considered in connection with arriving at the intention of the voter, just as much as if he marked a cross in the circle at the head of the ticket. In fact, in reason, in logic, when you find a ballot with a cross in the circle, and also crosses down below, the crosses below are more indicative of the opinion and the desire of the voter than the cross which appears in the circle at the top. You may look out upon a crowd of people and say, "I like that group of people. I admire them. They are a wonderful lot of people." That is a general expression of admiration of that group of people. Then you begin to select those you like best, and you point out Mr. A and Mr. B, and you skip down and point out Mr. H and then Mr. M, on down the alphabet, selecting those you prefer. If a voter places a circle at the top of a ticket, the law provides that if a voter desires to vote for only a part of the ticket he can place a cross opposite the names of those for whom he desires to vote. How could you say he intended to vote the whole ballot when he proceeds to exercise his privilege, and in a specific, express manner, indicates those for whom he desires to vote?

None of those who cast those 1,344 ballots marked a cross in front of Senator Brookhart's name. It is only by a very strict, technical construction, or attempt, at least, to construe the law, that they are counted for him; not as the will of the voter, not as ballots that were cast for him, not on the ground that it was the intention of the voter, but that under the law they ought to be counted for him.

If we do not count those 1,344 ballots, which were not cast for him—I contend they were not cast for him in fact, unquestionably not in fact, and I contend they were not technically cast for him—then upon the official returns that came to the committee Steck had a majority of the votes. Even on the official count in Iowa Steck had a majority of the votes. Therefore he was the preference of a majority of the voters who expressed themselves at the ballot box. One of the most sacred principles of State rights is to give recognition to the expression at the ballot box of the electors of the State. So I contend upon the official ballots, as canvassed in Iowa, when we determine whether those 1,344 ballots should or should not be counted, that Mr. Steck was fairly and honestly the preference of the people of Iowa to represent them in the United States Senate; that is, on the official ballots as tabulated by the canvassers in the State of Iowa.

Of course, if Senators are going to contend that those ballots ought to be given to Mr. Brookhart, although there was no cross in front of his name, it can be done only by the most desperate stretch of technical construction, and then, of course, the election would be in favor of Senator Brookhart.

Mr. DILL. Mr. President——

Mr. TRAMMELL. I yield to the Senator from Washington.

Mr. DILL. The Senator does not contend that any of those 1,344 votes were not legally marked? In other words, he admits they were legal ballots?

Mr. TRAMMELL. Yes; they were legal ballots, but that does not require counting the ballot for every name on the ticket.

Mr. DILL. There is nothing wrong about a ballot being marked that way in the sense that makes it an illegal ballot?

Mr. TRAMMELL. I do not think it makes it illegal to the point of requiring it to be thrown out.

Mr. DILL. That being the case, since they are legal ballots, the only way we can deprive Mr. Brookhart of those 1,344 votes is to declare illegal, so far as the Senate is concerned, the votes which the laws of Iowa make legal.

Mr. TRAMMELL. No; not the votes that the laws of Iowa make legal so far as those two particular candidates are concerned. I contend that the votes that were cast, so far as those two particular candidates were concerned, under the law of Iowa were not cast for Senator Brookhart, and therefore he is not entitled to them and they should not be counted for him.

Mr. DILL. But the Iowa law specifically provides that a ballot marked that way is legal and is counted for all the names on the ticket, and therefore the Senate must declare it illegal in the Senate when the law declares it legal in Iowa.

Mr. TRAMMELL. The court in Iowa held that if a man marked a cross in the circle at the top of the ballot, under the law that meant that he intended to mark all of the candidates following in the column of that particular party.

Mr. DILL. But that was 24 years ago.

Mr. TRAMMELL. But that if the voter went over into another column and marked a candidate over there, that action nullified the vote in the first column. I contend by that same principle of reasoning and logic that if a voter, as is apparent from the ticket, marked a square in the circle and went down and marked a cross in front of the names to show who he was voting for, and omitted to mark in front of a particular candidate's name as was done in this case in 1,344 ballots, by the same logic of reasoning that nullifies the idea that he intended to vote for Brookhart. I contend that the court decision does not support the idea that that was his intention.

Mr. DILL. It is true, as the Senator said, that as early as 1902, 24 years before, the courts had decided as the Senator states they did decide, and it is also true that they later wrote into the law of Iowa a specific provision that a ballot marked that way should be counted for all the names on the ballot under that party. The point I come back to is that the only way we can take those votes away from Mr. Brookhart is to declare illegal in the Senate what the law and the courts of Iowa have repeatedly declared is legal in Iowa.

Mr. TRAMMELL. I disagree with the Senator in regard to that. I say if the election officers in Iowa did not give to

the candidate the votes that he received, then it is the duty of the Senate, when the contest is brought before the Senate, to recognize and give credit for those votes. On the other hand, I say if the candidate did not receive the votes, 1,344 in number, and the election officers in Iowa gave him those votes when he did not receive them, it is the duty of the Senate to readjust that injustice that would be placed upon the people of Iowa and upon the candidate who was given 1,344 votes to which, as I contend, he was not entitled under the law of Iowa. Unquestionably the voters did not intend to give them to him and yet some Senators would give him votes that he did not receive, and would give them to him under a mere technicality of the law. If he did not receive them, so far as I am concerned I shall place my construction upon the laws of Iowa and I will not give him votes that he did not receive.

Mr. DILL. The Senator knows there is no court in the State of Iowa that would have taken the votes away from Brookhart.

Mr. TRAMMELL. I disagree with the Senator about that. With all the learning and with all the decisions that have been presented to the Senate by the distinguished Senator from Montana [Mr. WALSH] and those that might be reflected by the Senator from Washington [Mr. DILL], there has not yet been presented to the Senate a court decision that would sustain the Senator's contention in regard to those ballots. There has been none brought to the attention of the Senate that would sustain that contention.

Mr. DILL. I heard the senior Senator from Arizona [Mr. ASHURST] call attention to one.

Mr. TRAMMELL. I just exploded the theory of that case. That case did not support the Senator's contention. It rather contradicted it.

Mr. DILL. The statute supports my contention.

Mr. TRAMMELL. The statute does not support the Senator's contention. The case presented by the Senator from Arizona supports my contention instead of the contention of the Senator from Washington. It says that if a voter goes over into another column and marks a cross in another column of the ballot, that nullifies the idea that he intended to cast his entire ballot for the candidates of the party indicated by the circle in which he placed the cross. Following that to its logical conclusion and reasoning, if a man marks in the circle at the top of the ticket and then goes down the column and, desiring to make more specific his preference, omits the name of a candidate, that contradicts and nullifies the idea that he intended to vote for all the candidates indicated in the column in which he marked the cross in the circle. That decision supports my contention and not the contention of the Senator from Washington, in reason and in logic.

Mr. DILL. But in none of those ballots did the voter go over into the other column.

Mr. TRAMMELL. But he went down the column to show for whom he was specifically voting.

Mr. DILL. And the law provides that when he does that it must be counted for all of the candidates in that column.

Mr. TRAMMELL. When he went down that column of the ballot, it was shown specifically who he was voting for. Eliminating technicalities, the Senator knows why he did it. He did it for the purpose of showing that he wanted to vote only for those candidates opposite whose name he was placing a mark, even though he had placed a mark in the circle at the top of the ticket. In my State sometimes there are certain electors who do not care to vote for every Democratic candidate. An elector goes down the ballot and "scratches" the candidate, as we call it. He will mark nine out of ten Democratic names and will not vote for one. Whenever we reach that ballot, the election officers know what he means. They say, "That fellow scratched Jones." That is what the voters in Iowa meant to do. They meant to indicate that they were affiliated with the Republican Party, but they would not vote for Mr. Brookhart, and therefore they did not make a cross in front of his name.

Mr. ASHURST. If they did not intend to vote for Brookhart, why did they vote for the straight Republican ticket?

Mr. TRAMMELL. Of course we know why they did that. There were specific instructions sent out that if they wished to vote for the Republican Party ticket they should make a cross in the circle at the top of the ballot and then indicate who they wanted below. They were following the printed instructions sent out by the election officers. Senators here would ignore the construction of the law that is put on it by the election officers themselves who sent out the ballots and who sent out the instructions, and would take only the view of the election managers and the election clerks. We know that throughout the Nation the average election clerk is not an experienced, trained lawyer. We know that they do not know much about the election laws. On the other hand, the State board of State officials preparing the ballot and sending out instructions are more generally familiar and acquainted with the law, and one can depend more upon their instructions. Even if they made an error as far as the voter is concerned, we consider them higher authority than we would ever consider the expression of some bystander or some uninformed local election clerk. So there is some reason why the voter thought he was expressing his particular preference and that his vote would only be counted as he intended it.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Alabama?

Mr. TRAMMELL. I yield.

Mr. HEFLIN. The Senator from Arizona [Mr. ASHURST] suggested to the Senator from Florida that Mr. Brookhart was a Republican and running on the Republican ticket and that the voter intended to vote the straight Republican ticket. Mr. Brookhart, after he secured the nomination as a Republican, bolted the Republican national ticket, opposed the presidential nominee of the Republican Party, and when he did that thousands of Republicans bolted him and refused to vote for him.

Mr. TRAMMELL. Of course I have nothing to do with the political complexion of the situation. It is rather natural, when he did bolt the Republican ticket and the Republican Party and was jumping on the Republican presidential candidate, that a lot of the Republicans in Iowa would not think he was a Republican and would vote against him. I have nothing to do with that side of the case, and I do not care anything about it one way or another.

I have tried to reach a decision on the question as to who received the votes, as to the intention of the voters. As I analyze the situation I can not see any other side to the question if we are to take the will of the voters as it appeared on the official ballot counted by the election officers of the State and canvassed by the State board.

Of course, the canvass of the State board does not mean that they canvassed, in detail, every ballot, but they usually take the election returns from the respective precincts. But if we take that count, then, unless we give Mr. Brookhart 1,344 votes that were not marked for him, he was not elected, but Steck was elected by a majority of 527.

There has been a lot of talk about going back to the official ballots. I say, go back to them, take the official ballots, because when we return to the official ballots it will be found that Steck was elected and not Brookhart. The only way in the world we can consider Brookhart elected is to give him those 1,344 votes that electors of Iowa to the number of 1,344 did not vote for him; but yet these ballots were given to him in the official count. I say, even taking the official count and then determine whether or not those 1,344 votes that were not, in fact, voted for him should be counted for him. The voter did not vote for Brookhart. Therefore, deduct these 1,344 votes, and Steck was elected. Then, of course, we go to the count that was made by the Senate committee, which, in my opinion, was a very fair and honest count and does not call for all this equivocating and attempts at muddying the waters about the question of how the ballots were handled. There is absolutely nothing to indicate any fraud or irregularity. I have seen men more diligent and energetic here in behalf of the contestee than he and his attorney and his representative were in his behalf. I believe that the contestee himself and his attorney and his representative in the recount of the votes were just about as zealous and just about as intensely interested in protecting the contestee's interests as the Senators who are now trying to muddy the waters by saying a ballot might have blown out the window or might have been misplaced. If Senators do not want to take the ballots that were brought here and counted, let them go back to the original ballots counted by the election officers of Iowa. Then let us decide whether or not Brookhart should have had these 1,344 votes. In fact, there is no question but what they were not cast for Brookhart. Even though the official count gave them to him, I contend that, in fact, they were not cast for him. I believe in recognizing the laws of the State governing the election. But the law did not require that those votes be counted for him. I do not want to dwell too long on that, but there are three methods provided, as brought out yesterday by the Senator from Montana [Mr. WALSH], by which a person could vote a straight party ballot. He could place a cross in the circle at the head of the ballot and leave it stand there. That indicated that he wanted to vote for every candidate beneath that circle. That was one way the law gave him in which he could exercise his prerogative as an elector. In the very next section of the same law it is provided that

he may vote an entire ticket by making a cross in front of the names of the candidates following. That is the second method by which the elector may exercise his privilege. Then method No. 3 provides:

If the names of all the candidates for whom the voter desires to vote appear upon a single ticket but he does not desire to vote for all the candidates whose names appear thereon, he shall place a cross in the square opposite the name of each such candidate for whom he desires to vote without making any cross in the circle at the top of such ticket.

The Senator from Montana when arguing yesterday contended that the fact that the elector placed a mark in the circle foreclosed the idea that he had any other purpose or object in mind than to vote for the entire ticket. In this instance the electors placed a cross in the circle there and they also, under another provision of the law which I have read, attempted specifically to indicate that they did not intend to vote for all the candidates on that ticket. The sole and only way in which they could specifically indicate their specific preference was to place a cross in front of the names of those for whom they wished to vote and to omit to place it in front of the names of those for whom they did not desire to vote.

Mr. FESS. Mr. President, will the Senator from Florida yield to me?

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Florida yield to the Senator from Ohio?

Mr. TRAMMELL. I will ask the Senator to wait just for a moment. Why should we presume that a cross marked in the circle had any greater sanctity or carried with it any stronger expression of the desire of the voter than a cross in front of the individual name? Both of them were methods prescribed by which the elector could vote. The only way by which we can determine what was really the intent and purpose of the voter is to analyze his action from the standpoint of logic, reason, and human conduct. I have stated that when the voter went down the ticket and marked the individual names he was attempting to indicate specifically and definitely what he desired. He marked a cross in front of the names of those for whom he wanted to vote and omitted it in front of those for whom he did not desire to vote. Voters to the number of 1,344, I think, omitted to put a cross opposite the name of the contestee in this case, and yet those ballots have been counted for him. The only way we can seat Mr. Brookhart is to recognize those 1,344 ballots as having been cast for him and deprive of the seat the man who I say and believe was honestly elected by the voters according to the laws of Iowa. Now I yield to the Senator from Ohio.

Mr. FESS. Mr. President, the Senator from Florida has indicated one of the phases in this contest that have been very confusing to me and is yet confusing. For one who wants to do what the Senator from Florida wants to do and others of us want to do, justice in the case, it can not help but be confusing. The placing of a cross in the circle voted a straight ticket under the law.

Mr. TRAMMELL. It voted a straight ticket if no other mark had been placed on the ticket except the cross in the circle.

Mr. FESS. Then the voter goes down the line and makes other marks, omitting some names, which it appears to me would indicate that he meant to vote for those names on that ticket, but the law says he voted the ticket. Now what are we to do?

Mr. TRAMMELL. No; I contend that the law does not say that. I say that in the light of the decisions of the courts of Iowa, as presented by the Senator from Arizona [Mr. ASHURST] and by the Senator from Montana [Mr. WALSH], we can not construe that the voter voted the entire ballot merely because he marked a cross in the the circle at the head of the ballot. That was indicative of his intention to exercise one privilege that he had; but he had another privilege and method by which he could vote. Another way was, if he did not desire to vote the entire ticket, he could mark a cross in front of the names of those he preferred. That would be indicative of his wish and desire and intention to vote only for those in front of whose names he marked a cross. The question is, which one of those, in reason, shall weigh greater in the matter of determining the intention of the voter? We can not say that the placing of a cross in the circle is conclusive under the law. We can not say that the other method was conclusive. Both methods have been employed. We have got to arrive at the intention of the voter. Unquestionably, in my mind, and from my sense of reasoning—and I only reason the matter out in an ordinary, common-sense way—the intention of the voter was to vote for those in front of whose names he put the cross and not to vote for those in front of whose names he did not place the cross. That was one of the methods by which he could mark his ballot.

Mr. FESS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield further to the Senator from Ohio?

Mr. TRAMMELL. Certainly.

Mr. FESS. I concede the strength of the interpretation which the Senator from Florida places upon that controverted question. It would appear to me if the voter goes down the ticket and votes for certain names and does not vote for others, that he meant not to vote for the ones in front of whose names he omitted the cross, but when the voter puts the cross in the circle is it not true that under the law he voted the entire ticket?

Mr. TRAMMELL. If the voter had done nothing except to place a cross in the circle, that would be true; but is it not also true——

Mr. FESS. I think the Senator must admit that there is a basis for a reasonable doubt in that respect.

Mr. TRAMMELL. I know; and if the voter had stopped right there that would certainly be true; but we must see what the law further provides, and the law provides that there is another way by which a voter can exercise his privilege and indicate his preference.

Mr. DILL. The law provides for three ways in which the voter may indicate his intention.

Mr. TRAMMELL. I know that, but I am only discussing the one particular method involved. Another way is that the voter can go down the ballot and mark a cross in front of the names of the candidates of his choice. If he does that, though he has put the cross in front of the circle, if he also exercises the other privilege and the other method of voting, how are we going to construe that he intended the first method when the first method is not as specific of his expression as is the second method? The second method affords a more specific, in fact, a definite expression of the will and wishes of the voter.

Mr. FESS. If the Senator will permit me to interrupt him further, the question which he is now discussing and also the other matter which I think he will discuss, in regard to the agreement or the stipulation between the parties to the contest as to whether that should be final, notwithstanding what the voters in Iowa might have done—those two things are still very much confused in my mind.

Mr. DILL. Mr. President, will the Senator from Florida yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Washington?

Mr. TRAMMELL. I yield.

Mr. DILL. I wish to call attention to the fact that the law of Iowa, in section 811, in setting forth how a straight ticket shall be voted provides three ways. The Senator from Florida speaks of only two of them. One is that he may mark a cross in the circle at the head of the ballot.

Mr. TRAMMELL. If the Senator will excuse me, I am making my speech.

Mr. DILL. I beg the Senator's pardon.

Mr. TRAMMELL. I am not going to discuss something that is merely a sideshow.

The PRESIDING OFFICER. The Senator from Florida declines to yield.

Mr. TRAMMELL. I am not going to discuss a sideshow; I am trying to keep within the main show on this question. I am not going to discuss a method that is not involved in the controversy; and the other method is not involved in it, as I see it.

Mr. DILL. If the Senator will permit me, I merely wish to call attention to the wording of the law.

Mr. TRAMMELL. I have read the law.

Mr. DILL. The Senator omits any discussion of the third method provided by the law. He talks as though that was going outside the law when a third method is specifically provided by the law by which the elector may vote a straight ticket.

Mr. TRAMMELL. Yes; the third method is to put a cross in front of the name of every candidate.

Mr. DILL. It does not say "every candidate."

Mr. TRAMMELL. That is one way to vote a straight ballot.

Mr. DILL. The law allows the three methods, and the Senator omits the third.

Mr. TRAMMELL. Well, what does the Senator say the third method is.

Mr. DILL. Under the third method, according to the statute in section 811, if the voter marks a cross in the circle and

also a cross before the names of some of the candidates under the circle it still is a straight ballot.

Mr. TRAMMELL. That is not what the law provides as the third method.

Mr. DILL. That is the law.

Mr. TRAMMELL. The third method is:

He may place a cross in the circle at the top of such ticket and also a cross in any or all of the squares beneath said circle.

Mr. DILL. "Any or all," but it is still a straight ticket, and that is what the voters did here in all but one instance.

Mr. TRAMMELL. But section 812 says that if the names of all the candidates for whom the voter desires to vote appear upon a single ticket, but he does not desire to vote for all of them, he can go down the line and he can mark those for whom he desires to vote.

Mr. DILL. But not put a cross in the circle.

Mr. TRAMMELL. The Iowa decision which was quoted here a day of so ago held that if a voter put a cross in the circle, that of itself carried the idea that he intended to vote the entire ticket, but when he goes over in the other party column and marks a cross in front of the name of a candidate in that column, the court held that that ballot should not be counted, because the fact that he placed a cross opposite the name in the other party column nullified the presumption that he intended to cast a vote for the entire straight ticket.

Mr. DILL. That decision was in 1902, I think.

Mr. TRAMMELL. It was the decision read here in support of the contention of those advocating that everything should be counted.

Mr. DILL. Mr. President, I wish to ask the Senator another question. Suppose this contest had been brought to unseat Mr. Brookhart because 1,344 votes were counted for him under the State law when the intent of the voters was, as the Senator thinks it was, not to vote for him; does the Senator think, then, the Senate would consider unseating Mr. Brookhart when all the votes were legal?

Mr. TRAMMELL. Not if they were legal, but that is merely an assertion of the Senator from Washington. I state that it is not legal to count those votes for the contestee. The Senator might assert that it is legal. That is an honest difference of opinion concerning the construction of the law.

Mr. DILL. I can not read the law in any other way.

Mr. TRAMMELL. The fact that the Senator says it is legal does not make it legal, any more than my saying that it is legal makes it legal. The Senator asks me a hypothetical question based upon his own opinion as a foundation.

Mr. DILL. My reason for asking the Senator that question was that the Senator said taking the 1,344 votes away from the official count Mr. Brookhart did not have a majority.

Mr. TRAMMELL. Certainly; he has not a majority.

The Senator may realize why I am talking about the official count. It is because those who desire to seat the contestee have taken retreat in every instance behind the official count, and I say that, if they retreat behind the official count and there are 1,344 ballots in the official count that do not belong to Mr. Brookhart he is defeated and Steck therefore is elected by the official count.

I think that every element of fairness and justice prevailed in the entire contest and the recount; and the equivocating and trying to muddy the waters by saying that some ballots might have been out of place or might not have been out of place, and all that, and this talk about discrepancies between poll lists and the number of ballots, and all that, to be frank, I think is begging the question. I think there is very little in any contention of that kind.

Mr. GOFF. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from West Virginia?

Mr. TRAMMELL. Certainly.

Mr. GOFF. With the permission of the Senator from Florida, I should like to ask a question of the Senator from Washington. Does he consider the statute—section 811 of the Code of 1924—mandatory or directory?

Mr. DILL. I think it is mandatory on the election officials of the State of Iowa.

Mr. GOFF. It uses the word "may" as far as it grants a permissive privilege to the voter; does it not?

Mr. DILL. It uses the word "may" all through; does it not? Let me ask the Senator a question, then, in reply.

Mr. GOFF. Certainly.

Mr. DILL. Does the Senator mean to say that if this contest stood alone on these 1,344 ballots that are legally counted in the State of Iowa any serious consideration would be given to unseating the Senator?

Mr. GOFF. I certainly do; and I want to say further that the Senate of the United States, as an independent body, is not bound by any official count or any election returns from the State of Iowa if they are not according to the intent and the law as the Senate of the United States understands the law to be.

In that very connection I want to call the Senator's attention to the decision of the Supreme Court of Iowa which was introduced into the RECORD by the Senator from Arizona [Mr. ASHURST] and which has been referred to by the Senator from Florida.

This decision says, in Subdivision V:

A number of Republican tickets, upon which the name of incumbent was printed, were marked in the circle with a cross, and a cross likewise put in the square before each name thereon except that of incumbent.

That, as I understand, is almost the very language which the Senator from Florida used. Then the court, further on in this opinion and in the same paragraph, descends to a quotation from one of the prior decisions of the State of Iowa—I am reading, I will say to the Senator, from page 7104——

Mr. DILL. Is that in yesterday's RECORD?

Mr. GOFF. Thursday's RECORD—in which they quote the decision, saying:

It is said there is no authority for making a cross in the circle and also in the squares of the same ticket, as was done in the second, third, and fourth illustrations we have given. We think it is clear the statute does not contemplate that plan of voting. * * * Hence, when a voter has marked his ticket by placing a cross in the circle opposite the title, he does not add to the legal effect of that marking by placing crosses in squares opposite the names of candidates on the same ticket." This, we think, is true under the present statute. And we may say, further, that crosses in the squares under such circumstances not only do not add to the effect of the mark in the circle, but they do not detract from it—they have no consequence whatever, except in the case of a name written in, and that is specially provided for in section 1119, code.

Mr. DILL. They have no consequences, then.

Mr. GOFF. The Supreme Court says that they have no consequences, because the voter is doubling in his own tracks. He is doing twice what his original intention possibly meant that he only intended to do once, under the strict legal construction for which the Senator from Washington contends. If that statute is properly reflected in the decision of the court, that means nothing except that it indicates the intention of the voter; and it shows that as the voter came down that ticket he intended to vote the Republican ticket, and he undertook to eliminate the names before which he did not put the marks. In other words, he started with a generality which was republicanism. He descended to a particularity in which he eliminated, wherever he could, the names of those on the Republican ticket that he did not intend to include in the broad generality which he espoused when he marked at the top of the Republican column. That, I think, is the contention in the light of the law of the State of Iowa, and I thank the Senator from Florida for his permission to make the statement.

Mr. TRAMMELL. That is my contention.

Mr. DILL. I desire to answer the Senator, but I will do so in my own time.

Mr. TRAMMELL. In the same case the court held that if an elector put a cross on another ballot, that would nullify any idea or any technical construction that he intended to vote the entire ticket when he placed a mark in the circle.

Mr. GOFF. That is correct.

Mr. TRAMMELL. And I state that if his act in the voting booth, and the manner in which he marked the ballot, would indicate that he did not intend to vote for that particular candidate, that nullifies the idea of a general construction that he did intend to do so because he put a cross in the circle.

Mr. DILL. But so long as he did not put a cross in the other ballot, this decision says that the extra marking is of no consequence, and the vote is legal and is counted for the man who is not marked.

Mr. TRAMMELL. I know; but the court also goes on to state that if there is a manifest intention of the elector, the manifest intention of the elector should govern. That is my construction of that decision; and, of course, anybody knows that in common sense and in dealings of fairness, man to man, that is the proper construction to put upon the action of a voter—to try to ascertain his intention and his purpose, and to credit on the tabulation his intention and his purpose.

Of course, there might be a difference of opinion as to what the voter intended to do. I would rather give to the situation what I think is the construction that carries out the will of the elector.

In some States of the Union—of course, I know that the laws of other States do not govern and control in Iowa, and

should not—but in some States particular methods are provided for marking a ballot. In my State, for instance, the law provides that you shall mark a cross in front of the name of the candidate of your choice. Certain ballots were marked after the name of the candidate of the elector's preference, and a contest arose over that question. It went into the courts, and the courts held that, regardless of the law saying that you should place the mark in front of the candidate of your choice, if the voter marked it after the candidate's name that clearly and specifically indicated the intention and purpose of the voter, and the court construed that the law primarily intended that the will of the voter should be recorded and that his intention and his purpose was paramount and should be recognized, and that the fact that he put the cross after the name instead of in front of the name, although the law said it should be placed in front of the name, did not vitiate or nullify the ballot, and that the ballot should be counted.

I think that sound reasoning has been the basis of the decisions of the courts of all the States throughout the Union. We have not a court decision on the specific point that is involved in this case from the State of Iowa. Therefore, in the light of the decisions of the courts throughout the country, we ourselves have to arrive at a construction as to what application should be made of the law under the given circumstances and facts which confront us. We have a responsibility to perform just as much as the election officers of that State have a responsibility to perform. In the light of the opinion of the court in the majority of the decisions in the various States, I think that we are bound, in justice and fairness and proper respect for the predominating decisions of the courts of this country, necessarily to consider that those 1,344 votes were not cast for the contestee. Of course, they were not cast for the other candidate, but they were not cast for the contestee. Eliminating those 1,344 votes which he did not receive, according to my construction, I again assert that even under the official count Steck was elected, and unquestionably under the count that was conducted by the committee here Steck was elected.

Talk about the question of turning out people! According to my ideas and views it would be a very pathetic and a very tragic incident in the history of the United States Senate, when a man comes knocking at the door and says, "I was honestly elected; I received the majority of the votes of the electors of the State of Iowa as United States Senator; a majority prefers me; I am entitled to a seat in the Senate upon the basis of the facts and in all reason and in all justice," for the Senate to say, "We bar the door against you. We refuse to give you a seat in this body. We are not going to recognize the intent and the will of the electors of your State as expressed at the ballot box; but on a mere technicality we are going to say that while there are 1,344 votes there that in all reason apparently were never intended for the other man, because some election officer gave them to him we are going to recognize the other man and give him a seat in the Senate."

I have a great deal of respect and appreciation for the Senator from Iowa [Mr. Brookhart], the contestee in this case. I really dislike to make this talk on account of my personal feelings for him; but I have considered the facts, I have considered the law and the justice of the case, and I feel very sincerely that Steck was elected, that he is the preference of the voters of that State, and that he is entitled to a seat in this body.

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

Mr. TRAMMELL. Certainly.

Mr. GOFF. As I understand the Senator's argument, there is no mandate in the present law of the State of Iowa that would prevent any court in that State from proceeding to find the actual intent of the voter as reflected in the ballots that illustrate the 1,344 votes; that the statute, being directory in its message, merely permits the court in the absence of an intent to the contrary to find that a voter might have so intended, but does not compel the court to find that a ballot so voted was intended as has been suggested by the Senator from Washington.

Mr. TRAMMELL. There is absolutely nothing in the decision of the court to indicate it. There is nothing in the law to preclude from them that prerogative of ascertaining the will of the voter; and, as I have already asserted, the trend and disposition of the courts throughout the country has been to try to determine the object and the intention and the purpose of the voter, not to disfranchise voters by extremely technical, strict constructions of law. The leaning has been the other way, and necessarily and properly should be the other way.

In a free country, with a representative form of government, with people selected by the sovereign will of the sovereigns of the various States, every safeguard should be cast around a policy which will preserve and will give expression to the intent and the will of the voters as cast at the ballot box; and in this contest it is my desire to recognize the will and the preference as expressed at the ballot box, as I see it from all the facts, by the people of Iowa. That will unquestionably, as I see it, according to their intent and their purpose, represented by a majority, was that Steck should represent them in the United States Senate. For that reason I shall vote to seat him.

Mr. ASHURST. Mr. President, the junior Senator from Mississippi [Mr. STEPHENS], who filed the minority report on the Steck-Brookhart contest, ably addressed the Senate for several hours upon this contest, and his speech, owing to numerous interruptions which he suffered, is scattered through many pages of the RECORD. I have compressed into two pages of typewriting the vital points he made, and I ask permission to insert the matter in the RECORD at this juncture.

The PRESIDING OFFICER (Mr. BLEASE in the chair). Without objection, it is so ordered.

The abstract of Mr. STEPHENS's speech is as follows:

1. Senator Brookhart having received the certificate of election has a prima facie right to the seat and is the sitting Member. This can be overcome only by positive proof that he did not receive a plurality of the votes.

2. The returns of the judges of the election are prima facie correct. No recount of the ballots should be made until there is preliminary proof of the preservation of the ballots as required by law. There was no such preliminary proof.

3. Brookhart did not waive such preliminary proof.

4. This is not a private contest between Brookhart and Steck. The voters of the State of Iowa are parties. Therefore no waiver of any fact material to the decision of this matter could be made by contestee.

5. In 22 counties known as machine counties—that is, where voting machines were used—the ballots were preserved under an order of court. In those counties Brookhart gained 778 votes on the recount. In the 67 "paper ballot" counties where the ballots were not preserved under an order of court there were 1,068 precincts where there were discrepancies between the number of names on the poll lists and the number of ballots found in the boxes showing 3,570 missing ballots. It is significant that Brookhart gained where the ballots were properly preserved, and lost where there is no proof as to their preservation.

6. Where such discrepancies existed the official count should have been taken. If it had been taken, Brookhart would have had a plurality of 1,131.

7. This is true without regard to whether the 1,344 votes that were not given Brookhart are considered, for the reason that those of the 1,344 votes that came from the 1,068 precincts in which there were discrepancies are not to be considered. Thus Brookhart will have a plurality of more than 600.

8. If the official count be taken at the five precincts challenged, Brookhart has a plurality.

9. If the official count be taken at the 67 precincts where the bags were unsealed, Brookhart has a plurality.

10. Neither of the propositions—7, 8, or 9—is dependent upon the other. Accepting either one of the three contentions settles the matter in Brookhart's favor.

11. Under the laws of Iowa the 1,344 votes should be counted for Brookhart. The laws of the State should control.

12. The Congress having failed to enact laws on the subject of elections with reference to the "time, manner, and places, etc.," adopted the laws of each State on the subject of elections.

13. The fact that the Senate is by the Constitution made the sole judge of the returns, election, and qualifications of its own Members does not mean that the Senate is not bound by law. The Senate has no right to adopt rules in contravention of the statutes.

14. In one precinct there were 20 missing ballots. The recount gave Brookhart just 20 votes less than were given him by the officers of the election. * * * In another precinct there were 22 missing ballots. The recount gave Brookhart 24 fewer votes than were given him by the judges of the election. * * * In another precinct there were 12 more ballots found in the bag than there were names on the poll list. Steck was given 12 more votes by the counters than by the judges of the election. * * * In another precinct where the package of ballots came to the committee unsealed Brookhart lost 89 votes. * * * In another precinct where the package of ballots came to the committee and the counters noted on the work sheet "roll bound with cord," Steck was given 129 more votes than were reported for him by the judges of the election.

15. The committee is but an instrument and creature of the Senate. The Senate has a right to consider all the evidence and lack of evidence that may appear from the report of the committee. When this is done it appears clearly that Brookhart received a majority of the votes cast at the election.

16. This is a judicial question and not a political one. Each Senator is under the duty of deciding the matter on the law and the facts. The political effect should not be considered.

Mr. HOWELL. I ask unanimous consent that I may insert in the RECORD a table in connection with the Steck-Brookhart contest.

There being no objection, the table and accompanying statement were ordered to be printed in the RECORD, as follows:

STECK-BROOKHART CONTEST

In connection with this contest the 2,442 election precincts of Iowa logically divide into three classes, as follows:

(1) Machine-tallying precincts: Five hundred and eighty-five precincts in which voting machines were generally used; however, about 2.3 per cent of the vote cast was by use of paper ballots. It is to be presumed in connection with these precincts that the votes cast tallied with the number of names on the poll books, inasmuch as recount evidence to the contrary is lacking. The committee's supervisor failed to record the machine totals when the vote for Senators was reread.

Paper-ballot tallying precincts: Seven hundred and eighty-nine precincts in which the ballots received by the committee tallied with the names on the poll books.

Paper-ballot nontallying precincts: One thousand and sixty-eight precincts in which there was a shortage of ballots in every precinct as compared with the poll books, the total shortage amounting to 3,570 ballots.

(2) From the reports to the Senate submitted by the Committee on Privileges and Elections the following data is obtainable for each of these three classes of precincts:

(a) The number of Steck's uncontested votes and the number of his challenged votes.

(b) The number of Brookhart's uncontested votes and the number of his challenged votes.

(c) Also for all of the precincts taken together there is obtainable from the same reports the total number of both Steck's and Brookhart's challenged votes held to be good votes. However, the committee does not afford information that would enable, in each case, the apportionment of these good votes to each of the three classes of precincts. Only the total for all precincts is afforded, as previously stated.

(3) Under the circumstances, therefore, it is only possible to apportion these good votes to each of these three classes of precincts by determining the percentage of good votes to challenged votes in each case and then applying this percentage to the challenged votes for each of these three classes of precincts.

Thus, Steck's total challenged votes number 2,268. Of these there were found good 2,225, or 98 per cent. Brookhart's total challenged votes numbered 6,453. Of these 4,932 were found good, or 76.4 per cent.

Inasmuch as the committee's report affords the number of Steck and Brookhart challenged votes, as before stated, for each of these three classes of precincts, by applying the respective percentages in each case an apportionment of good votes is possible. This is done in the following tabulation, in which all totals agree with the committee's reports.

(4) From an inspection of this table it will be noted that if the recount made by the committee is accepted in the machine-tallying and ballot-tallying precincts and, in lieu of the recount, the official count is taken in the nontallying precincts, in which 3,570 ballots are unaccounted for, Senator Brookhart has a plurality of 582. And this is without including the 1,344 straight Republican ballots claimed by Brookhart and not allowed by the committee.

Steck-Brookhart contest

	Number of precincts	Official count		Committee's recount								Results	
				Steck				Brookhart				Using recount in tallying precincts and official count in nontallying precincts	
		Steck	Brookhart	Challenged votes	98 per cent challenged votes good	Uncontested votes	Final recount	Challenged votes	76.4 per cent challenged votes good	Uncontested votes	Final recount		
Machine tallying	585	128,865	123,779	98% of 19=	18+	129,008=	129,026					129,026	
Ballot tallying	789	110,171	122,232	98% of 840=	824+	110,494=	111,318	76.4% of 29=	22+	124,690=	124,712	111,318	124,712
Nontallying	1,068	207,784						76.4% of 2,370=	1,811+	120,561=	122,372	207,784	122,372
			201,626										201,626
				98% of 1,409=	1,383+	208,442=	209,825	76.4% of 4,054=	3,099+	198,566=	201,665		
Total	2,442	446,820	447,637										
Brookhart's plurality		817											
		447,637	447,637										
Challenged votes, total				2,268				6,453					
Uncontested votes, total						447,944				443,817			
Challenged votes, good, total					2,225				4,932				
Final recount							450,169				448,749		
Steck's plurality on committee recount											1,420		
							450,169				450,169		
Brookhart's plurality using recount in machine and tallying precincts and official count in nontallying precincts (3,570 ballots are missing in nontallying precincts)												448,128	448,710
												582	
												448,710	448,710

This result is without including the 1,344 straight Republican ballots claimed by Brookhart and not allowed by the committee.

ORDER OF BUSINESS

Mr. JONES of Washington. If there is no Senator present who desires to speak on the election contest, I see no reason why we should not take up the calendar for a while, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Ashurst	Dale	Harreld	Mayfield
Bayard	Dill	Harris	Metcalf
Bingham	Edwards	Heflin	Moses
Blease	Ernst	Howell	Neely
Borah	Ferris	Johnson	Norbeck
Bratton	Fess	Jones, N. Mex.	Nye
Broussard	Fletcher	Jones, Wash.	Oddie
Bruce	Frazier	Kendrick	Overman
Butler	George	King	Phipps
Cameron	Gillett	La Follette	Pine
Capper	Glass	Lenroot	Ransdell
Copeland	Goff	McKellar	Reed, Pa.
Couzens	Gooding	McMaster	Sackett
Cummins	Hale	McNary	Sheppard
Shipstead	Smoot	Trammell	Willis
Shortridge	Stanfield	Tyson	
Simmons	Stephens	Warren	
Smith	Swanson	Williams	

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. JONES of Washington. If there is no one present who desires to discuss the election contest, I submit a request that we take up the calendar, commencing where we left off two or three days ago, with Order of Business No. 470, to consider unobjected bills on the calendar.

Mr. KING. I understand there are a number of Senators on the other side who desire to speak on the election contest. There will not be time enough on Monday for all to speak, and why can we not consume the afternoon with a discussion of the pending resolution?

Mr. JONES of Washington. I am perfectly willing that that should be done, but I understood that there was no one who wanted to speak.

Mr. KING. I understand the Senator from Nebraska [Mr. HOWELL], the Senator from Idaho [Mr. BORAH], and the Senator from California [Mr. JOHNSON] desire to speak.

Mr. JONES of Washington. I had the quorum call made to give any Senators absent at the time an opportunity to speak to-day if they should so desire.

Mr. FESS. I will say to the Senator from Utah that they are present, but none of them wants to go on.

Mr. JONES of Washington. I ask unanimous consent that we take up the calendar, beginning with Order of Business 470, where we stopped a few days ago, and that we consider unobjected bills on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIS. Mr. President, I do not object, but at this point, noting the presence of the Senator from Utah [Mr. SMOOT] and the Senator from South Dakota [Mr. NORBECK], I want to inquire what the plans are for the consideration of the various pension bills that are on the calendar. Two Spanish-American pension bills, one a House bill and the other a Senate bill, are on the calendar awaiting consideration. I am advised that a Civil War pension bill will be reported very soon. I was wondering if we could not arrive at some conclusion, fixing a date when we might consider those bills. It is getting late in the session. What are the plans of the Senator from Utah touching the action of the Senate following the disposition of the Brookhart-Steck case?

Mr. SMOOT. I shall ask the Senate to take up the Italian debt settlement on Tuesday morning and shall attempt to keep it before the Senate until a vote is had.

Mr. BRUCE. Will not the Senator from Utah speak a little louder so that we on this side of the Chamber can hear what he is saying?

Mr. SMOOT. In answer to the Senator from Ohio, I said that it was my intention, subject, of course, to the Senate's will, to take up the Italian debt settlement on Tuesday morning, and to keep it before the Senate until it shall be disposed of.

PENSION LEGISLATION

Mr. WILLIS. Mr. President, I wish to direct a question to the Senator from South Dakota [Mr. NORBECK]. What are his plans touching the disposition of pension bills? He is chairman of the Committee on Pensions, and a good many of us are interested in knowing what he plans to do in that respect.

Mr. NORBECK. We expect to report out the bill which passed the House covering Spanish-American War pensions, with a few amendments that make it similar to the Senate bill now on the calendar. The Committee on Pensions of the Senate has already reported one bill which has passed the House.

Mr. WILLIS. Is the Senator at this time prepared to make any statement touching a report upon a general Civil War pension bill?

Mr. NORBECK. The first of the next week the committee will take up the question of a report on Civil War pensions. I believe I can assure the Senator that the committee will be favorable to some legislation to help the Civil War veterans out.

Mr. WILLIS. I hope the Senator will press for action upon those measures as soon as the Italian debt settlement is out of the way.

Mr. NORBECK. I assure the Senator from Ohio that there will be no delay.

Mr. BRUCE. May I ask the Senator from Ohio what he means when he speaks of pension bills? What bills, specifically, does he mean?

Mr. WILLIS. The bill I have especially in mind, although I do not recall the number, is a general Spanish-American War pension bill. Such a bill has passed the House recently by a vote of 365, there being no vote against it. That is on our calendar.

Mr. BRUCE. That relates to the Spanish-American War?

Mr. WILLIS. Yes; that relates to pensions of Spanish-American War veterans. The chairman of the Committee on Pensions has just advised the Senate that his committee expects soon to report a Civil War pension bill. They have not yet fully formulated it.

Mr. BRUCE. An increase of pensions?

Mr. WILLIS. An increase of pensions for veterans of the Civil War and their widows, and he expects soon to report that bill and states that he will press for early consideration.

Mr. BRUCE. Are there any more pension bills besides those?

Mr. WILLIS. I am not a member of the committee and can not enlighten the Senator.

Mr. BRUCE. Are those the only two in which the Senator from Ohio is interested?

Mr. WILLIS. Those are two in which I am specifically interested.

Mr. KING. I can state with certainty to the Senator from Ohio that he need have no concern about the passage of pension bills through the Senate before adjournment. I have no doubt that the appropriations for the next fiscal year for ex-service men and to meet the pension demands will amount to approximately $800,000,000. When we were discussing the bonus bill several Senators, among them the Senator from Idaho [Mr. BORAH], stated that the appropriations to ex-service men would aggregate between $75,000,000,000 and $100,000,000,000. Of course that included the payments to be made to their widows and dependents and would cover a considerable period of time. Congress will soon be appropriating $1,000,000,000 a year if we are to continue our present course in the matter of pensions and to meet the requirements of the Veterans' Bureau. No one is opposed to liberal appropriations to care for the disabled and to meet the requirements of those who were injured while serving their country.

Mr. WILLIS. The Senator from Utah, of course, will aid us in getting those bills before the Senate for consideration?

Mr. KING. The Senator from Utah will aid in securing legislation to care for those who received injuries while in military service. But I do not look with favor upon this growing tendency to grant civil pensions or service pensions. I shall vote for liberal appropriations for those who were injured while serving their country upon the battle field, or who incurred disabilities while in military service.

Mr. WILLIS. Of course the Senator will not object to taking up the bills?

Mr. KING. If I were to object it would do no good, because election is approaching and the anxiety of Senators to satisfy the demands of constituents will prompt them to run the Juggernaut over anyone who has the temerity to interpose an objection.

Mr. WILLIS. It is possible that a motion may be made to take up the bills.

Mr. BRUCE. I would like to ask the Senator from Ohio a question. Is this Spanish-American War veterans' bill a service pension bill, or is it for disabled men?

Mr. WILLIS. I shall answer the question so far as I am able. I am not a member of the committee. It is my understanding that it is a service pension bill.

Mr. BRUCE. I thought the Spanish-American War was a war about which the complaint was that there was not war enough to go around.

Mr. WILLIS. I never heard that complaint.

Mr. BROUSSARD. Mr. President, may I say to the Senator from Maryland that the Spanish-American War was fought by volunteers. They have never been before Congress since 1899 to ask for anything. The maximum compensation given for total disability is $30, whereas veterans of other wars are receiving much more. The bill which the Senator has been discussing is merely intended to equalize, in a measure, the veterans of other wars and what they are receiving with what the Spanish War veterans are receiving.

Mr. BRUCE. I am not speaking of disabilities. I asked the Senator from Ohio the question as to whether the bill was a service pension bill.

Mr. BROUSSARD. It is a disability pension bill. It should be enacted into law, because since 1899 those men have never been here asking Congress for anything, and that is why they are getting much less than half what the other veterans are getting to-day.

THE CALENDAR

Mr. JONES of Washington. Mr. President, I ask unanimous consent that we may begin the call of the calendar at Order of Business No. 470, the call to proceed for unobjected bills only.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I object. If it is the desire to take up the calendar, I want to take it up in the regular way.

Mr. JONES of Washington. There are about 150 bills on the calendar, and I think the idea is if we can get through the unobjected bills following No. 470 on the calendar that we will then begin at the beginning of the calendar and go through from the beginning. If objection is made at this time, it will mean a call of the calendar under Rule VIII.

Mr. BRUCE. I have bills in my charge on the calendar that have been bringing me over here very often, to my very great inconvenience at different times, and which have never been reached on the call of the calendar because of the zigzag method being constantly pursued with reference to the calendar. If we are going to take up the calendar, let us take it up in the regular order.

Mr. JONES of Washington. This is the course we have usually pursued heretofore, I may say to the Senator.

Mr. BRUCE. I know, but it has worked out lamentable results so far as I am concerned and so far as my convenience and comfort are concerned and my ability to get consideration for bills in which I am interested.

Mr. KING. Mr. President, it seems to me the request of the Senator from Washington is a very fair one. If we started always at the beginning of the calendar, we would get only so far and then we would adjourn or take a recess. Then we would start again at the beginning and traverse the same ground, and those bills which are further on in the calendar would never be reached. It seems to me it is fair to go through the entire calendar at some time and then start again at the beginning. We have not gone through the entire calendar yet, so the Senator is not subjected to more annoyance or inconvenience than others. There are many bills that we have nearly reached upon a number of occasions, but we have not reached them and will not reach them if we start at the beginning of the calendar each time.

Mr. FESS. If we do not begin where we left off the last time, and if we go back to the beginning of the calendar under Rule VIII, we will get nowhere this afternoon, because all the time would probably be consumed in the discussion of one bill.

Mr. JONES of Washington. Mr. President, I desire to ask the Senator from Maryland if he will not withdraw his objection?

Mr. BRUCE. After consultation with other Senators I must state that for the first time in my life I find myself mistaken! [Laughter.] I withdraw the objection.

Mr. COPELAND. I ask the Senator from Washington to modify his request so that we may begin with Order of Business No. 469 instead of 470.

Mr. JONES of Washington. Personally I would have no objection to that, but I do not know whether any other Senator would object.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the call of the calendar begin at No. 469. Is there objection? The Chair hears none, and it is so ordered.

AMERICAN SAMOA

Mr. LENROOT. Mr. President, I ask unanimous consent out of order to introduce a bill and in connection with it to make a statement which will occupy not more than 15 minutes.

Mr. JONES of Washington. I have no objection to the Senator's request; and I take it the Senate will have none.

The PRESIDING OFFICER. Without objection, the Senator's request is granted.

Mr. LENROOT. Mr. President, in connection with the bill which I am about to introduce, relating to what is generally known as American Samoa, I desire to make a brief statement.

Prior to 1899 the Samoan Islands had an independent government, under a king. In 1878 the United States entered into a treaty of friendship and commerce with the Samoan Government, under which the United States was granted the right to establish and maintain a coal and naval station at the port of Pango-Pango. In 1879 treaties were concluded between the Samoan Government and Germany and Great Britain under which Germany was granted a right to establish a coal station in the islands at a point designated and England was granted a similar right at a place to be later determined. Both these treaties, like that with the United States, were treaties of friendship and commerce. In the following years internal disorders prevailed, growing out of rivalries to the throne of Samoa. In 1898 King Malietoa died, and the Samoans could not come to any agreement as to his successor and disorder continued. In March, 1899, the naval forces of the United States and Great Britain shelled the forces of one of the Samoan claimants to the throne, and also several Samoan villages. On April 1, 1899, American-British forces landed in the islands, and in the ensuing hostilities 2 American officers, 1 British officer, 2 American sailors, and 1 British sailor were killed and 5 men were wounded. The Samoans were compelled to yield to superior force, and the occupation by the United States of what is now known as American Samoa has continued since that time. In May, 1899, the three powers concerned decided the way to restore order was to take the islands and divide them among themselves. Without the consent of Samoa the United States, Great Britain, and Germany entered into treaties dividing the islands, which treaty was ratified by the Senate on February 13, 1900.

The share of the United States in the loot was the island of Tutuila, and all other islands of the Samoan group east of longitude 171 minutes west of Greenwich, now known as American Samoa. The remaining islands were given to Germany, Great Britain relinquishing its claim in consideration of Germany relinquishing its claim to certain islands of the Solomon group.

All three nations at the time of this outrageous act had treaties of amity and commerce with the Samoan Government.

Speaking of this treaty dividing the islands, the Secretary of the Navy in a report in 1923 stated:

> There appears to be nothing in the foregoing treaty to indicate that the Government or representatives of the Samoan people had any part in its formulation, conclusion, or adoption.

On February 19, 1900, six days after the Anglo-German-American treaty had been ratified by the Senate the President issued the following Executive order:

> The Island of Tutuila of the Samoan group, and all other islands of the group east of longitude 171 minutes west of Greenwich meridian, are hereby placed under the control of the Department of the Navy for a naval station.
>
> The Secretary of the Navy shall take such steps as are necessary to establish the authority of the United States and to give the islands the necessary protection.

Upon the same date the Secretary of the Navy issued an order as follows:

> The Island of Tutuila, of the Samoan group, and all other islands of the group east of longitude 171 minutes west of Greenwich, are hereby established into a naval station, to be known as Naval Station Tutuila, and to be under the command of a commandant.

These two orders I have recited are the only foundation for our present government of American Samoa. At the time they were promulgated we had no more title to these islands than I have to the Capitol of the United States.

By the treaties referred to we exchanged quitclaim deeds with Great Britain and Germany, but none of the parties had any title to quitclaim and they were no more effectual to pass any title than if another Senator and myself should exchange quitclaim deeds dividing between us the Washington Monument and the Lincoln Memorial.

Again quoting from a report of the Secretary of the Navy:

> Although by the tripartite treaty of February 13, 1900, England and Germany renounced all claim to these islands of the Samoan group, comprising what is now known as American Samoa, the United States did not thereby necessarily acquire sovereignty over these islands. Their independence had been recognized up to that time by all three powers and no formal definite steps abrogating such independence were expressly authorized under the terms of the treaty.

While I will return to this date of 1900 directly, I now wish to state the present status of German Samoa, as Germany had taken possession of all of the Samoan Islands not occupied by the United States, as I have heretofore stated.

Under the treaty of Versailles Germany renounced in favor of the principal allied and associated powers, of which the United States was one, all her rights and title to German Samoa. Thereafter New Zealand was given a mandate by the League of Nations to govern German Samoa, and it is now under its jurisdiction. I may say in passing that Germany had no better title to German Samoa than the United States had to American Samoa, for both were based upon conquest of a weak and helpless people in violation of solemn treaties.

According to the latest census reports the population of German Samoa is 37,000, and the population of American Samoa is 8,056.

Returning now to the year 1900, following our occupation of the islands in the manner I have described and after ratification of the treaties between Great Britain, Germany, and the United States that I have referred to, on April 17, 1900, certain chiefs of the island of Tutuila purported to make a formal cession of that island to the United States and of other islands of the Samoan group east of longitude 171 minutes west of Greenwich, and on July 16, 1904, chiefs of the Island of Aunnu by a similar act made a cession to the United States of their island.

I wish to say in this connection that, to the credit of the United States be it said, while we took those islands in the manner that I have described, we did almost immediately thereafter begin negotiations for a cession to the United States by the Samoan people, with whose Government we had a treaty of amity and friendship.

These cessions were made upon certain conditions, which conditions have never been complied with. But, aside from that fact, the Secretary of the Navy states that while these cessions were accepted by the President they have never been acted upon by the Congress of the United States, and I think no Senator will claim that the President of the United States

has any right to accept any cession of territory without the express authority of Congress.

But, quite aside from this, these alleged cessions were made for certain purposes and upon certain conditions, which have not been fulfilled by the United States. The principal cession is, as I have stated, dated April 17, 1900, and the preamble, among other things, recites that the chiefs—

are desirous of granting unto the said Government of the United States full power and authority to enact proper legislation for and to control the said islands.

There has never been any legislation for the government of these islands, and our rule there has been an absolute dictatorship. But, further, the document of cession recites—

To hold that said ceded territory unto the Government of the United States, to erect the same into a separate district to be annexed to the said Government, to be known and designated as the District of Tutuila.

Very similar language is used in the cession of the 14th of July, 1900, covering a portion of the same territory as the cession of April 17, but signed by certain other Samoan chiefs.

Since that time the government has been administered by a naval officer, who has exercised supreme executive, legislative, and judicial power. From his decision there is no appeal. He holds the power of life and death in his hands.

We not only have flagrantly violated the rights of the Samoans in our original occupation, but we have since exercised sovereignty over them without express authority of law. True, the Navy Department claims that Congress has recognized this cession and impliedly confirmed it by various references to American Samoa in acts of Congress, but I assert that none of these acts can take the place of formal acceptance of the cession.

To illustrate the acts of Congress relied upon, in the Payne-Aldrich tariff law the island of Tutuila is excepted from its provisions. In 1906 Congress provided for the acknowledgment of deeds in American Samoa. In 1916 it provided for a radio station there and in 1919 provided for a census of its inhabitants.

Without at this time going into the question of whether the United States can acquire territory by acquiescence in unauthorized acts of the executive department, I do insist that we can not accept the benefits of the cession without performance of obligations, which it imposes.

Congress has not erected these islands into a separate district as the cession provides. We have not enacted legislation for the islands, which was one of the stated purposes of the cession. We have utterly failed in our duty to these islands, and the very least we can now do is to formally accept the cession of the islands and create such a form of government for them as may be practicable under the circumstances.

I realize that a complete system of civil government similar to that which we have in Hawaii and Porto Rico is not practicable for this small number of people without entailing great expense upon the Treasury of the United States, but we can place the power and responsiblity for their government with the President of the United States, instead of a subordinate naval officer, and we can provide judicial protection for life and property there under the wing of the law.

The Samoans are a peaceful and hospitable people. There is no illiteracy there because schools have been established and conducted by the missionary societies. I quote from the report of the Governor of Samoa for 1922:

The Samoans are intensely religious. It may be said that all Samoans are Christians, and though many of them are not church members all go to church. There are family prayers in the morning and evening in every Samoan home, and Sunday is very religiously observed as a day of rest.

In making this brief statement, I have confined myself to a recital of facts wholly secured from reports of the Navy Department. Charges of the most serious nature have been made against our administration of the islands. These charges are for the most part denied by the Navy Department, and wholly so in so far as the present conduct of affairs is concerned. I may say that I wish it understood that in this statement I wish to make no reflection whatever upon the present administration of the islands by the Navy Department. I hope it may not be necessary to enter this field of investigation for the admitted facts call for immediate action. Such a dictatorship as now exists, benevolent depotism though it may be, is utterly at variance with all of our American ideals, and furnishes one chapter of our history of history of which no American can be proud.

I should say, in fairness, that the primary fault for this situation is that of the Congress of the United States in not providing for a proper government for these points. A full report of the situation was made in 1903 by President Roosevelt, but Congress has done nothing from that time to this—a period of 23 years.

Believing as I do that there should be some constructive legislation at this session, and realizing that if this is to be had all controverted questions must be avoided, I have prepared a very short bill accepting the cession and creating a separate district of American Samoa to be known as Tutuila, as provided for in the cession referred to. It provides that until the President shall otherwise provide the regulations issued by the naval governor of Samoa in 1900 entitled "A declaration concerning the form of government for the United States naval station Tutuila," in so far as the same are not inconsistent with this act, shall remain in force.

I wish to repeat in this connection that this subordinate naval governor is absolutely supreme, and his regulations are not even submitted to the Navy Department for approval. The bill provides that except as otherwise provided all military, civil, and judicial powers shall be vested in the President of the United States to be exercised through a governor appointed by him and confirmed by the Senate.

The President shall also appoint a district judge, to whom writs of error and appeal will be allowed from the inferior courts, and writs of error and appeal shall be allowed from the district judge to the Circuit Court of Appeals for the Ninth Circuit.

The salaries of the governor and the district judge are fixed, and the President is empowered to appoint such other persons as he may deem necessary to carry on the government and fix their salaries.

This is a brief outline of the bill I now introduce. I do not offer it as a permanent organic act for these islands, but for the purpose of doing some measure of justice to these people, with the hope that a more comprehensive and satisfactory plan may be worked out in the future, growing out of the experience with the form of government that I now propose.

I send the bill to the desk and ask that it may be read twice and referred to the appropriate committee.

Mr. BINGHAM. I understand the Senator desires to have the bill referred to the Committee on Territories and Insular Possessions?

Mr. LENROOT. Yes; I ask that that reference may be made.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (S. 3952) accepting the cession to the United States of certain of the Samoan Islands and to provide for a temporary government therefor, was read twice by its title and referred to the Committee on Territories and Insular Possessions.

Mr. BINGHAM. Mr. President, I should like to add a word or two to what the Senator from Wisconsin has said.

In the first place, the islands which are now known as American Samoa, with the beautiful harbor of Pango-Pango and the lovely island of Tutuila and the neighboring islands, were first visited and explored by Captain Wilkes, of the American Navy, about 1845. I had hoped to have at hand the volumes of his travels before the Senator concluded, but have not succeeded in doing so.

Captain Wilkes passed a very pleasant and agreeable time in the islands and met the chiefs. If my recollection serves me—it is now some years since I visited those islands and made a study of their history—the chiefs came to Captain Wilkes and told him that they were very anxious to be protected against foreign nations, and asked him to accept a protectorate over them, which he was not authorized to do.

Senators will realize that in all parts of Polynesia, under the purely Polynesian form of government, each island, and sometimes each part of a large island, was under a separate chief or king. The more powerful chiefs sometimes succeeded, as in the case of the Hawaiian Islands, in conquering the chiefs of other islands and for the time being bringing the islands all under one chief. In Samoa, if my memory serves me correctly, the different islands were under various chiefs. It is not as though they were all under one king.

Not to go any further into the history of the islands, nothing was done, as the Senator from Wisconsin has said, until it became necessary, due to the desire of the great Chancellor Bismark to secure a Pacific empire for Germany, to come to some agreement regarding Samoa. So the United States, England, and Germany made a tripartite agreement about the time of the great hurricane in Samoa, when several of our warships,

as will be remembered, and one or two German ships were destroyed, while the British warship *Calliope*, by having steam up, succeeded in escaping from the effect of the hurricane. That really marked the time when the present arrangement was entered into.

I must congratulate the Senator from Wisconsin on the thoroughness with which he has gone into the case so far as the Government and the Navy Department are concerned. I agree with him that Congress has been remiss in not having enacted any legislation for the government of the Samoan Islands. Before the bill which the Senator from Wisconsin has introduced shall be enacted, I trust that Congress will send a small committee of its own Members to study the situation and not rely upon stories in the newspapers, which, while frequently of great interest, often have something behind them that is not always seen on the surface. I hope very much that he will agree with me that his statement that we have utterly failed in our duty to those islands is not quite correct.

Mr. LENROOT. I said Congress had failed in its duty, and I think the Senator will agree with me that is the fact.

Mr. BINGHAM. I understood the word "we," as used by the Senator, to apply to the United States.

Mr. LENROOT. No; I referred to Congress.

Mr. BINGHAM. With that I am in entire agreement. As a matter of fact, the Navy Department has had a wonderful record in Samoa. If there were time, I should like to go into it, because, although perhaps certain Senators would not agree with me, I have been there and examined into it, and the facts in brief are these:

There is no other group of islands in Polynesia where the native population is increasing as it is in American Samoa, under the Navy Department. There is no other group of islands in the Pacific where health conditions are what they are in American Samoa. During the great flu epidemic during the period of the war when the flu spread all over the world and reached certain islands in the Pacific, in Polynesia in particular, when it reached Tahiti nearly half of the population of one island and a third of the population of another island were destroyed by the flu. When the flu reached British Samoa, or New Zealand Samoa, as it is to-day, 4,000 people died on the Island of Apia alone, where Robert Louis Stevenson spent the latter years of his life. In American Samoa not a single person died of the flu; there was not a single case of the flu, because the Navy with its doctors so successfully prevented any contact with the outside world and protected those little brown brethren of ours absolutely against this disease of civilization. There is not another island in the Pacific, there is not another group of islands in the Pacific, where venereal disease does not exist, except in American Samoa; and those diseases which civilization has spread throughout the Pacific and which have decimated the native populations do not exist in American Samoa.

The Senator has explained his remark that "we have utterly failed in our duty to those islands," but I want Senators to realize a few of the things that the Navy Department has done for Samoa before we attempt to pass any legislation merely on the general theory that the natives are not represented in the government.

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

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Florida?

Mr. BINGHAM. Certainly.

Mr. FLETCHER. Are the islands self-supporting? Do they produce sufficient to take care of their population?

Mr. BINGHAM. That is my understanding.

Mr. LENROOT. And their revenues pay the expenses of such government as they have, outside of the regular military or naval government.

Mr. FLETCHER. Is there any real harbor there?

Mr. BINGHAM. Yes; there is a beautiful harbor. The harbor of Pango-Pango is one of the finest harbors of the world. It is a little bit too deep. It is sometimes difficult to get up anchors because of the great depth. It is a volcanic island, and the mountains rise a thousand feet on each side of the harbor and go down to quite a depth, so that steamers can come very close alongside the shore without any danger of running aground. It is one of the finest harbors in the world.

Mr. FLETCHER. I had an impression that there was deep water on one side.

Mr. HALE. Mr. President, the Senator from Florida has asked whether the islands are self-supporting. In certain cases the United States has assisted the inhabitants of the islands. I recall that recently there was a great hurricane there, and in the last deficiency bill we provided a certain amount of relief for the islands in fixing up their roads and some of the buildings that had been destroyed by the hurricane.

Mr. LENROOT. I think, however, that was the first instance of an appropriation out of the Treasury.

Mr. HALE. I think they themselves take care of their ordinary running expenses.

Now, Mr. President, I should like to ask the Senator whether he expects to have action on his bill at this session of Congress other than possibly by the appointment of a commission to investigate?

Mr. LENROOT. I will say that if a committee visits Samoa I shall not press the bill; but I have studiously avoided any controverted facts here, and I do not propose to go into this question that has been raised concerning the administration of the islands in the past.

Mr. HALE. I understand that the Senator makes no charges against the Navy Department.

Mr. LENROOT. None whatever.

Mr. HALE. The department is very proud of the way in which it has administered the islands, and in case any legislation is to be enacted I am sure the department should be heard.

Mr. LENROOT. Mr. President, my position is that under the admitted facts we owe a clear duty to legislate for the islands, to accept formally the cession which was made, and to provide some kind of a government for them under express authority of law.

I want to say that if a commission or a committee can not visit the Samoan Islands, or if that is not provided for at this session, as this bill of mine that I now propose provides only for a temporary government—and I frankly say that I based it very largely on the act dealing with the Virgin Islands—it seems to me that this bill ought to pass at this session; but if there can be an investigation by a committee between now and next December, I shall not press it at this time.

Mr. BINGHAM. Mr. President, I should like to call the Senators' attention, and particularly that of the senior Senator from Florida [Mr. FLETCHER], who inquired about the harbor, to volume 2 of the narrative of the United States exploring expedition by Charles Wilkes, on page 71, of which he will find the first picture of the beautiful harbor of Pango-Pango that was ever published; and in chapter 3 he will find an account of the visit of Captain Wilkes to those islands and the meeting which he had with the chiefs.

THE CALENDAR

The PRESIDING OFFICER. The Secretary will state the first bill on the calendar under the unanimous-consent agreement.

HEIGHT OF BUILDINGS IN THE DISTRICT

The first business on the calendar under the unanimous-consent agreement was the bill (H. R. 9398) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

Mr. EDWARDS. I offer an amendment to this bill, which I send to the desk.

Mr. KING. Mr. President, I do not think that under the five-minute rule we will be able to present all the facts in regard to this matter. It is a very important one, and I think the Senate should be clearly advised about it. I wish it could go over until Monday.

Mr. EDWARDS. That will not affect the amendment.

Mr. KING. No; but I merely am not now assenting to its consideration.

Mr. COPELAND. Mr. President, I hope the Senator will not press his objection, because he will recall that he told me last week that if we would let it go over to Monday of this week it would be taken up. This is a matter of importance. It relates to the erection of this fine building. The question of completing the financing and completing the plans of the building is involved. I know how interested the Senator is, and I have discussed with him his views, which are appealing; but I hope that this matter may come up now and be disposed of. It is not a matter which should be permitted to drag along any further, as I see it.

I appeal to the Senator to let us take action now.

Mr. KING. Mr. President, the objection I have indicated was that there was not ample time under the five-minute rule to debate this measure. I want the Senate to understand just exactly what it means—that it is opposed by the Fine Arts Commission of the District, that it is opposed by the commissioners themselves and by the Zoning Commission. It means a change of policy with respect to the buildings in the District which I think will prove exceedingly harmful. Of course the Senate is at liberty, if it wants to do so, to change that policy and to abandon the plan of having, I might say, a beautiful city here. I do not expect that we will ever have one, in view of the materialism and the mercenary spirit manifesting itself

so often now; but if we do want to have a city that is worthy to be the capital, it does seem to me that we ought to consider this bill at considerable length, to determine whether we are willing to depart from the policy that has been adopted. If we can have an hour for its consideration, so that the Senators may understand it, I have no objection.

Mr. FESS. Let the bill go over.

Mr. COPELAND. I hope the Senator from Ohio will not object to giving us a little time——

Mr. FESS. I ask that the bill go over.

The PRESIDING OFFICER. The Senator from Ohio objects to the consideration of the bill.

Mr. CUMMINS. Mr. President, I should like to ask whether we are proceeding under a unanimous-consent agreement to consider only unobjected bills or whether we are proceeding regularly under Rule VIII?

Mr. FESS. Unobjected bills.

Mr. KING. Unobjected bills.

Mr. CUMMINS. The Senator objects to this bill?

Mr. KING. It has been objected to.

The PRESIDING OFFICER. The Senator from Ohio [Mr. FESS] has objected, and the bill will be passed over. The amendment of the Senator from New Jersey [Mr. EDWARDS] will be printed in the RECORD and lie on the table.

The amendment offered by Mr. EDWARDS is as follows:

Strike out all after line 6 and insert the following:

"*And further provided*, That buildings to be erected in square 254, bounded by Fourteenth Street, F Street, Thirteenth Street, and E Street NW., be permitted to be erected to a height not to exceed 140 feet above the F Street curb."

MARYLAND CASUALTY CO. ET AL.

The bill (S. 1361) for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co., of Baltimore, Md., and the Fidelity & Deposit Co. of Maryland was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 4, after the words "per cent," to strike out "unregistered," and in line 7, after "$1,000." to insert "payable to bearer," 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 redeem one 5½ per cent United States certificate of indebtedness, series B–1922, issued August 1, 1921, and maturing August 1, 1922, serial number 21492, of the denomination of $1,000, payable to bearer, and the coupon for $27.50, representing six months' interest, due August 1, 1922, in favor of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co., of Baltimore, Md., without presentation of the said certificate or the coupon therefrom, which have been lost, stolen, or destroyed: *Provided*, That the said certificate of indebtedness shall not have been previously presented for payment, and that no payment shall be made hereunder for the coupon if it shall have been previously presented and paid: *Provided further*, That the said Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co., of Baltimore, Md., shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and interest of said certificate of indebtedness and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificate of indebtedness and coupon herein described.

The amendments were agreed to.

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

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

M. W. HUTCHINSON

The bill (S. 1650) for the relief of M. W. Hutchinson was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. FLETCHER. I move that it be indefinitely postponed.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion to postpone indefinitely was agreed to.

Mr. FLETCHER subsequently said: Mr. President, I did not know the facts about Senate bill 1650 when I moved to have it indefinitely postponed. I ask for a reconsideration of that vote, so as to leave the bill on the calendar.

The PRESIDING OFFICER. The Senator from Florida moves to reconsider the vote whereby Senate bill 1650 was indefinitely postponed, and leave it in its regular place on the calendar.

The motion to reconsider the indefinite postponement of the bill was agreed to.

HEIGHT OF BUILDINGS IN THE DISTRICT

Mr. COPELAND. Mr. President, I ask unanimous consent that 20 minutes be given to the consideration of House bill 9398, to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

The PRESIDING OFFICER. Is there objection?

Mr. BAYARD. Mr. President, just a moment. The Senator from Wisconsin [Mr. LENROOT] a short time ago asked unanimous consent to interject the discussion of a bill which he introduced with regard to Samoa. That took nearly 40 minutes. We can get through a lot of bills if we proceed regularly at this time. I am forced to object. I am sorry.

Mr. COPELAND. We will not get through many bills unless some consideration is given to that particular one.

Mr. BAYARD. I shall object.

The PRESIDING OFFICER. The Senator from Delaware objects. The Secretary will state the next bill on the calendar.

AMERICAN STEAM TUG "CHARLES RUNYON"

The bill (S. 112) for the relief of the owner of the American steam tug *Charles Runyon* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the Crew Transportation Corporation, owner of the American steam tug *Charles Runyon*, and/or the receiver of the said corporation, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States ship *Traffic* on or about the 6th day of May, 1919, at or near Pier C, navy yard, Brooklyn, N. Y., may be sued for by the said owner and/or receiver in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said American steam tug *Charles Runyon*, and/or receiver aforesaid, or against the owner of the said American steam tug *Charles Runyon*, and/or the receiver of said corporation, in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. KING. Mr. President, may I ask the Senator from Missouri whether he has given attention to this measure?

Mr. WILLIAMS. To the extent of learning that the Secretary of the Navy approves of the bill.

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

BILL PASSED OVER

The bill (S. 115) for the relief of the owner of the steamship *Neptune* was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA

The bill (H. R. 5701) to designate the times and places of holding terms of the United States District Court for the District of Montana was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 8, after the word "Helena," to strike out down to and including the word "December," in line 3, page 2; and after the words just stricken out to insert "Butte, Great Falls, Missoula, Glasgow, and Havre at such times as may be fixed by rule of such court"; and on page 2, line 6, after the word "Glasgow," to insert "and Havre," so as to make the bill read:

Be it enacted, etc., That section 92 of the Judicial Code of the United States be amended to read as follows:

"SEC. 92. Montana: That 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, Missoula, Glasgow, and Havre at such times as may be fixed by rule of such court: *Provided*, That suitable rooms and accommodations for holding court at Glasgow and Havre are furnished free of all expense to the United States. 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 reported to the Senate as amended, and the amendments were concurred in.

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.

BILL PASSED OVER

The bill (S. 1727) for the relief of the Carib Steamship Co. (Inc.) was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

BRITISH STEAMSHIP "MAVISBROOK"

The bill (S. 1730) to authorize the payment of indemnity to the Government of Great Britain on account of losses sustained by the owners of the British steamship *Mavisbrook* as a result of a collision between it and the U. S. transport *Carolinian*, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Government of Great Britain out of any money in the Treasury not otherwise appropriated, the sum of $16,397.26, as full indemnity for the losses sustained by the owners of the British steamship *Mavisbrook* as a result of a collision between said steamship *Mavisbrook* and the U. S. transport *Carolinian* at or near Brest, France, on or about February 15, 1918.

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

ALTON HARWELL

The bill (S. 3179) to extend the benefits of the employers' liability act of September 7, 1916, to Alton Harwell was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. BAYARD. Mr. President, in view of the fact that there is an adverse report on the bill I move that it be indefinitely postponed.

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

The motion to postpone indefinitely was agreed to.

EDWARD I. GALLAGHER, ADMINISTRATOR

The bill (S. 505) to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 3, after the word "hereby," to insert "authorized and"; and in line 4, after the words "directed to pay," to insert "out of any money in the Treasury not otherwise appropriated," 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 Edward I. Gallagher, administrator of the estate of Charles Gallagher, deceased, of New York, the sum of $23,387.03, being the amount found due by the Court of Claims for loss and destruction of his schooner *Nimrod* and cargo during the Civil War, while he was under military orders, within military lines, and executing military commands, as reported to Congress in Senate Document No. 56, Fifty-eighth Congress, third session, Congressional Report No. 10303, filed in Senate December 5, 1904.

The amendments were agreed to.

Mr. WILLIAMS. Mr. President, there is no report on this bill from the Treasury Department. I should like to ask the Senator from New York [Mr. COPELAND] in regard to it.

Mr. COPELAND. Mr. President, I ask the Senator from Delaware [Mr. BAYARD], who made the report—the report is on file—to explain the bill to the Senator if he has any definite question to ask regarding it.

Mr. BAYARD. Mr. President, I shall be glad to answer any question that the Senator may desire to propound in regard to the bill.

Mr. WILLIAMS. The statement I made was that there is no report from the Treasury Department on the bill.

Mr. BAYARD. May I make a short statement of the history of the case?

Mr. WILLIAMS. The history of the case is stated in the statement of facts as found by the Court of Claims.

Mr. BAYARD. There were two claims originally, both of which were referred to the Court of Claims by resolution of the Senate, and those two claims were passed upon by the Court of Claims and certain amounts found, one for about $9,000, and one for some $23,000. I will not give the odd figures. In the omnibus claims bill of 1905 the smaller claim, of nine thousand and odd dollars, was reported, and was carried in the bill, but the larger claim was not reported.

Mr. WILLIAMS. If the Senator will pardon me, I have no objection to the bill. I was just raising the point that there is no report from that department of the Government to which this bill would naturally be referred for recommendation. That is all.

Mr. BAYARD. There was no department to which it would have been referred if the Senator please, for this reason, that having been referred to the Court of Claims, all questions arising of departmental action or opinion would be considered while the case was before the court.

Mr. WILLIAMS. I raise no objection.

The bill was reported to the Senate as amended and the amendments were concurred in.

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

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America was announced as next in order.

The PRESIDING OFFICER. That is the unfinished business and will be passed over.

ADDISON B. M'KINLEY

The bill (S. 6) for the relief of Addison B. McKinley was announced as next in order.

Mr. BAYARD. Before that bill is taken up, let me call attention to some things in it. I had the honor to file the minority views, and I would like to read those views, and the Senate can then do what it pleases. They are as follows:

The evidence in this case discloses the following unquestioned facts:

1. At the time of the accident the Government plane was being used for a purely private purpose.

2. At the time of the accident the pilot was not performing any functions for which he was engaged by the Federal Government.

3. That at the time of the accident neither the pilot nor the airplane were being used for any governmental function or purpose.

4. That at the time of the accident both the pilot and the airplane were in the performance of purely private operations.

5. A favorable report and passage of this bill would establish a precedent giving governmental approval to the use of both governmental employees and governmental properties for private use with a guaranty in case of accident of governmental compensation for damages caused by said accident. In other words, the Senate Committee on Claims would hold itself out as willing to give a favorable report for compensatory damages for any and every accident caused by the use of the services of governmental employees and governmental property in the prosecution of private operations and affairs.

I merely call the Senate's attention to that for the reason that if we pass this bill—the report is short, and I beg all Senators to read it—we would establish a precedent that the Government will pay compensaton in cases of tort of any kind, personal or property tort, to anybody who is injured when Government property is being used and Government employees are performing services for private parties.

Mr. ODDIE. Mr. President, the conditions surrounding this case are particularly appealing. This is a bill which unquestionably should be passed by the Senate.

An air mail pilot in Nevada was flying over the grave of a comrade at Reno, Nev., at the time of his funeral for the purpose of dropping flowers on the grave, having secured authority from the Government to use the plane for that purpose. While he was flying over this grave something happened to his plane, which crashed into the home of one of our well-known citizens. The plane was destroyed and the home was burned in a few minutes, with everything in it, making a complete loss to the owner. There was no insurance on the home or its contents.

The owner is a hard-working, deserving, splendid citizen. He had spent all of his money in building that home, and it had just been completed about two months. This is a particularly worthy case. I hope the Senate will pass the bill.

There is a favorable report from the Committee on Claims, and in my opinion, aside from the legal obligation of the Government, there is as strong a moral obligation as ever existed.

The owner of this home was absolutely not responsible for its destruction and our Government is responsible for it. The plane suddenly fell from the sky, destroyed the home and everything in it, and this man has not been able to collect a cent. I hope the bill will pass.

Mr. KING. Mr. President, the report indicates some very strong reasons why the bill should not be passed, and in the limited time for discussion of a case which will constitute and be a precedent, I object.

The PRESIDING OFFICER. The bill will be passed over under objection.

BATHING BEACHES IN THE DISTRICT OF COLUMBIA

The bill (H. R. 6556) for the establishment of artificial bathing pools or beaches in the District of Columbia was announced as next in order.

Mr. KING. I do not think we can consider this bill in the limited time we have.

Mr. COPELAND. The Senator from Utah objects. Therefore we can not proceed.

Mr. KING. I did not object, but I shall now.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 3641) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ATLANTIC & CARIBBEAN STEAM NAVIGATION CO.

The bill (S. 1726) for the relief of the Atlantic & Caribbean Steam Navigation Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 5, to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of the Atlantic & Caribbean Steam Navigation Co., owner of the American steamship *Caracas*, against the United States for damages alleged to have been caused by collision between the said steamship *Caracas* and the United States patrol boat *Xarifa* in or near New York Harbor on the 20th day of March, 1918, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Eastern District of New York sitting as a court in admiralty and acting under the rule governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found due from the United States to the said Atlantic & Caribbean Steam Navigation Co. by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act.

SEC. 2. That should the proceedings herein authorized result in a judgment or decree in favor of said claimant and against the United States, then the amount of such judgment or decree shall be paid to the said claimant or to its proctors of record out of any money in the United States Treasury not otherwise appropriated.

The amendment was agreed to.

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

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

OCEAN STEAMSHIP CO. (LTD.)

The bill (S. 2368) for the relief of Ocean Steamship Co. (Ltd.), a British corporation, was considered as in Committee of the Whole.

Mr. KING. Let the bill be read.

The PRESIDING OFFICER. The clerk will read the bill.

The bill was read as follows:

Be it enacted, etc., That the claim of Ocean Steamship Co. (Ltd.), a British corporation, owner of the British steamship *Alcinous*, against the United States for damages alleged to have been sustained by reason of a collision between the said steamship *Alcinous* and the United States steamship *Artemis*, in or near the harbor of New York, on or about December 3, 1917, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for either the southern or eastern districts of New York, sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the said suit and to enter a judgment or decree for the amount of such damages, if any, with costs, as may be found due to said claimant from the United States by reason of said collision, upon the same principles and measures of liability as in like cases between private parties, and subject to the same rights of appeal and review: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *And provided further*, That such suit shall be brought not later than four months after the approval of this act.

SEC. 2. That should the proceedings herein authorized result in a decree or decrees in favor of said claimant and against the United States, then the amount of said decree or decrees shall be paid to the said claimant or to its proctors of record out of any money in the United States Treasury not otherwise appropriated.

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

CHESTER A. ROTHWELL

The bill (S. 2338) authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army, in the grade, and in the position on the promotion list, provided by the next to last paragraph of section 24a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920: *Provided*, That said Chester A. Rothwell shall not by the passage of this act be entitled to any back pay or allowances of any kind: *Provided further*, That nothing contained in this act shall operate to increase the number of officers in the Regular Army now authorized by law.

Mr. KING. I would like to ask the Senator from Connecticut whether this is one of those cases where the beneficiary was an emergency officer who separated himself from the service and is now to be reappointed?

Mr. BINGHAM. I will say to the Senator that it is not one of those cases. This is the case of an officer who came into the Army during the war. He had a very fine war record in France and was recommended for the distinguished-service medal, but it was not granted to him because his rank was not sufficient to entitle him to receive it.

The Senator will remember that it was the practice of the War Department to give the distinguished-service medal only to general officers, or to colonels, and to a very few majors. I know of only one or two majors who received it. I know of no captains who got it. Captain Rothwell was considered not entitled to it because he did not have a rank high enough, although he had charge of an enormous depot in France for the engineers, and did his work so well that he was recommended for it.

He stayed in the Army after the war and continued on until last summer. He was recommended for class B by a board of officers. In accordance with the law, he protested against their recommendation and asked to be heard. A board of review was thereupon held, in accordance with the law, in the corps area in which he was then stationed. The board of review sat at San Francisco. They examined his record, they examined the recommendations of the board of officers recommending that he be placed in class B, they made investigations of his record, and came to the conclusion, as shown in the records, that the specifications charged against him were not proved, and recommended that he be retained in the service.

The papers then came back to Washington, and a board of general officers again overruled the board of review and ordered him out of the service. I have in my hand, and if the Senator desires, I shall be glad to read, a letter from Gen. William H. Johnston, who was his last commanding officer, and also a letter from the commanding officer of his regiment, both of whom recommended that he be kept in the service. This is one of those cases in which I feel, after examining the record, and the committee felt, that an injustice was done to a worthy officer, and I hope the Senator will not offer an objection.

Mr. KING. Is the report of the committee unanimous?

Mr. BINGHAM. It is.

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

BILL PASSED OVER

The bill (S. 3027) making eligible for retirement under certain conditions officers and former officers of the Army of the

United States other than officers of the Regular Army who incurred physical disability in line of duty while in the service of the United States during the World War was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

EXCHANGE OF LANDS IN HAWAII

The bill (S. 3463) to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii was announced as next in order.

Mr. WILLIS. I should like to have an explanation of the bill by some member of the Committee on Military Affairs. I notice the chairman of the committee is not here. Can any member of the committee give us any information concerning it?

Mr. BINGHAM. What is the bill?

Mr. WILLIS. It is Senate bill 3463, relating to an exchange of Government-owned lands for privately owned lands in Hawaii. I suggest that it be temporarily passed over, until the Senator can look into it.

The PRESIDING OFFICER. In the absence of the chairman of the committee the bill will be passed over.

Mr. BINGHAM subsequently said: Mr. President, I ask that we may return to Senate bill 3463, which was passed over temporarily.

The PRESIDING OFFICER. Is there objection?

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

Be it enacted, etc., That the provisions of the act of Congress approved January 31, 1922, authorizing the President to exchange certain Government-owned lands in the Territory of Hawaii, or any interest therein, for privately owned lands or lands owned by the Territory of Hawaii, which were extended by the act of Congress approved March 3, 1925, are hereby further extended to January 31, 1929.

Mr. BINGHAM. This is a bill to extend the time of an act formerly passed by Congress, the reason for the delay being that the private parties with whom the Government of the United States desire to make this exchange of land were not able to give the United States proper title. They are now endeavoring to get that title by legal process, and the bill will permit them to have time to get the title, so that when the exchange takes place, as contemplated by the act, the United States may have good title in the property.

Mr. FLETCHER. I understand that the Attorney General found some defect in the title, and it was necessary to have an abstract of title made, and they could not make the abstract and submit the matter for examination until after the time fixed by Congress had elapsed. This is simply to afford an opportunity to get that abstract.

Mr. WILLIS. I have no objection to the bill.

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

BILL AND RESOLUTION PASSED OVER

The resolution (S. Res. 172) authorizing the Committee on the Library of the Senate to have prepared a manuscript on the works of art and the artists of the United States Capitol was announced as next in order.

Mr. COPELAND. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (H. R. 4835) to remove the charge of desertion from the records of the War Department standing against William J. Dunlap was announced as next in order.

Mr. KING. I would like to have an explanation of that bill. Let it be temporarily laid aside, and we can recur to it.

The PRESIDING OFFICER. The bill will be passed over.

LAND ENTRIES IN ARIZONA

The bill (H. R. 5210) extending the provisions of an act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the time within which to make selections and entries under the provisions of the act of July 5, 1921 (42 Stat. L. p. 107), entitled "An act for the relief of settlers and entryman on Baca Float No. 3, in the State of Arizona," is hereby extended for a period of two years from the approval of this act.

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

OFFICES OF RECORDER OF DEEDS AND REGISTER OF WILLS

The bill (H. R. 9685) providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 5, after the word "paid," to insert the words "at least," so as to make the bill read:

Be it enacted, etc., That on and after July 1, 1927, all of the fees and emoluments of the offices of recorder of deeds and register of wills of the District of Columbia shall be paid at least weekly to the collector of taxes for the District of Columbia for deposit in the Treasury of the United States to the credit of the District of Columbia: *Provided*, That such of the undeposited fees and emoluments arising out of the fiscal year 1927 and prior fiscal years as may be necessary for the payment of outstanding and unpaid obligations for those fiscal years may be retained for that purpose.

SEC. 2. The annual estimates of appropriations for the government of the District of Columbia for the fiscal year 1928 and succeeding fiscal years shall include estimates of appropriations for the operation and maintenance of such offices. And appropriations are hereby authorized for a suitable record building for the office of the recorder of deeds, and for personal services, rentals, office equipment, office supplies, and such other expenditures as are essential for the efficient maintenance and conduct of such offices.

The amendment was agreed to.

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

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.

ESTATE OF CHARLES LE ROY, DECEASED

The bill (S. 3112) for the relief of the estate of Charles Le Roy, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Charles Le Roy the sum of $436.48, said sum being the amount due by readjustment of his accounts as postmaster at Natchitoches, La., under existing law, as reported by the Auditor for the Post Office Department in Senate Document No. 627, Sixtieth Congress, second session, and a sum sufficient for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. KING. I would like to have an explanation of this bill. There is no report accompanying it.

Mr. HARRELD. Mr. President, it is to allow Charles Le Roy credit on his accounts as postmaster at Natchitoches, La., where he was formerly postmaster. An audit of his account found that this amount, $436.48, was due him after the audit by the Post Office Department. The Post Office Department audit has found that he was entitled to this amount on a settlement, and the bill merely provides an appropriation to him of the amount.

Mr. KING. Had he overpaid?

Mr. HARRELD. He had overpaid, and is entitled to this amount, according to the audit of the Post Office Department itself. Mr. Le Roy afterwards became a citizen of my State, but this occurred when he was postmaster at Natchitoches, La.

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

BILLS PASSED OVER

The bill (S. 43) authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

The PRESIDING OFFICER. The chairman of the committee is not present, nor is the Senator who reported the bill from the Committee on Military Affairs.

Mr. KING. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7669) to provide home care for dependent children was announced as next in order.

Mr. CAPPER. The senior Senator from New York [Mr. WADSWORTH], who has an amendment to this bill, known as the mothers' aid bill, is unavoidably absent this afternoon, and therefore I will ask that it may go over. I do hope, however, that we shall have an opportunity at an early date to take action on the measure.

The PRESIDING OFFICER. The bill will be passed over.

KIOWA, COMANCHE, AND APACHE INDIAN TRUST FUND

The joint resolution (S. J. Res. 71) authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma and making provision for the same was considered as in Committee of the Whole. The joint resolution had been reported from the Committee on Indian Affairs with amendments, on page 2, line 9,

after the word "taxes," to insert the words "upon such tribal funds"; on page 2, line 23, to strike out the words "that the" and insert the word "The," and in line 24 to strike out the words "trust fund hereby created and appropriated and to prescribe for that purpose the necessary rules and regulations which, so far as consistent with the purpose of this act, shall be subject to the requirements of existing law" and to insert in lieu thereof "moneys which are hereby appropriated, subject to the requirements of existing law, and to prescribe needful rules and regulations for carrying into effect the provisions of this act," so as to make the joint resolution read:

Resolved, etc., That the Secretary of the Interior is authorized and directed to set aside and administer as a trust fund for the benefit of the enrolled members of the Kiowa, Comanche, and Apache Tribes of Indians and their unallotted children in Oklahoma that part of any moneys received or to be received under Public Act No. 500, Sixty-seventh Congress, and any act thereby adopted or made applicable, derived from the south half of Red River in Oklahoma which inures to the Federal Government by virtue of the decision of the Supreme Court of the United States in the suit of the State of Oklahoma *v.* the State of Texas, which decision was rendered May 1, 1922, being the entire amount received from this source, except such part as may have been awarded to successful claimants under said Public Act No. 500, and except 37½ per cent of the royalties derived from such source, which shall be paid to the State of Oklahoma in lieu of all State and local taxes upon said tribal funds and shall be expended by the State in the same manner as if received under section 35 of Public Act No. 146, Sixty-sixth Congress, said moneys being derived from that portion of the south half of Red River in Oklahoma which was included or intended to be included in the reservation set apart for the Kiowas and Comanches under a treaty between the United States and the said tribes on October 18, 1865, and which was through inadvertence or otherwise left out of the reservation set apart for said Kiowa, Comanche, and Apache Tribes, entered into on October 21, 1867, and which has since been adjudged to be the property of the United States by the Supreme Court of the United States.

SEC. 2. The Secretary of the Interior is authorized to administer and disburse the moneys which are hereby appropriated, subject to the requirements of existing law, and to prescribe needful rules and regulations for carrying into effect the provisions of this act.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

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

OSAGE INDIANS IN OKLAHOMA

The bill (S. 2709) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 1 of the act of Congress approved March 3, 1921 (41 Stat. L. p. 1249), entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," be amended by adding after the last line of said section 1 the following:

"*Provided further*, That the Secretary of the Interior may reduce the area to be offered annually hereunder, or suspend the offer of leases for not exceeding two years at any one time when, in his opinion, an overproduction of oil, or inadequate prices therefor, make such extension or suspension desirable in the interests of the Osage Nation."

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

EXCHANGE OF LANDS IN NEW MEXICO

The bill (S. 2238) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States" was announced as next in order.

Mr. JONES of New Mexico. Mr. President, a bill covering this identical legislation was introduced simultaneously in the House and in the Senate. The House has passed the bill with two or three amendments to which I should like to call the attention of the Senate. The bill introduced in the Senate was reported from the Committee on Public Lands and Surveys covering the same matters. I therefore ask unanimous consent that House bill 4007, which passed the House and which had been referred to the Committee on Public Lands and Surveys, may be recalled from that committee and substituted for calendar No. 498, Senate bill 2238.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES of New Mexico. I now ask unanimous consent for the present consideration of House bill 4007.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4007) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

Mr. JONES of New Mexico. In the consideration of the House bill I desire to propose two or three amendments and will state what they are. The purpose of the bill was to enable the State of New Mexico to exchange certain lands within the forest reserves of that State for Government lands either within or without a national forest. The House struck out the provision which would enable an exchange for lands outside of a national forest. The bill itself is only permissive. It authorizes the Government in its discretion to make these exchanges of the State-owned lands in national forests for lands of equal value either within or without the national forests, the idea being to consolidate the State holdings.

The special purpose in the legislation, or one of the purposes which appealed to me most strongly, was to get title in the Government to all of the lands within the national forests. I think the National Government ought to own those lands. It may be that they could agree upon an exchange of lands outside of the national forests for the State-owned lands within the national forests. Therefore, in order to accomplish that purpose, I move to insert an amendment in the bill as it came from the House, on page 2, line 4, after the word "forests" the words "or other Government," so that the exchange may be made for ungranted national forests or other Government land belonging to the United States. The whole matter is merely permissive. There can be no exchange unless there is an agreement between the States and the officials of the Government. I move, on page 2, in line 24, after the word "forest," to insert the words "or other Government."

Mr. WILLIAMS. As the House bill is not paged and lined the same as the Senate bill we can not follow the amendment proposed by the Senator.

Mr. JONES of New Mexico. I have a copy of the bill which was furnished me by the clerks at the desk.

Mr. BRATTON. If the Senator will allow me, the amendment which my colleague has offered is found on page 2, at line 25, of the Senate bill, after the word "forest," where he proposes to insert the words "or other Government."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the senior Senator from New Mexico.

Mr. WILLIS. Before a vote is had on the amendment I desire to call the attention of the Senators from New Mexico to the fact that the Secretary of the Interior disapproves the bill in the following language, found on page 3 of the committee report:

> No necessity is apparent for the legislation proposed, and it is hereby recommended that the bill be not enacted. No objection will be interposed, however, to the enactment of legislation, if deemed necessary, amending the New Mexico enabling act and authorizing amendment of the State's constitution so as to permit consummation on the part of the State of exchanges of land under the provisions or existing Federal statutes.

That is the recommendation of Secretary Work, the Secretary of the Interior.

Mr. JONES of New Mexico. The Secretary of Agriculture strongly recommends the passage of the bill. If the Senator from Ohio will permit me, I should like to state that the bill was prepared by the representatives of the State of New Mexico in collaboration with the representatives of the Department of Agriculture. The Department of Agriculture sees the necessity for the passage of the bill. The Department of the Interior did object to the bill on grounds which were covered by the House amendment. The House amended the bill to conform to the suggestion of the Secretary of the Interior. I have just stated wherein the House modified the bill as originally agreed upon between the representatives of the State of New Mexico and the Department of Agriculture. The Department of Agriculture recommends the passage of the bill, and inasmuch as additional provisions which I seek by the amendment can not go into effect until there is an agreement, it seems to me that it can possibly do no harm to

give to the Department of the Interior and the Department of Agriculture the right to make exchange of lands outside of the forest reserves for State lands within the forest reserves. That is why I offered the amendment. I am glad the Senator from Ohio called attention to the letter of the Secretary of the Interior, but I submit that it can possibly do no harm to enable the parties to make every such exchange of lands if the provision is inserted. Therefore I hope the Senate will agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the senior Senator from New Mexico.

The amendment was agreed to.

Mr. JONES of New Mexico. As the bill was originally introduced and as recommended to the Senate by the Committee on Public Lands and Surveys it contained a provision which was stricken out in the House. That provision which was stricken out was one which authorized the President to withdraw temporarily lands under the act of June 25, 1910, anticipating that an exchange may be considered desirable. It simply gives the President the authority to do something. Of course, he would not exercise it except in a proper case, and therefore I move, after line 4, on page 3, at the end of the paragraph, that there be inserted another paragraph, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, after line 4, insert the following:

That authority is hereby vested in the President temporarily to withdraw from disposition under the act of June 25, 1910 (36 Stat. L. p. 847), as amended by the act of August 24, 1912 (37 Stat. L. p. 497), lands proposed for selection by the State under the provisions of this act.

The amendment was agreed to.

Mr. JONES of New Mexico. On page 3, line 21, after the word "forest," I move to amend by inserting the words "or other Government." That is simply including the same amendment which I spoke about a while ago, putting it into another place so as to carry out the intent of the act.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, line 21, after the word "forest" insert the words "or other Government."

The amendment was agreed to.

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

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.

Mr. JONES of New Mexico. I move that Senate bill 2238 be indefinitely postponed.

The motion was agreed to.

WILLIAM J. DUNLAP

Mr. GEORGE. Mr. President, I ask unanimous consent to recur to Calendar No. 489, the bill (H. R. 4835) to remove the charge of desertion from the records of the War Department standing against William J. Dunlap.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. GEORGE. The bill is a House bill and has been reported favorably from the Committee on Military Affairs without amendment. Dunlap enlisted during the Spanish-American War and served three years. Immediately after the expiration of his first enlistment he again enlisted, and a few days after enlistment he left camp. He was found at an asylum at Council Bluffs, Iowa, and it was ascertained that he was mentally deranged. Orders were in due course issued asking that the soldier be not marked as a deserter but that he be relieved from further military duty because of his mental incapacity to discharge that duty.

Mr. KING. Was it a mental incapacity which arose during his service and before the desertion?

Mr. GEORGE. He served one full period of three years, enlisting in 1898 during the Spanish-American War, and immediately after the expiration of his first period of enlistment he again enlisted and shortly after his second period of enlistment had begun this mental derangement was discovered.

Mr. KING. I have no objection if it is clear that the mental incapacity arose while he was in the service so that when he did desert it was while he was suffering from the mental incapacity.

Mr. GEORGE. Oh, yes; that is quite clear.

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

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

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William J. Dunlap, formerly a member of Company F, Tenth Regiment United States Infantry, shall be held and considered to have been honorably discharged from the military service of the United States on May 26, 1902: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

JOSEPH B. MACCABE

Mr. BINGHAM. Mr. President, during my temporary absence from the Senate, Calendar No. 493, the bill (S. 43) authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe, was temporarily passed over. The Senator from Utah [Mr. KING] desired an explanation of the bill. I ask unanimous consent that we may consider the bill at this time.

The PRESIDING OFFICER. Is there objection?

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

Be it enacted, etc., That the President be, and he is hereby, authorized to issue an appropriate commission and honorable discharge to Joseph B. Maccabe, who performed the services of a commissioned officer of the United States Army from May 1, 1918, to November 1, 1921, under the promise of such commission from proper authority, but which commission was not issued by reason of unavoidable delay, the signing of the armistice, the cessation of hostilities, and orders issued in consequence thereof.

Mr. BINGHAM. The purpose of the bill is clearly stated in a letter from Secretary Weeks, as follows:

It appears, therefore, that the purpose of the bill is not to single out and commission an individual from a class of persons who failed to receive commissions, but to authorize his inclusion in the number of those who received commissions; and this removes the objection heretofore made to the passage of a bill for the individual benefit of Joseph B. Maccabe.

Secretary Weeks had no objection and the present Secretary of War has no objection. There is a unanimous report from the committee. Maccabe was one of a class of persons who failed to receive his commission. He now desires to receive his commission and discharge, and I trust there will be no objection to the passage of the bill.

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

LEASING OF LAND FOR MINING PURPOSES

The bill (H. R. 7752) to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes was announced as next in order.

Mr. WILLIS. Mr. President, I desire to ask a question of the Senator from Oklahoma [Mr. HARRELD]. I wonder whether this is one of the bills to which such earnest objection has been made? I know nothing of the details, but the Senator has received, as no doubt every Senator has, some circulars protesting against several of these bills pending on the calendar.

Mr. HARRELD. I do not think it applies to this bill. This measure simply applies to lands which have been set apart for agency and school purposes which it since has become unnecessary for them to use. It is a question of giving oil or gas leases on such lands.

Mr. WILLIS. That is what these circulars refer to. I know nothing about the circulars, whether or not they are well founded in fact, but I know there are vigorous protests, and I have received several of them.

Mr. HARRELD. In this case it is provided that the lands may be leased after 30 days' notice.

Mr. LA FOLLETTE. Mr. President, I can assure the Senator from Ohio that this is not the bill to which he refers. The bill to which the Senator from Ohio refers is the bill which has to do with leasing on Executive-order reservations, which has not as yet been reported by the committee.

Mr. HARRELD. This bill only applies to small tracts here and there over the country where the lands have been abandoned, formerly having been used for agency and school purposes.

Mr. WILLIS. Mr. President, I have no objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, considered the bill. It authorizes the Secretary of the Interior, under such rules and regulations as he may prescribe, to lease at public auction upon not less than 30 days' public notice for mining purposes land on any Indian reservation reserved for Indian agency or school purposes, in accordance with existing law applicable to other lands in such reservation, and the proceeds arising therefrom shall be deposited in the Treasury of the United States to the credit of the Indians for whose benefit the lands are reserved subject to appropriation by Congress for educational work among the Indians or in paying expenses of administration of agencies, and provides that a royalty of at least one-eighth shall be reserved in all leases.

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

CLAIMS OF POTTAWATOMIE INDIANS IN OKLAHOMA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1963) authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That jurisdiction is hereby conferred on the Court of Claims with right of appeal to the Supreme Court of the United States by either party as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the treaty of February 27, 1867 (15 Stat. L. p. 531), or arising under or growing out of any subsequent act of Congress in relation to Indian affairs which said Citizen Band of Pottawatomie Indians of Oklahoma may have against the United States, which claims have not heretofore been determined and adjudicated by the Court of Claims or the Supreme Court of the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition filed as herein provided in the Court of Claims within five years from the date of the approval of this act, and such suit or suits shall make the Citizen Band of Pottawatomie Indians of Oklahoma party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the said Citizen Band of Pottawatomie Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees to be selected by said Citizen Band of Pottawatomie Indians. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Citizen Band of Pottawatomie Indians to such treaties, papers, correspondence, or records as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Citizen Band of Pottawatomie Indians, but any payment or payments which may have been made by the United States upon any such claim shall not operate as an estoppel, but may be pleaded as a set-off in such suit or suits, as may any gratuities paid to or expended for said Indians subsequent to February 27, 1867.

SEC. 4. The court shall join any other tribe or band of Indians that may be necessary to a final determination of any suit brought under this act. Upon the final determination of such suit or cause of action, the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys, not to exceed 10 per cent of the amount of the judgment, if any, recovered in such cause, and in no event to exceed the sum of $25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid out of any judgment that may be recovered, and the balance of such judgment shall be placed in the United States Treasury to the credit of the Indians entitled thereto, where it shall draw interest at the rate of 4 per cent per annum or be paid direct to the Indians in the discretion of the Secretary of the Interior.

Mr. KING. Mr. President, I should like to ask the chairman of the committee if these jurisdictional bills are all of the same character and contain the same restrictions and limitations and provisions for the protection of the Government?

Mr. HARRELD. This bill is drawn in accordance with the wishes of the Department of the Interior, and the amendment was adopted by the committee in accordance with the suggestion of the Secretary of the Interior, in order to make it conform with the original bill which was adopted as a model, namely, the bill in regard to the Cherokees. There are none of the objectionable features in this bill of which complaint has been made in some cases. There gradually crops out in some of these jurisdictional bills additional provisions which are not contained in the first bills that were adopted, but I do not think this is one of them. I do not think there are any objectionable features in this bill at all.

Mr. KING. The reason I made the inquiry is this: I was told a few days ago that bills which we have passed conferring jurisdiction might involve a draft upon the Treasury of the United States of between $60,000,000 and $100,000,000.

Mr. HARRELD. I do not think that is true, except, perhaps, in one or two instances there might be some draft on the Treasury of the United States; but I do not think that any of these bills would involve any considerable draft upon the United States Treasury, although as to some it might be pretty heavy. However, we ought to be willing to let our own courts pass on the question.

Mr. KING. The Senator knows my position, because I think I made the first drive to get these bills through, so that the Indians would have a fair chance to have their rights determined. I felt that heretofore they were obstructed and that the Indians were not properly treated. All that I was interested in was that ample protection be given to the Government.

Mr. HARRELD. There has been some objection to some of these bills on that score, but I do not think it applies to the bill which we have before us at this time.

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

Mr. HARRELD. Yes.

Mr. LENROOT. Does this bill have the effect that some others do, that any settlement that may have been made will be considered reopened and the amount paid by the Government shall be merely an offset? If so, what has the Senator to say about that as a general rule, that the settlements which have been made shall be reopened?

Mr. HARRELD. That is not the policy of the committee as to any of these bills.

Mr. LENROOT. I noticed that one of the bills did have just that kind of a provision in it.

Mr. HARRELD. Unless there is manifest mistake or fraud, I would not think it would be wise. If any provision of that sort is in any of these bills, it got by without my notice, because I did not intend to have any such provision contained in the bills.

Mr. LENROOT. Is the Senator certain it is not in this bill?

Mr. HARRELD. I do not think it is, although I have not read the bill for several days; but if there is such a provision in the bill, it was not intended to be in it.

Mr. LENROOT. I quite agree that we have, for instance, legislated in violation of some of our Indian treaties, and I think the Indians ought to have an opportunity in such cases to go into the courts.

Mr. HARRELD. At least to find out whether their property rights have been endangered.

Mr. LENROOT. But there are cases where full and complete settlement has been made, and under the terms of one of these bills that I happened to read we practically set aside the settlement and merely direct the amount paid by the United States to be used as an offset.

Mr. HARRELD. The policy of the committee on that point, I will say, is that if a treaty obligation was afterwards changed by the enactment of a statute, the enactment of the statute is a conclusion of the matter, unless it affected some vested property right under a treaty. Then in that case we sought to preserve the right to recover for the wrong done to the vested property right by the act of Congress; but not for any other purpose; and if any bill has passed here with a provision as broad as the one the Senator suggests, it ought to have been corrected, for it was not the intention that such a provision should be contained in the bill.

Mr. LENROOT. I will look into the matter.

Mr. HARRELD. It was not the intention of the committee to go that far.

The PRESIDING OFFICER (Mr. BLEASE in the chair). The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

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

LOTS IN BOWDOIN, MONT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3263) authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Bowdoin, Mont., which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to certify to the Secretary of the Treasury the difference

between the amounts paid by purchasers of the lots in the town site of Bowdoin, Mont., and the price fixed as result of reappraisal by the Secretary of the Interior of May 11, 1925, in all cases whether patents had or had not issued at the time of the reappraisal of the lots: *Provided*, That the purchasers or their legal representatives apply for repayment of such amounts within two years from the passage of this act.

SEC. 2. Upon receipt of the certificate from the Secretary of the Interior, the Secretary of the Treasury is hereby authorized and directed to make payment to such purchasers out of the fund known as the reclamation fund, created by the act of Congress approved June 17, 1902 (32 Stat. 388).

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

AMENDMENT OF GENERAL LEASING ACT

The bill (S. 2339) to amend section 27 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437), was announced as next in order.

Mr. WILLIAMS. Mr. President, from the Committee on Public Lands and Surveys I report back favorably without amendment the bill (H. R. 7372) to amend section 27 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437), and I submit a report (No. 567) thereon.

The PRESIDING OFFICER. The report will be received.

Mr. WILLIAMS. Having reported the House bill I ask that it may be submitted for the Senate bill on the calendar, as they are in identical terms, and I ask that the House bill may be put on its passage.

Mr. BRUCE. Mr. President, I happen to know that the Senator from Oregon [Mr. STANFIELD] is engaged in committee at the present time. I should like to inquire whether he knows about the substitution of the House bill?

Mr. WILLIAMS. I have reported the House bill from the Committee on Public Lands and Surveys, of which I am a member, and have done so at the request of the chairman of the committee, the Senator from Oregon [Mr. STANFIELD].

Mr. BRUCE. I see the Senate bill was introduced by the Senator from Oregon.

Mr. WILLIAMS. That is quite true.

The PRESIDING OFFICER. The Senator from Missouri has stated that he is submitting the report on the House bill on behalf of the Senator from Oregon.

Mr. BRUCE. Very well, then, I have no objection. I could not hear the Senator's statement.

The PRESIDING OFFICER. Is there objection to consideration of the House bill reported by the Senator from Missouri?

Mr. KING. Mr. President, this is a very important bill, involving leasing upon the public domain of coal lands and various other mineral lands. It seems to me it is so important that under the five-minute rule we may not properly consider it.

Mr. WILLIAMS. I am not familiar with the terms of the bill myself. I know it has the approval of the Department of the Interior.

Mr. KING. The Department of the Interior is always glad to extend its jurisdiction of the public domain and to increase its power with respect to leasing. I ask that the bill may go over for the moment.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WILLIAMS. Mr. President, is there any objection to the substitution being made of the House bill for the Senate bill?

The PRESIDING OFFICER. Without objection, the House bill will be substituted for the Senate bill on the calendar. Does the Senator from Missouri desire to make any disposition of the Senate bill?

Mr. WILLIAMS. Objection having been made, I presume it goes over.

Mr. WILLIS. I move that the Senate bill may be indefinitely postponed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio that Senate bill 2339 be indefinitely postponed, House bill 7372 having been substituted for it on the calendar.

The motion was agreed to.

SCHOOL LANDS IN SUN RIVER PROJECT, MONTANA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 187) making a grant of land for school purposes, Fort Shaw division, Sun River project, Montana. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue patent conveying lots 14 and 15, section 2, and lots 11 and 12, section 11, township 20 north, range 2 west, containing 30.76 acres, to school district No. 82, Cascade County, State of Montana, for school purposes: *Provided*, That this grant is made upon the payment of $1.25 per acre: *Provided further*, That said patent shall be issued upon the express condition that the said school district shall use said tract of land for public school purposes: *Provided further*, That whenever said land shall cease to be used by said school district for school purposes or attempted to be sold or conveyed, then, and in that event, title to such land and the whole thereof shall revert to the United States: *Provided further*, That such patent shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits as may be found in such land and the right to the use of the land for extracting and removing the same.

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

GRANT OF LAND IN SAN JUAN COUNTY, WASH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8646) providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes, which was read as follows:

Be it enacted, etc., That the title and fee to lots 3 and 4 of section 2 in township 35 north, range 2 west, Willamette meridian, in San Juan County, in the State of Washington, being situate within an abandoned military reservation on Lopez Island in said county, said lots containing 63.25 acres, be, and the same are hereby, granted, on the payment to the United States of $1.25 per acre subject to the condition and reversion hereinafter provided for, to the said county for recreational and public-park purposes: *Provided*, That if said lands shall not be used for the purposes hereinabove mentioned, the same of such part thereof not used shall revert to the United States: *And provided further*, That lot 3 shall be subject to the right of way for county roads granted to the county authorities of San Juan County, State of Washington, by the act of Congress of February 21, 1925 (43 Stat. p. 957): *And provided further*, That there shall be reserved to the United States all gas, oil, coal, or other mineral deposits found at any time in the said lands and the right to prospect for, mine, and remove the same.

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

EXCHANGE OF FOREST LANDS IN NEW MEXICO AND ARIZONA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6355) providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, Taos, and Colfax Counties, N. Mex., within the Mora grant, and adjoining one or more national forests, by exchanging therefor lands or timber within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Mora grant, as described in the patent issued by the United States, located in the counties of San Miguel, Mora, Taos, and Colfax, in the State of New Mexico, and adjoining one or more national forests, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor to patent not to exceed an equal value of national forest land in that State or the State of Arizona, or the Secretary of Agriculture may authorize grantor to cut and remove an equal value of timber within the national forests of the State of New Mexico or of the State of Arizona, the value in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture: *Provided*, That the consent and approval of the Governor of Arizona shall have first been secured before any timber is given in exchange in the State of Arizona under this act.

SEC. 2. Lands offered for exchange hereunder and not covered by public land surveys or identified by surveys of the United States shall be identified by metes and bounds surveys, and that such surveys and the plats and field notes thereof may be made by employees of the United States Forest Service and approved by the United States Surveyor General.

SEC. 3. Any lands conveyed to the United States under the provisions of this act shall, upon acceptance of the conveyance thereof, become and be a part of the Carson National Forest or of the Santa Fe National Forest, as the Secretary of Agriculture may determine.

SEC. 4. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general

circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange.

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

ESTATE OF WILLIAM FRIES, DECEASED

The bill (H. R. 962) for the relief of the estate of William Fries, deceased, was announced as next in order.

Mr. BRUCE. Mr. President, I should like to know what that bill is.

The PRESIDING OFFICER. The bill was reported by the Senator from Colorado [Mr. MEANS], who is absent on account of illness.

Mr. BRUCE. I understand.

The PRESIDING OFFICER. Does the Senator desire to have the bill passed over?

Mr. BRUCE. I ask that that disposition of the bill may be made for the time being.

The PRESIDING OFFICER. The bill will be passed over.

ADDITIONAL JUDGE, EASTERN DISTRICT OF PENNSYLVANIA

The bill (S. 1642) to provide for the appointment of an additional district judge for the eastern district of Pennsylvania was considered as in Committee of the Whole. It authorizes the President to appoint, by and with the advice and consent of the Senate, an additional district judge for the United States District Court for the Eastern District of Pennsylvania, who shall reside in such district.

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

PROTECTION OF OGDEN, UTAH, WATER SUPPLY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 675) granting certain lands to the city of Ogden, Utah, to protect the watershed of the water-supply system of said city. The bill had been reported from the Committee on Public Lands and Surveys with amendments.

Mr. COPELAND. Mr. President, I should like an explanation of this bill, reserving the right to object.

Mr. KING. Mr. President, the people of the city of Ogden, as in other cities in the West where their water comes from the mountains, are seeking to protect the watershed of their water supply. The Government of the United States is attempting to aid most of those cities in protecting the watersheds and it grants them land upon their paying $1.25 an acre, although much of the land is not worth 25 cents an acre.

Mr. COPELAND. Mr. President, it seems to me the explanation is entirely sufficient and justifies the Senate in passing the bill. It has to do with the welfare and health of the people of the city of Ogden and we should certainly give them relief.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in section 1, page 1, at the beginning of line 8, to strike out "ands" and insert "lands"; on page 2, line 6, after the word "southeast," to strike out "quarter" and insert "quarter,"; on page 3, line 16, after the word "southeast," to strike out "quarter," and insert "quarter"; on page 4, line 14, after the word "north," to strike out "half" and insert "half,"; on page 7, at the beginning of line 9, to strike out "quarter," and insert "quarter"; in same line, after the last amendment, to strike out "southwest" and insert "southeast"; in the same line, after the last amendment, to strike out "quarter" and insert "quarter,"; in line 10, after the word "southwest," strike out "quarter," and insert "quarter," so as to make the section read:

That upon the payment of $1.25 per acre there is hereby granted to the city of Ogden, Utah, and the Secretary of the Interior is authorized and directed to issue patent to said grantee for certain public lands in Utah for the protection of the watershed furnishing the water for said city, the lands being described as follows:

Northwest quarter and southeast quarter section 2; all section 12; northeast quarter and east half southeast quarter section 14; north half northwest quarter and east half section 24; township 5 north, range 1 west, Salt Lake meridian.

East half and east half west half and northwest quarter northwest quarter section 10; all section 14; north half northwest quarter and southwest quarter northwest quarter and lot 5, section 24; southeast quarter, east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, east half southwest quarter section 26; township 6 north, range 1 west, Salt Lake meridian.

East half east half section 5; all section 4; southeast quarter, southeast quarter southwest quarter, southeast quarter northeast quarter section 8; all section 10; east half southwest quarter, northwest quarter southeast quarter section 12; north half section 15; northwest quarter northeast quarter, east half northeast quarter, northeast quarter southeast quarter section 22; north half section 26; southeast quarter section 34; township 7 north, range 1 west, Salt Lake meridian.

Northwest quarter and southeast quarter section 22; all section 26; north half and southwest quarter section 28; east half section 32; all section 34; northwest quartor and east half section 36; township 8 north, range 1 west, Salt Lake meridian.

All section 6; west half northwest quarter, and northwest quarter northeast quarter section 18; township 5 north, range 1 east, Salt Lake meridian.

Northeast quarter section 8; west half, northwest quarter northeast quarter, west half southeast quarter section 12; east half, southwest quarter section 14; southwest quarter section 18; north half section 24; lots 1, 2, 3, and 4; southeast quarter northwest quarter, east half southwest quarter, south half southeast quarter section 30; township 7 north, range 1 east, Salt Lake meridian.

All section 2; northwest quarter northwest quarter and southwest quarter section 4; township 5 north, range 2 east, Salt Lake meridian.

Northwest quarter, east half east half, southwest quarter southeast quarter, southeast quarter southwest quarter section 12; south half northeast quarter, northeast quarter southwest quarter, north half southeast quarter, southeast southeast quarter section 30; east half and east half north half, north half southwest quarter, southeast quarter southwest quarter section 24; township 6 north, range 2 east, Salt Lake meridian.

North half, northeast quarter southeast quarter, north half southwest quarter, southwest quarter southwest quarter section 4; west half, northwest quarter northeast quarter section 12; northwest quarter northeast quarter, south half north half, southeast quarter, north half southwest quarter, southwest quarter southwest quarter section 14; north half section 20; west half west half, northeast quarter northwest quarter, northwest quarter northeast quarter section 22; all section 26; north half, northeast quarter southwest quarter, northeast quarter southeast quarter section 28; lots 1 and 2, east half northwest quarter, north half northeast quarter, southeast quarter northeast quarter and northeast quarter southeast quarter section 30; east half and east half northwest quarter section 34; township 7 north, range 2 east, Salt Lake meridian.

West half and southeast quarter section 34; township 8 north, range 2 east, Salt Lake meridian.

Lots 2, 3, 4, 5, 6, 7, 11, and 12, section 6; south half northwest quarter, southeast quarter northeast quarter, east half southwest quarter, southeast quarter section 4; north half north half, southwest quarter northwest quarter, southeast quarter northeast quarter, south half section 8; west half, north half northeast quarter, southwest quarter northeast quarter, southeast quarter section 10; all section 12; north half northwest quarter, southwest quarter northwest quarter, northwest quarter southwest quarter, northeast quarter northeast quarter, south half northeast quarter, east half southeast quarter section 14; all section 18; west half, west half southeast quarter, northeast quarter southeast quarter, northeast quarter section 20; west half west half, southeast quarter southwest quarter, southeast quarter southeast quarter, north half northeast quarter, southeast quarter northeast quarter section 22; north half north half, southeast quarter northwest quarter, north half southwest quarter, southwest quarter southwest quarter, south half southeast quarter section 24; northwest quarter northeast quarter, southeast quarter northwest quarter, southwest quarter, south half southeast quarter, northwest quarter southeast quarter section 28; all section 30; township 6 north, range 3 east, Salt Lake meridian.

Southeast quarter northwest quarter, southwest quarter northeast quarter section 1; north half north half, southwest quarter northwest quarter, southeast quarter northeast quarter, southwest quarter, northeast quarter southeast quarter, south half southeast quarter section 8; west half, west half east half, northeast quarter northeast quarter, southeast quarter southeast quarter section 12; all section 14; northwest quarter northeast quarter, southeast quarter northeast quarter section 18; north half north half, southwest quarter northwest quarter, southeast quarter northeast quarter, southwest quarter, northeast quarter southeast quarter, south half southeast quarter section 20; all section 24; all section 26; northeast quarter section 28; west half, north half northeast quarter, northeast quarter southeast quarter, southeast quarter southeast quarter section 30; west half northwest quarter, north half northeast quarter, southeast quarter northeast quarter, northeast quarter southeast quarter, southwest quarter southeast quarter section 34; township 7 north, range 3 east, Salt Lake meridian.

Northwest quarter northwest quarter, south half northwest quarter, southwest quarter, north half northeast quarter, southeast quarter northeast quarter, southeast quarter section 4; all section 6; all section 8; north half northwest quarter, southwest quarter northwest quarter, southeast quarter northeast quarter, northwest quarter southeast quarter, southeast quarter southeast quarter section 10; west half east half, northeast quarter northeast quarter section 18;

west half, west half southeast quarter, northeast quarter southeast quarter, northeast quarter section 30; north half north half section 28, township 6 north, range 4 east, Salt Lake meridian.

Southwest quarter northwest quarter, north half southwest quarter, southwest quarter southeast quarter section 1; lots 3 and 4 section 4; lot 1, south half north half, southwest quarter, northwest quarter southeast quarter section 5; lots 4 and 5, south half northeast quarter, south half southeast quarter, northeast quarter southeast quarter section 6; northeast quarter section 7; west half southwest quarter, northwest quarter section 8; southwest quarter northeast quarter section 10; south half north half section 11; northeast quarter northeast quarter, southwest quarter northeast quarter, south half northwest quarter, southwest quarter section 12; north half, south half of south half, northeast quarter southeast quarter section 14; all section 18; northwest quarter, west half northeast quarter, southeast quarter northeast quarter, east half southwest quarter, southeast quarter section 20; north half, north half southwest quarter, southwest quarter southwest quarter, southeast quarter section 22; northwest quarter, west half northeast quarter, northwest quarter southwest quarter, west half southeast quarter section 24; northwest quarter, north half northeast quarter, southwest quarter northeast quarter, northeast quarter southeast quarter, southwest quarter southeast quarter, north half southwest quarter, southwest quarter southwest quarter section 26; northeast quarter northwest quarter, south half northwest quarter, northeast quarter, south half section 28; all section 30; north half, north half southwest quarter, southeast quarter southwest quarter, northwest quarter southeast quarter section 34, township 7 north, range 4 east, Salt Lake meridian.

Mr FLETCHER. May I ask the Senator from Utah how many acres of land are involved in this bill?

Mr. KING. I will say to the Senator I have not the slightest idea of the aggregate area, but probably from 1,600 to 1,800 acres.

The amendments were agreed to.

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

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

ADDITIONAL JUDGE FOR WESTERN DISTRICT OF NEW YORK

The bill (S. 1490) to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York, was considered as in Committee of the Whole. The bill had been reported from the Committee on the Judiciary with an amendment on line 3, after the words "United States," to strike out "shall" and insert "is hereby authorized to," so as to read:

Be it enacted, etc., That the President of the United States is hereby authorized to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Western District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judge of said district; and that the official residence of said judges shall not be in the same or adjoining counties.

The amendment was agreed to.

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

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

Mr. COPELAND subsequently said: Mr. President, I ask to recur to Order of Business No. 509, being Senate bill 1490.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none.

Mr. COPELAND. I ask to have the bill again read.

The Chief Clerk again read the bill.

Mr. KING. That provision in regard to residence is a remarkable one.

Mr. COPELAND. Mr. President, I think that bill should go over until my colleague [Mr. WADSWORTH] is here.

Mr. CUMMINS. The Senator's colleague introduced it.

Mr. COPELAND. That may be, but I should like to hear what my colleague has to say about the bill.

Mr. CUMMINS. He has been pressing me for the last two months to get the bill reported. However, if the Senator from New York will take the responsibility of not having the bill passed at all——

Mr. COPELAND. I assume the responsibility, Mr. President, and I should like to have the bill go over.

Mr. CUMMINS. What has been done with it?

Mr. COPELAND. I move to reconsider the votes whereby the bill was ordered to a third reading and passed.

Mr. BRUCE. Mr. President, it seems to me that the senior Senator from New York ought to have an opportunity to say something about that. This bill was passed. Now, there is a motion to reconsider the action upon it. If I had a bill here and I happened to be absent from the Senate Chamber when a situation of this kind arose, I do not think the Senate would be treating me just right if it reconsidered it in my absence.

Mr. FLETCHER. The senior Senator from New York can be heard.

The PRESIDING OFFICER. The junior Senator from New York moves to reconsider the votes whereby the bill was ordered to a third reading and passed, so as to leave it on the calendar.

Mr. CUMMINS. Mr. President, I am not going to resist the request of the Senator from New York to reconsider the votes by which the bill was ordered to a third reading and passed, but of course I shall feel myself relieved of any obligation to take up the bill again.

Mr. COPELAND. I quite understand the attitude of the Senator from Iowa, but the bill will still be on the calendar. It will have its position here.

Mr. CUMMINS. Surely.

Mr. COPELAND. It undoubtedly will be reached the next time the calendar is called, and I absolve the Senator from Iowa from all responsibility.

Mr. CUMMINS. Very well; I shall make no objection.

Mr. REED of Pennsylvania. Mr. President, will not the Senator from New York state some reason why in his judgment the bill ought not to pass?

Mr. COPELAND. The reason that I will state now is because the bill has not been called to my attention. I am not aware of the need of western New York for this judgeship, and before I pass upon it I want to know the details, since it involves my own State.

Mr. WILLIS. Mr. President, why does not the Senator simply enter a motion to reconsider and then it can be taken up later on?

Mr. COPELAND. I understand that the motion to reconsider the bill has already been agreed to.

Mr. WILLIS. Oh, no, Mr. President; that is not correct.

Mr. BRUCE. I am sure that is not the fact. I certainly interposed my objection before any action of that kind was taken.

The PRESIDING OFFICER. The question now is upon the motion of the junior Senator from New York to reconsider the votes whereby the bill was ordered to a third reading and passed.

Mr. KING. Mr. President, I think it is rather extraordinary—and I say that with all good feeling toward my friend the Senator from Maryland—that any objection should be made to a request to reconsider a bill of this character under the circumstances.

We pass these bills here hurriedly. A Senator may step out of the Chamber for a moment and three or four bills may be passed before he returns; or he may step into the cloak room; or he may be examining one bill, and we may pass another. Then, as soon as his attention is challenged to it, it seems to me extraordinary to say that he may not move to reconsider it. The motion ought automatically to effectuate the result and put the bill back in status quo.

It seems to me that unanimous consent ought to be given to the Senator from New York to have the bill reconsidered.

Mr. CUMMINS. The Senator from Utah understands that I make no objection.

Mr. KING. I understand that.

Mr. BRUCE. But, Mr. President, I understood the Senator from Iowa to say that the senior Senator from New York is very deeply interested in this bill and has spoken to him about it frequently. Now the bill has been passed; and I think the senior Senator from New York is entitled to reap whatever benefit is to be reaped from the fact that it has been actually passed.

Mr. OVERMAN. Mr. President, the junior Senator from New York says he knew nothing about the bill.

Mr. BRUCE. But he ought to be apprised. Here is a motion to reconsider. It seems to me the motion ought to go over until to-morrow.

Mr. OVERMAN. I know the senior Senator from New York [Mr. WADSWORTH], and I do not believe he would resist this motion if the junior Senator from New York, his colleague, should say that he had never been apprised of the bill, that he knew nothing about it, that it had never been called to his attention, and that it was passed without his knowledge. It seems to me this reconsideration ought to be had by unanimous consent. No Senator ought to object.

Mr. BRUCE. We all know the senior Senator from New York, who is about as fair-minded and well-balanced a man as

there is in this body; and I know perfectly well that if any reasonable appeal is made to him about this bill, he will acquiesce in it. I think we all agree to that.

Mr. OVERMAN. The senior Senator from New York would agree to this course, Mr. President.

Mr. BRUCE. But when this motion for reconsideration is made it certainly does not seem to me that it ought to be acted on in his absence, until we have an opportunity to see how he feels about it and what he thinks about it.

Mr. OVERMAN. The motion to reconsider does not cause the bill any prejudice. It goes on the calendar and takes the same position it had before.

Mr. BRUCE. I know that; but it should not be put back on the calendar after it has been passed without the Senator having an opportunity to say something about the matter.

Mr. FLETCHER. Question!

Mr. BINGHAM. Mr. President, I hope the Senator from Maryland [Mr. BRUCE] will withdraw his objection. He will remember that we are on an unobjected calendar; that the slightest objection of any sort causes a bill to go over; and if, in the excitement of the moment and the confusion of passing bills, the junior Senator from New York did not observe that this bill in which he is interested was being passed, surely the Senator from Maryland has no objection to his having it reconsidered.

Mr. REED of Pennsylvania. Mr. President, my only excuse for interfering here, although I am not a member of the Judiciary Committee, is that I have had some practice in the western district of New York, and I know how very congested the Federal court there is.

I want to say at the beginning that I agree entirely with the position taken by the Senator from North Carolina [Mr. OVERMAN] and the Senator from Utah [Mr. KING]. I agree that the junior Senator from New York [Mr. COPELAND] is entitled to stop this bill under the conditions, if he wishes to do so, in order to investigate. All I wanted to point out, however, was that, if the bill goes back on the calendar after reconsideration, it will be a practical impossibility to secure its passage at this session in time to have the appointment and confirmation of the judge. It means the postponement for nearly a year of the relief which that district needs; and I want to ask the Senator from New York if he will not adopt the suggestion made by the Senator from Ohio to enter his motion now for a reconsideration? That would prevent the bill from going any further; and I will go further than that myself and say that if he will do that I expect to vote in favor of his motion to reconsider, provided, on investigation, he finds that, in his judgment, this bill ought not to pass. Furthermore, if the Senator from New York insists on making his motion now, I will vote in favor of it. I think the junior Senator from New York has a right to have this bill held up until he can look into it. All that I am doing is appealing to him to hold it up in such a fashion that, if he finds it is all right, the bill can be passed without delay and go to the House.

Mr. OVERMAN. Mr. President, why does the Senator say we can not pass this bill? There are several bills of this kind on the calendar. I am on the Judiciary Committee, and I am in favor of this bill. We can pass them. A similar bill, I think, is pending in the House of Representatives. We can get the bill through in very short order. There is no objection to it. We all agree to it.

Mr. REED of Pennsylvania. If that is so, then I do not care what is done about it.

Mr. FLETCHER. Mr. President, it makes no difference; the Senator from New York himself can ask unanimous consent to take it up any day. There need not be any delay.

Mr. REED of Pennsylvania. Then I think he is entitled to stop it now.

Mr. COPELAND. Mr. President, my friend from Pennsylvania need not be concerned. If, after due consideration and explanation of this matter, I am convinced that the bill is a proper bill, of course I shall be very glad myself to ask that it be brought up. We are bound to have calendar days repeatedly during the next week, I hope, in order that the calendar may be cleared; and I do not think this matter will be delayed in any serious way. I do not think there will be such a delay as to interfere with the administration of justice in the western district of New York.

The VICE PRESIDENT. The question is on the motion to reconsider.

The motion to reconsider was agreed to.

Mr. BRUCE subsequently said: Mr. President, I rise to a point of order. I should like to ask, for my information, whether a motion for reconsideration can be made by any Member of this body who did not vote against the bill?

The VICE PRESIDENT. No yea-and-nay vote of the Senate was taken, and therefore the motion to reconsider was in order.

CHANGE IN EASTERN JUDICIAL DISTRICT IN ARKANSAS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6730) to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State, which had been reported from the Committee on the Judiciary with an amendment on line 7, after the word "State," to insert the words: "*Provided*, That this shall not affect suits now pending," so as to make the bill read:

Be it enacted, etc., That Fulton County, of the Jonesboro division of the eastern district of the State of Arkansas, be, and the same is hereby, detached from the Jonesboro division and attached to and made a part of the Batesville division of the eastern district of said State: *Provided*, That this shall not affect suits now pending.

The amendment was agreed to.

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

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.

ADDITIONAL DISTRICT JUDGE, DISTRICT OF CONNECTICUT

The bill (S. 227) to provide for the appointment of an additional district judge for the district of Connecticut was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, after the word "authorized," to strike out "and directed"; and in line 8, after the words "district judges and," to insert "who," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized by and with the advice and consent of the Senate, to appoint an additional judge of the District Court of the United States for the District of Connecticut whose compensation, duties, and powers shall be the same as now provided by law for other district judges and who shall reside within the said district of Connecticut.

SEC. 2. This act shall take effect upon its approval by the President.

The amendments were agreed to.

Mr. FLETCHER. Mr. President, I should like to ask the Senator a question about this bill. There is no objection to the bill, is there? There is a unanimous report of the committee?

Mr. CUMMINS. There is a unanimous report of the Committee on the Judiciary, after a very careful examination of the situation.

Mr. BRATTON. Mr. President, may I ask the chairman of the Judiciary Committee a question? I see a number of bills pending here recommending additional judges in various districts. I have pending a bill of a similar character, on which I have attempted to be heard by the committee. So far I have not been able to have that done. May I ask the chairman when he purposes to investigate the other bills that are pending, and if Senators will be heard when they are investigated?

Mr. CUMMINS. The situation is this: A subcommittee composed of the Senator from Montana [Mr. WALSH], the Senator from West Virginia [Mr. GOFF], and myself have inquired very carefully into all these bills. We have a dozen or more of them pending before the committee, and after some inquiry the members of the subcommittee felt that there must be an additional showing in order to report favorably the bill introduced by the Senator from New Mexico. It has so happened that the Senator from Montana and the Senator from West Virginia have been engaged upon the subcommittee that is looking into a very important subject, and we have not had a chance to reach a conclusion; but, as I said to the Senator from New Mexico, we intend to ask him to appear before that subcommittee just as soon as I can command the attendance of the other two members of the subcommittee.

Mr. BRATTON. Very well.

Mr. BINGHAM. Mr. President, I hope the Senator from New Mexico will not object to the passage of this bill. The Federal courts in Connecticut are greatly crowded. We have only one district at the present time.

Mr. BRATTON. I assure the Senator from Connecticut that I am not going to object. I am interested in the bill relating to my State, and I merely wished to inquire when these other matters will receive attention.

Mr. BINGHAM. The present Federal district judge has broken down in health more than once because of the tremendous pressure of the docket, and I hope the Senator will not object.

Mr. BRATTON. The point I am making is that some bills seem to go through and get on the calendar, whereas we can not be heard before the committee on other bills; and I am at a loss to understand how some travel by so much faster schedule than others.

Mr. CUMMINS. We have been doing the very best we could. We can not put in more than 24 hours a day, and as far as I am concerned I have been putting in nearly that many hours every day upon the Judiciary Committee. There are a great many bills pending before that committee, and the members of the committee are busily engaged elsewhere. I have been doing the best I could to reach a conclusion with regard to the Senator's bill.

Mr. BRATTON. I do not propose to object to the bill relating to Connecticut. I rose merely to ask for information.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

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

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

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF IOWA

The bill (S. 475) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, after the word "Senate," to strike out "shall" and insert "is hereby authorized to"; and in line 10, after the word "district," to strike out down to the end of line 8, on page 2, and to insert:

SEC. 2. When a vacancy shall occur in the office of the existing district judge for said district such vacancy shall not be filled unless authorized by the Congress.

So as to make the bill read:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint an additional judge of the District Court of the United States for the Southern District of Iowa, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same compensation and allowances as the present judge of said district.

SEC. 2. When a vacancy shall occur in the office of the existing district judge for said district, such vacancy shall not be filled unless authorized by the Congress.

SEC. 3. This act shall take effect upon its approval by the President.

The amendments were agreed to.

Mr. KING. Mr. President, I should like to ask the Senator from Iowa whether there is some judge there now who is incapacitated and whether this bill is to relieve the situation?

Mr. CUMMINS. The district judge for the southern district of Iowa has been ill for a year or more and has not been able to try any important cases in that time. He is still ill, and the people who have business in the court have been very much inconvenienced. The purpose of this bill is simply to supply a judge who can sit in the trial of cases.

It is hoped that the present judge will recover. I very sincerely hope so. He is one of the best judges to be found in the United States. I have provided, therefore, that when there is a vacancy in the office of the existing judgeship it shall not be filled without the further action of Congress.

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

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

ADDITIONAL DISTRICT JUDGE FOR PENNSYLVANIA

The bill (S. 1645) to provide for the appointment of an additional district judge for the middle district of Pennsylvania was announced as next in order.

Mr. REED of Pennsylvania. I move that that be indefinitely postponed, as it was reported adversely.

The motion was agreed to.

BALTIMORE BRANCH, FEDERAL RESERVE BANK OF RICHMOND

The joint resolution (S. J. Res. 66) authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch, was announced as next in order.

The VICE PRESIDENT. House Joint Resolution 191, on the calendar, seems to be identical with Senate Joint Resolution 66.

Mr. FLETCHER. I ask that the House joint resolution be substituted for this joint resolution.

Mr. BRUCE. I have a memorandum from my colleague [Mr. WELLER] as follows:

Senate Joint Resolution 66, providing for the erection of a building for the Federal Reserve Bank of Baltimore, is No. 514 on the Senate Calendar.

That is the measure he wants to have passed.

Mr. FLETCHER. The point is that the House has passed a joint resolution identical with it, and if we substitute the House joint resolution for the Senate joint resolution and pass it the whole thing will be finished.

Mr. BRUCE. Very well; let that course be taken.

The VICE PRESIDENT. Is there objection to proceeding to the consideration of House Joint Resolution 191?

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

Resolved, etc., That the Federal Reserve Bank of Richmond be, and it is hereby, authorized to contract for and erect in the city of Baltimore a building for its Baltimore branch, provided the total amount expended in the erection of said building shall not exceed the sum of $1,025,000: *Provided, however*, That the character and type of building to be erected, the amount actually to be expended in the construction of said building, and the amount actually to be expended for the vaults, permanent equipment, furnishings, and fixtures for said building shall be subject to the approval of the Federal Reserve Board.

Mr. JONES of Washington. It is my understanding that the House joint resolution contains the language recommended as an amendment by the Senate committee. I should like to be certain that such is the fact.

The VICE PRESIDENT. The language in the House joint resolution is identical with the language of the Senate joint resolution as proposed to be amended by the Committee on Banking and Currency.

Mr. JONES of Washington. Very well.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Senate Joint Resolution 66 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 2606) to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes, was announced as next in order.

Mr. JONES of Washington. That is quite an important bill, and I suggest that it go over.

The VICE PRESIDENT. The bill will be passed over.

SCREEN-WAGON CONTRACTS, POST OFFICE DEPARTMENT

The bill (S. 1930) to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with amendments, on page 1, line 4, after the word "mails," to strike out the words "in the State of Florida"; on line 7, to strike out the words "in population in such State" and to insert the words "in cost for such service"; on line 11, after the word "incident," to strike out the words "to such" and to insert the words "to the"; on line 12, after the word "business," to strike out the words "and increase in population," so as to make the bill read:

Be it enacted, etc., That if the Postmaster General finds that any formal written contract now in force for transporting the mails in regulation screen vehicles was entered into before the present unusual expansion of business and increase in cost for such service, and that the contract price agreed to be paid for the service to be rendered thereunder is now inequitable and unjust because of the increased cost and expense occasioned the contractor in handling the unusual volume of mail incident to the expansion of business, the Postmaster General is authorized, in his discretion, with the consent of the contractor and his bondsmen, to cancel such contract or make such readjustments in its terms as he deems necessary to allow for such increased cost and expense to the contractor.

The amendments were agreed to.

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

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

BILL PASSED OVER

The bill (S. 454) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. JONES of Washington. I think that is quite an important bill and should go over.

The VICE PRESIDENT. The bill will go over under objection.

FOREST RESERVES IN NEW MEXICO AND ARIZONA

The bill (S. 565) limiting the creation or extension of forest reserves in New Mexico and Arizona was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That hereafter no forest reservation shall be created, nor shall any additions be made to one heretofore created within the limits of the States of New Mexico and Arizona except by act of Congress.

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

BILL PASSED OVER

The bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes, was announced as next in order.

Mr. WILLIS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

WILLIAM J. MURPHY

The bill (S. 3015) for the relief of William J. Murphy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of William J. Murphy, late postmaster at Cleveland, Ohio, in the sum of $3,209.33 due the United States on account of the loss of postal funds resulting from larceny and embezzlement.

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

MRS. M. M'COLLOM, MARGARET G. JACKSON, AND DOROTHY M. MURPHY

The bill (S. 3049) for the relief of Mrs. M. McCollom, Margaret G. Jackson, and Dorothy M. Murphy was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$4,218.75" and insert "$1,000"; on line 7, to strike out "$4,523" and to insert "$1,500"; on line 8, to strike out "$4,606.30" and to insert "$1,500 in full settlement of all claims," 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 Mrs. M. McCollom the sum of $1,000, to Margaret G. Jackson the sum of $1,500, to Dorothy M. Murphy the sum of $1,500 in full settlement of all claims for financial damages sustained by them and great pain and suffering they were forced to undergo as a result of the explosion of the United States dirigible balloon *C-8* at a point near Camp Holabird, Md., on the 1st day of July, 1919.

The amendments were agreed to.

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

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

WORKS OF ARTS AND ARTISTS OF THE UNITED STATES CAPITOL

Mr. COPELAND. Mr. President, I ask unanimous consent to return to Order of Business 488, Senate Resolution 172, authorizing the Committee on the Library of the Senate to have prepared a manuscript on the works of art and the artists of the United States Capitol, which was passed over on my objection. I find the explanation so reasonable that I should like to withdraw my objection.

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

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

Resolved, That the Committee on the Library of the Senate be, and is hereby, authorized and directed to have prepared a manuscript on the works of art and the artists of the United States Capitol, at a cost not to exceed $2,500, to be paid out of the contingent fund of the Senate; and that such manuscript when prepared shall be printed, with illustrations, as a Senate document.

ALBERTA SISLER SAULS

The bill (S. 577) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alberta Sisler Sauls, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Alberta Sisler Sauls, a former Red Cross nurse, serving at Government Munitions Explosive Plant C, Nitro, W. Va., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

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

BILL PASSED OVER

The bill (S. 2348) for the relief of Nick Masonich was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over, under objection.

ALASKA ANTHRACITE RAILROAD CO.

The bill (H. R. 6573) to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes, was announced as next in order.

Mr. OVERMAN. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the time for the compliance of the Alaska Anthracite Railroad Co. or its successors in interest or assigns with the provisions of sections 4 and 5 of chapter 295 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898, by locating and completing its railroad in Alaska is hereby extended—

First. Said company, its successors and assigns, shall have two years from date of the passage of this act wherein to file final and permanent map of its Canyon Creek branch, and three years from date of the passage of this act wherein to complete the construction of its main line of railroad and branches.

Second. Said company, its successors and assigns, shall be exempt from license tax during the period of construction of the railroad and for one year thereafter, provided that this exemption shall exist and operate only during the continuance of the construction of said road in good faith, and in the event of unnecessary delay and failure in the construction and completion of said road, the exemption from taxation herein provided shall cease, and said tax shall be collectible as to so much of said road as shall have been completed: *Provided*, That nothing herein contained shall be held or construed to affect any now vested rights of other parties: *And provided further*, That the Congress reserves the right to alter, amend, or repeal this act.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WILLIS. I suggest that the report in connection with the bill just passed, which is a very scholarly one, prepared by the Senator from Connecticut [Mr. BINGHAM], be printed in the RECORD at this point for information.

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

The report is as follows:

EXTENSION OF TIME FOR COMPLETION OF ALASKA ANTHRACITE RAILROAD CO.

Mr. BINGHAM, from the Committee on Territories and Insular Possessions, submitted the following report to accompany H. R. 6573:

The Committee on Territories and Insular Possessions, to whom was referred the bill (H. R. 6573) to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes, having considered the same, recommends its passage without amendment.

It is believed by the committee that the bill is a step forward in the undertaking of providing transportation facilities in Alaska, a task which is deserving of commendation and encouragement. In its study of the bill the committee took under consideration a favorable report made thereon by the Secretary of the Interior, to whom the bill was referred for an opinion, who set forth his views in a communication addressed to the chairman of this committee under date of March 10, 1926, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 10, 1926.

Hon. FRANK B. WILLIS,
Chairman Committee on Territories and Insular Possessions, United States Senate.

MY DEAR SENATOR WILLIS: I have your letter of March 4, 1926, submitting copy of H. R. 6573 and requesting "a statement concerning this at as early a date as possible."

Under date of January 7, 1926, I reported on this bill to Hon. CHARLES F. CURRY, chairman Committee on the Territories, House of Representatives, as follows:

"This bill provides that the Alaska Anthracite Railroad Co., or its successors in interest or assigns, shall be allowed certain additional time within which to file maps of final and definite location of certain branch lines of road, and three years from the date of passage of the act within which to complete the construction of its main line of road and branches; also, that the company, its successors and assigns, shall be exempt from license tax during the period of construction of the railroad and for one year thereafter, provided that this exemption shall exist and operate only during the continuance of the construction of said road in good faith, and in the event of unnecessary delay and failure in the construction and completion of said road, the exemption from taxation herein provided shall cease, and said tax shall be collectible as to so much of said road as shall have been completed.

"As shown by the records of this department, briefly stated, the company's case is as follows:

"The company was incorporated under the laws of the State of Washington to construct, maintain, and operate a railroad having one terminus at the Bering River Coal Fields of Alaska and other termini on Controller Bay and upon the Bering River. It filed copy of its articles of incorporation and proofs of organization, which were accepted, and it thereby became a beneficiary under section 2 of the act of Congress approved May 14, 1898 (30 Stat. 409). Pursuant to the provisions of section 4 of said act, it filed a map of preliminary location of its line of road from Controller Bay to Carbon Mountain; also a branch line from mile 7, on the main line, to Aetna, on the Bering River. This map was accepted by the General Land Office, the department concurring in such action, by letter addressed to the district land officers at Juneau, August 29, 1918. Subsequently, the company filed proof of construction of its said main line and branch lines and a map showing them as actually constructed, which, upon recommendation of the Commissioner of the General Land Office, was approved by the First Assistant Secretary of the Interior, August 5, 1921. Later the company filed a map of preliminary location of a branch line up Canyon Creek, which was accepted by letter dated March 17, 1923, and a map of definite location of the so-called Cunningham branch line up Stillwater Creek and Trout Creek, which was approved by the department May 11, 1925. By the filing of the map of preliminary location of the branch line up Canyon Creek the right of way as determined by the location shown thereon was held for one year from the date of its acceptance, March 17, 1923; but inasmuch as a map of definite location of this section was not filed within the year following, rights thereunder have lapsed. The company could, however, file a map of definite location of this section and it would be considered on its merits.

"There is no apparent objection to the proposed legislation, particularly since it is in line with that heretofore enacted in similar cases. Accordingly I recommend favorable action on the bill. National-forest lands are involved, so it may be the Department of Agriculture is interested in this matter.

"I note your request to have representatives from this department present when your committee considers this bill on January 8, and will endeavor to comply therewith."

There is nothing I can add to this report except to say that anything that promises to promote transportation facilities in Alaska is deserving of commendation and encouragement.

Very truly yours,

HUBERT WORK.

VISITS OF TRIBAL DELEGATES TO WASHINGTON

The joint resolution (S. J. Res. 60) authorizing expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Indian Affairs with amendments, on page 1, line 3, to strike out the word "appropriated" and to insert the words "authorized to be expended"; on page 2, line 5, after the word "reservation," to insert the words "when authorized or approved by the Secretary of the Interior," so as to make the joint resolution read:

Resolved, etc., That the sum of $5,000 is hereby authorized to be expended out of the Fort Peck 4 per cent fund, created under the act of May 30, 1908 (35 Stat. L. p. 558), and held in trust by the United States, such sum to be available until expended, to enable the Secretary of the Interior to pay the necessary expenses incurred in connection with visits to Washington, D. C., by delegations of the Assiniboine and Sioux Indians of the Fort Peck Indian Reservation, when authorized or approved by the Secretary of the Interior, for the purpose of conferring with attorneys, presenting claims, appearing before committees of Congress, and attending to other tribal matters of such Indians.

The amendments were agreed to.

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

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

The VICE PRESIDENT. The committee report is an amendment to strike out the preamble.

The amendment was agreed to.

SACAJAWEA, OR BIRD WOMAN

The joint resolution (S. J. Res. 19) authorizing the erection of a monument to the memory of Sacajawea, or Bird Woman, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. KENDRICK. Mr. President——

Mr. LA FOLLETTE. I will state to the Senator that I was not present in the committee when the joint resolution was ordered to be reported out, and since that action has been taken I have had brought to my attention certain evidence to the effect that this Indian woman was not buried at the place designated. I desire to have time to look into that matter before the joint resolution is passed.

Mr. KENDRICK. May I suggest to the Senator that when this joint resolution first came before our Committee on Indian Affairs the Assistant Commissioner of the Indian Office was asked whether it would be possible, through his official force, to determine definitely and without doubt the location of the burial place of Sacajawea. He answered that according to his opinion it would be possible. As a result of our request he ordered an investigation, the record of which indicated without doubt that the place near Fort Washakie was the grave of Sacajawea.

Mr. LA FOLLETTE. I will say to the Senator that I dislike to object to the present consideration of the measure, but I have not had time to look through the material which has been brought to my attention, and I desire to do so before the joint resolution is passed.

Mr. KENDRICK. Of course the joint resolution will have to go over if the Senator objects, but for the information of the Senate I wish to explain that a few months ago, while at Fort Washakie, which is the agency of the Shoshone Indians, the tribe of which Sacajawea was a member, I visited the grave of this Indian woman. I afterwards called on Father Roberts, a missionary who had officiated not only at Sacajawea's burial but at the burial of nearly every Indian in a large cemetery. He has been stationed at Fort Washakie, as I recall, for 45 years, and he assured me that from his viewpoint there is no doubt but that the Sacajawea buried at this place was the famous Bird Woman. To corroborate his statement he took occasion to show me the record of the burials at which he had officiated, including this particular one.

I afterwards met two of the grandsons of Sacajawea, and after talking with them I had no doubt as to either the identity of this woman or the location of her grave.

Mr. LA FOLLETTE. I shall be glad to confer with the Senator about it, but I insist that the joint resolution shall go over.

The VICE PRESIDENT. The joint resolution will be passed over.

DAMAGES TO LIGHTER "LINWOOD"

The bill (S. 511) for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the U. S. S. *Absecom* was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 8, to strike out "*Absecom*" and to insert "*Absecon*"; on page 2, line 6, to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claims of all owners of various shipments of merchandise which were laden on board of the lighter *Linwood*, at the time hereinafter mentioned, against the United States of America, for damages alleged to have been caused by collision between the said vessel and the United States steamship *Absecon* on or about the 23d day of November, 1918, at or near the end of Pier 2, Bush Terminal Docks, Brooklyn, N. Y., may be sued for by the said owners of cargo in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo, or against the owners of said cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders

of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The amendments were agreed to.

Mr. WILLIAMS. I would like to ask the junior Senator from New York a question. Attached to Order of Business No. 530, Senate bill 2898, there is a report from the Shipping Board, and this report, on page 3, contains a resolution of the Shipping Board of May 20, 1924. I would like to ask the junior Senator from New York whether he has read the resolution of the Shipping Board, and what he thinks of it.

Mr. COPELAND. May I ask the Senator from Missouri what calendar number he has in mind?

Mr. WILLIAMS. Order of Business No. 530.

Mr. COPELAND. That is my colleague's bill.

Mr. WILLIAMS. I am quite aware of that.

Mr. COPELAND. I am not familiar with the details of it.

Mr. WILLIAMS. The resolution of the Shipping Board pertains to the general subject matter of these bills, the idea being that the right to sue the United States should be given by an amendment to the general law rather than by the passage of these special bills.

Mr. COPELAND. I am in full sympathy with the resolution of the Shipping Board. I think that legislation ought to be enacted so we will have a general rule under which these matters may be considered, but we have no such law now, and the only way that the bills, Orders of Business Nos. 528 and 529, which are my bills, and Order of Business No. 530, which is the bill of my colleague, may be considered under present conditions is by this special legislation which permits the parties to go before the Court of Claims and make such representations as they please. I agree fully with the Shipping Board that that is the way it should be done in the future.

Mr. KING. May I say to the Senator from Missouri that a subcommittee of the Committee on the Judiciary, and I am a member of the subcommittee, has been appointed for the purpose of considering the subject, and I hope before the Senate adjourns that we will be able to report a general bill in consonance with the views which are entertained by the Senator from Missouri.

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

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 all owners of cargo laden aboard the lighter *Linwood* at the time of her collission with the U. S. S. *Absecon*."

STEAMSHIP "BOXLEY"

The bill (S. 537) for the relief of owners of cargo aboard the steamship *Boxley* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of W. R. Grace & Co., owner of various shipments of merchandise which were laden on board of the steamship *Boxley*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by the unseaworthiness and negligence of the said steamship *Boxley* on her voyage from Iquique, Chile, to New Orleans, La., between the dates of January 5, 1920, and February 14, 1920, may be sued for by the said owners of cargo in the district court of the United States for the southern district of New York sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo, or against the owners of said cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

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

STEAMSHIP "OCONEE"

The bill (S. 2898) for the relief of all owners of cargo laden aboard the steamship *Oconee* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claims of all owners of various shipments of merchandise which were laden on board of the steamship *Oconee*, formerly known as steamship *Maia*, at the time hereinafter mentioned against the United States of America for damages alleged to have been caused by collision between the said vessel and the steamship *Constantia*, later known as steamship *Maximo Gomez*, on the 16th day of July, 1918, off Sewells Point, in Hampton Roads, Va., may be sued for by the said owners of cargo in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine said suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of said owners of cargo, or against said owners of cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notices of said suits shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

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

FREDERICK S. EASTER

The bill (H. R. 3431) for the relief of Frederick S. Easter, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Frederick S. Easter, late of One hundred and forty-fifth Company, Third Replacement Battalion, United States Marine Corps, World War, shall hereafter be held and considered to have been honorably discharged from the marine service of the United States.

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

SALE OF KOSHER MEAT IN THE DISTRICT OF COLUMBIA

The bill (H. R. 7255) to regulate the sale of kosher meat in the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That after the enactment of this act it shall be unlawful for any person—

(a) To sell or offer for sale within the District of Columbia as kosher, any meat which is not kosher;

(b) To label or brand as kosher any meat, or the package containing any meat, sold or offered for sale or prepared within the District of Columbia, which is not kosher; or

(c) To sell or offer for sale within the District of Columbia in the same place of business both kosher and nonkosher meat, (1) without displaying conspicuously in said place of business a sign in block letters at least 4 inches in height containing the words "kosher and nonkosher meat sold here," and (2) without displaying over such kosher meat the words "kosher meat," and over such nonkosher meat the words "nonkosher meat," in block letters at least 4 inches in height.

SEC. 2. As used in this act—

(a) The term "meat" includes raw meat and meat prepared for human consumption, whether alone or in combination with other products;

(b) The term "person" means individual, partnership, corporation, or association.

SEC. 3. Any person who violates any provision of this act shall, upon conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment; but no person shall be convicted of any such violation in respect of any meat which was not kosher at the time he acquired such meat, if he acquired it in good faith as kosher from a person duly authorized in accordance with the orthodox Hebrew ritual to prepare kosher.

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

LEECH LAKE RESERVATION ROAD, CHIPPEWA INDIANS OF MINNESOTA

The bill (S. 2712) authorizing an appropriation from the tribal funds of the Chippewa Indians, of Minnesota, for the construction of a road on the Leech Lake Reservation was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized an appropriation of $6,000 from the tribal funds of the Chippewa Indians of Minne-

sota on deposit in the United States Treasury under the act of January 14, 1889 (25 Stat. L. p. 642), for the construction of a road on the Leech Lake Reservation from the Chippewa Sanatorium at Onigum to connect with State Highway No. 34, under rules and regulations prescribed by the Secretary of the Interior: *Provided*, That Indian labor shall be employed as far as practicable.

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

CANCELLATION OF CERTAIN PATENTS TO INDIANS

The bill (S. 2714) to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 9, after the word "without," to insert the words "the consent or," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to cancel any patent in fee simple issued to an Indian allottee or to his heirs before the end of the period of trust described in the original or trust patent issued to such allottee, or before the expiration of any extension of such period of trust by the President, where such patent in fee simple was issued without the consent or an application therefor by the allottee or by his heirs: *Provided*, That the patentee has not mortgaged or sold any part of the land described in such patent: *Provided also*, That upon cancellation of such patent in fee simple the land shall have the same status as though such fee patent had never been issued.

The amendment was agreed to.

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

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

ROYALTIES ON LEASED INDIAN LANDS

The bill (S. 2716) to provide for the collection of fees from royalties on production of minerals from leased Indian lands was announced as next in order.

Mr. KING. Mr. President, the chairman of the Committee on Indian Affairs [Mr. HARRELD] is not here. I would like to ask any member of the committee present whether he is familiar with the bill. It seems important, because it involves the leasing of mineral lands from Indian reservations. I want to be sure the Indians' rights are fully protected in the leases. I am not a member of the committee, and am not familiar with the provisions of the bill.

Mr. BRATTON. Mr. President, as I recall, it is merely to authorize the Secretary of the Interior to deduct from royalties a reasonable fee, not to exceed 3 per cent, with which to pay the costs of administering the leasing of lands and the collecting of the royalties. It is designed to make that particular branch of the bureau self-sustaining so far as expenses are concerned.

Mr. LENROOT. Mr. President, may I ask the Senator whether he knows, with reference to Oklahoma and allotted lands, that a fee is now collected?

Mr. BRATTON. I am not informed as to that. The bill seems to be confined to restricted Indian lands. I take it that it does not apply to the Five Civilized Tribes of Oklahoma. It is simply to make that part of the bureau self-sustaining.

Mr. LENROOT. I think the bill ought to go over. I do not believe that the fee should at least exceed the estimated expense of administering the lands.

Mr. BRATTON. The Senator will note from the language that it is to collect a reasonable fee not to exceed 3 per cent.

Mr. LENROOT. That is true, but it could be 3 per cent, and an oil royalty might amount to a great deal of money even at 3 per cent.

Mr. BRATTON. It leaves it in the discretion of the department to determine what is a reasonable fee.

Mr. LENROOT. I would rather that the bill should go over until the chairman of the Committee on Indian Affairs is here.

The VICE PRESIDENT. The bill will be passed over.

TIMBER ON KLAMATH INDIAN RESERVATION, OREG.

The bill (S. 2717) to reserve the merchantable timber on all tribal lands within the Klamath Indian Reservation in Oregon, hereafter allotted, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the merchantable timber on all tribal lands within the Klamath Indian Reservation in Oregon hereafter allotted under existing laws be, and the same is hereby, reserved for the benefit of the members of the Klamath Tribe and other Indians having rights on that reservation: *Provided*, That the trust patents issued for such allotments shall contain a clause reserving to the United States the right to cut and market such merchantable timber, the proceeds to be disposed of in accordance with existing statutes and regulations: *Provided further*, That, when the merchantable timber has been removed from the lands so allotted, the title to such timber as remains shall thereupon pass to the respective allottees, their heirs, or assigns.

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

PORT MADISON INDIAN RESERVATION, WASH.

The bill (S. 2967) to authorize the Secretary of the Interior to sell certain lands within the Port Madison Indian Reservation in the State of Washington, heretofore set apart for school or administrative purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell, under such rules and regulations as he may prescribe, any part of the land heretofore set apart on the Port Madison Indian Reservation in the State of Washington for school or administrative purposes which may no longer be needed for such uses: *Provided*, That said land may be sold only after the consent thereto has been obtained from the allied Indian tribes having rights on the Port Madison Indian Reservation under the provisions of the treaty of January 22, 1855 (12 Stat. L. p. 927); and the proceeds of said sale shall be deposited in the Treasury to the credit of said allied tribes: *Provided further*, That there is hereby authorized to be appropriated the sum of $2,000, out of any money in the Treasury not otherwise appropriated, to cover all necessary expenses of surveying and subdividing the tract into blocks, lots, streets, and alleys preparatory to offering the lots for sale; said appropriation to be reimbursed from the proceeds of the sale of said lots.

Mr. HARRELD. Mr. President, we passed a general bill a little while ago authorizing the leasing of lands reserved for school and agency purposes, and this is a specific bill along the same line.

Mr. JONES of Washington. But this relates to the sale and not to the leasing of the lands.

Mr. HARRELD. The Senator is right about that.

Mr. LENROOT. These are Indian lands?

Mr. JONES of Washington. Yes; some that are not needed.

Mr. LENROOT. Why should we pay for these expenses out of the Federal Treasury?

Mr. JONES of Washington. The Senator will note from the language of the bill that it is a reimbursable expenditure.

Mr. LENROOT. Yes; I see now that it is.

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

QUINAIELT RESERVATION WATER SUPPLY

The bill (H. R. 96) authorizing an appropriation of not more than $3,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of not more than $3,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the construction of a system of water supply at Taholah, on said reservation, under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That Indian labor shall be employed as far as practicable.

Mr. KING. Mr. President, I want to ask the chairman of the Committee on Indian Affairs why there are so many of these private bills carrying appropriations for Indians and Indian tribes when we have just passed an appropriation bill which was presumed to deal—and I thought did deal—in a very generous way with the Indians, and which met their needs.

Mr. LENROOT. There was no authority in the general appropriation bill to do this work.

Mr. KING. Then there is no existing law?

Mr. JONES of Washington. No; there is not.

Mr. KING. And the appropriation bill did not deal with it?

Mr. HARRELD. They asked for $25,000 when the bill was originally introduced, but the Secretary of the Interior reports that a full supply of water adequate for their uses can be furnished for $3,000.

Mr. JONES of Washington. This is merely an authorization and not an appropriation.

Mr. KING. But it will mean ultimately an expenditure.

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

BILL PASSED OVER

The bill (S. 2657) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was announced as next in order.

Mr. JONES of Washington. I think this is quite an important measure and I ask that it may go over.

The VICE PRESIDENT. The bill goes over under objection.

STANDARDIZATION OF SCREW THREADS

The bill (H. R. 264) to amend an act to provide for the appointment of a commission to standardize screw threads was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That an act entitled "An act to provide for the appointment of a commission to standardize screw threads," approved July 18, 1918, as amended by an act approved March 3, 1919, and extended by public resolutions approved March 23, 1920, and March 21, 1922, be, and the same is hereby, amended so that it will read:

"That a commission is hereby created, to be known as the commission for the standardization of screw threads, hereinafter referred to as the commission, which shall be composed of nine commissioners, one of whom shall be the Director of the Bureau of Standards, who shall be chairman of the commission; two representatives of the Army, to be appointed by the Secretary of War; two representatives of the Navy, to be appointed by the Secretary of the Navy; and four to be appointed by the Secretary of Commerce, two of whom shall be chosen from nominations made by the American Society of Mechanical Engineers and two from nominations made by the Society of Automotive Engineers.

"SEC. 2. That it shall be the duty of said commission to ascertain and establish standards for screw threads, which shall be submitted to the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for their acceptance and approval. Such standards, when thus accepted and approved, shall be adopted and used in the several manufacturing plants under the control of the War and Navy Departments, and, so far as practicable, in all specifications for screw threads in proposals for manufactured articles, parts, or materials to be used under the direction of these departments.

"SEC. 3. That the Secretary of Commerce shall promulgate such standards for use by the public and cause the same to be published as a public document.

"SEC. 4. That the commission shall serve without compensation but nothing herein shall be held to affect the pay of the commissioners appointed from the Army and Navy or of the Director of the Bureau of Standards.

"SEC. 5. That the commission may adopt rules and regulations in regard to its procedure and the conduct of its business."

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

RETIREMENT OF ARMY OFFICERS

The bill (S. 96) to amend the national defense act, approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement, was announced as next in order.

Mr. KING. Let the bill go over.

Mr. BINGHAM. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Certainly.

Mr. BINGHAM. The bill is one which was discussed fully at the last session and was passed by the Senate. When the arrangement was made for receiving men over certain ages into the Regular Army at the close of the war, a provision was made that when they were retired at the age of 64 they should not receive the same amount of retirement pay as officers who have spent all their lives in the Army, but only 4 per cent per year for the time they served. At that time it was realized that a great injustice was likely to be done officers who had received permanent injuries during the time of their service. If the Senator will permit me I will call his attention to the words of the senior Senator from New York [Mr. WADSWORTH] at the time of the passage of a similar bill during the last session. He said:

We forgot one thing, however. I admit it on my own part, because I was one of those who helped draft the law. We forgot that these officers who came in over the age of 45 might be seriously injured in line of duty, and if thus injured and rendered helpless for the rest of their lives they might be thrown out of the Army, retired for physical disability, with pay equal to only 4 per cent of their pay multiplied by the number of years they had served. For example, if one of these officers to-day should be severely injured in line of duty and his retirement compelled under the law, having served only four years, he would get only 16 per cent of his active pay as his retired pay.

This bill is to give the officer in this class who has been retired as the result of physical disability incurred in line of duty the same retired pay as that received by other officers who are retired for the same reason. If an officer is retired for age, the 4 per cent rule will still hold.

I hope the Senator will withdraw his objection.

Mr. KING. The bill relates only to those who are in the Regular Army?

Mr. BINGHAM. Yes; and physically disabled.

Mr. KING. And not to the reserve officers?

Mr. BINGHAM. No; and not to those who came in over the age of 45 and remain until the age of 64 and are then to be retired on account of their age.

Mr. KING. How many are there in that class?

Mr. BINGHAM. The Secretary of War, in writing with reference to the matter, said there were only eight.

The bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, as amended by the national defense act of June 4, 1920, be further amended by inserting after the words "per centum," in line 27 of section 24 thereof, the following: "*Provided*, That any officer so appointed, who has been or may hereafter be retired in accordance with law on account of physical disability incident to the service, shall receive, from the date of such retirement, retired pay at the rate of 75 per cent of his active pay at the time of such retirement."

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

APPOINTMENT OF ARMY FIELD CLERKS AS WARRANT OFFICERS

The bill (S. 3283) to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That hereafter Army field clerks and field clerks, Quartermaster Corps, now in active service, shall have the rank, pay, allowances, retirement privileges, and benefits of warrant officers, other than those of the Army Mine Planter Service, and the Secretary of War is hereby authorized and directed to appoint them warrant officers of the Regular Army: *Provided*, That in determining length of service for longevity pay and retirement they shall be credited with and entitled to count the same military service as now authorized for warrant officers, including service as Army field clerks and field clerks, Quartermaster Corps, and all classified field service rendered as headquarters clerks and clerks of the Quartermaster Corps: *Provided further*, That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to the appointees hereunder.

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

BILL PASSED OVER

The bill (S. 3284) to amend a portion of section 15 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, was announced as next in order.

Mr. KING. Mr. President, will the Senator explain the purpose of the bill? If not, I shall ask that it may go over. If it relates to chaplains, I want to say that I have had some correspondence that I want to look up before I consent to the consideration of the bill.

Mr. BINGHAM. The Senator from New York [Mr. WADSWORTH] is not here. I think the bill had better go over.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

RESERVE OFFICERS' TRAINING CORPS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3786) to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training and amending accordingly section 47c of that act, which was read, as follows:

Be it enacted, etc., That section 47c of the national defense act of June 3, 1916, as amended be, and the same is hereby, amended by adding thereto the following additional proviso:

"*Provided further*, That nothing in this act shall be construed to require that the advanced training provided for herein shall follow without interruption upon the completion of the two years' elective or compulsory course of military training prescribed in section 40 of this act or to require that such advanced training be pursued without interruption after it has been commenced in those cases where the person

selected for advanced training at any institution will, under the rules and regulations thereof, normally require, in order to be graduated therefrom, a period of sufficient duration after any interruption, to complete the advanced course without curtailment."

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

STATUS OF CERTAIN COMMISSIONED OFFICERS OF THE NAVY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 85) to correct the status of certain commissioned officers of the Navy appointed thereto, pursuant to the provisions of the act of Congress, approved June 4, 1920, which had been reported from the Committee on Naval Affairs with amendments.

Mr. KING. Mr. President, I will ask the Senator from Maine for an explanation of the bill. It seems to me that it trespasses upon the grounds that heretofore have been considered as governing in such cases.

Mr. HALE. Mr. President, under the law of June 4, 1920, 1,200 naval officers holding temporary commissions and warrant rank in the Navy were authorized to receive permanent commissions in the regular Navy. The officers referred to in the bill were examined and were found qualified. However, the pay bill, which passed on June 10, 1922, changed the pay of all officers of the Navy, and provided that in computing their pay, instead of counting their longevity, as had theretofore been done, only their service in commissioned rank could be counted. These officers, while they passed their examinations before that law went into effect, through no fault on their own part did not have time to accept their commissions before the law went into effect. They therefore lost a benefit that was accorded to other officers who received permanent commissions. The committee felt that they should all be placed on the same basis.

This bill applies only to two or possibly three officers and makes a small increase in their pay, putting them on the same basis with other officers in their class.

Mr. KING. Was it just and right and for the best interests of the Navy to have made the other advancements? The Senator from Maine claims that these two or three officers are entitled to be placed in the same category with the other officers.

Mr. HALE. They are not in the same category with the others through no fault on their own part. They simply did not get time to accept their commissions before the pay bill went into effect.

Mr. KING. What I am trying to get at is, Was it wise to have given the commissions to all the other officers?

Mr. HALE. The others were, of course, entitled to them under the law.

The amendments reported by the Committee on Naval Affairs were, on page 1, line 6, after the numerals 835, to insert "who were examined and found qualified in all respects for such appointment prior to June 30, 1922, but whose appointments were delayed subsequent to that date through no fault of their own"; and on the same page, line 10, after the word "count," to insert "from and after date of appointment," so as to make the bill read:

Be it enacted, etc., That all officers of the regular Navy appointed subsequent to June 30, 1922, in accordance with the provisions of the act of Congress approved June 4, 1920 (41 Stats. L. pp. 834 and 835), who were examined and found qualified in all respects for such appointment prior to June 30, 1922, but whose appointments were delayed subsequent to that date through no fault of their own, shall be entitled to count, from and after date of appointment, in the computation of their pay, all service which would have been credited to them had they been so appointed on or before June 30, 1922.

The amendments were agreed to.

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

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

STATE HISTORICAL SOCIETY OF NORTH DAKOTA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3627) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State Historical Society of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State, which had been reported from the Committee on Naval Affairs with an amendment on page 1, line 4, after the word "State," to strike out the words "Historical Society," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the State of North Dakota, for preservation and exhibition, the silver service which was presented to the battleship *North Dakota* by the citizens of that State: *Provided*, That no expense shall be incurred by the United States for the delivery of such silver service.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State."

PHILIP HERTZ (PHILIP HERZ)

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2124) for the relief of Philip A. Hertz; which had been reported from the Committee on Military Affairs with an amendment, in line 5, after the name "Philip," to strike out the initial "A," and in the same line, after the name "Hertz," to insert "(Philip Herz)," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Philip Hertz (Philip Herz), late of Company H, Sixty-first Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 18th day of July, 1864: *Provided*, That no bounty, pay, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of Philip Hertz (Philip Herz.)"

CHAPLAIN A. E. STONE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2955) for the relief of Chaplain A. E. Stone, United States Navy, which had been reported from the Committee on Naval Affairs with an amendment in line 6, before the word "day," to strike out the word "first" and to insert the word "fourth," so as to make the bill read:

Be it enacted, etc., That any officer now serving as an acting chaplain in the Navy, and who served under a temporary appointment as a chaplain in the Navy with the rank of lieutenant at any time prior to the fourth day of November, 1920, shall be eligible for advancement to the grade of chaplain with the rank of lieutenant commander, without regard to any statutory requirements other than professional and physical examination: *Provided*, That any officer appointed in accordance with the provisions of this act shall be entitled to no additional back pay or allowances by reason of such appointment.

Mr. KING. Mr. President, is this a bill for the purpose of advancing chaplains and giving them additional rank?

Mr. HALE. No. This is a bill to take care of one chaplain who, in the ordinary course of procedure, would have come up for promotion. He is an acting chaplain in the Navy and has been in the Navy for the last seven or eight years. His promotion was held up under the provisions of the law to which I have recently referred, the law of June 4, 1920, which allowed certain temporary and Naval Reserve officers to be taken into the regular Navy on examination and qualification. He was held up as he did not pass the physical examination for promotion. He was put under medical supervision, when it was found that there was no cause for holding him up. In the meantime he reached the age limit for promotion. This bill is simply to restore him and give him a commission as a regular chaplain instead of acting chaplain. He is still in the Navy and has been ever since the war.

Mr. KING. This is not a part of the "running-mate bill"?

Mr. HALE. It has nothing to do with it.

Mr. KING. Which is to make admirals out of doctors and pharmacists and chaplains and everybody else?

Mr. HALE. No; I can assure the Senator that it has nothing to do with that bill.

Mr. KING. Very well.

The amendment was agreed to.

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

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

MATE JOHN JOSEPH BRESNAHAN, UNITED STATES NAVY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3647) to appoint Mate John Joseph Bresnahan, United States Navy, a boatswain in the Navy. It directs the Secretary of the Navy to appoint Mate John Joseph Bresnahan, United States Navy, to the warrant grade of boatswain in the United States Navy, without regard to age or other qualifications.

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

ANTON KUNZ

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2703) granting six months' pay to Anton Kunz, father of Joseph Anthony Kunz, deceased, machinist's mate, first class, United States Navy, in active service. It proposes to appropriate such sum as may be necessary to pay to Anton Kunz, father of Joseph Anthony Kunz, machinist's mate, first class, submarine *A–7*, United States Navy, who was killed by an explosion on board the vessel July 25, 1917, an amount equal to six months' pay at the rate he was receiving at the date of his death.

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

SELECTION OF LANDS BY OREGON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 722) to authorize the selection of certain publicly owned lands by the State of Oregon, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 11, after the numerals "27," to insert "and west half, northeast quarter, northwest quarter, northwest quarter southwest quarter of section 33," so as to make the bill read:

Be it enacted, etc., That with the approval of the Secretary of the Interior and the Secretary of Agriculture, and under such conditions as they may prescribe, the publicly owned lands within the following-described areas are hereby made available for selection by the State of Oregon under the act of February 28, 1891 (26 Stat. p. 796), for a period of five years from the passage of this act:

Township 23 south, range 10 west, Willamette meridian: Sections 3, 11, 15, 21, 23, 27, and west half northeast quarter, northwest quarter, northwest quarter southwest quarter of section 33; section 9, east half and east half west half; section 29, east half east half.

Township 22 south, range 10 west, Willamette meridian: Section 15, southeast quarter southeast quarter; section 21, all; section 23, southwest quarter northeast quarter, west half, southeast quarter; section 27, all; section 33, east half and east half west half.

The amendment was agreed to.

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

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

INSPECTION OF BATTLE FIELDS IN GEORGIA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3550) providing for an inspection of the Kenesaw Mountain and Lost Mountain and other battle fields in the State of Georgia, which was read, as follows:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War, for the purpose of inspecting the Kenesaw Mountain, Lost Mountain, and other battle fields in the State of Georgia: A commissioned officer of the Corps of Engineers, United States Army; a veteran of the Civil War who served honorably in the military forces of the United States; and a veteran of the Civil War who served honorably in the military forces of the Confederate States of America. In appointing the members of the commission the Secretary of War shall, as far as possible, select persons familiar with the terrain of the said battle fields and the historical events associated therewith.

SEC. 2. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the said battle fields in order to ascertain the feasibility of their acquisition for the purpose of a national military park and of preserving and marking them for historical and professional military study and to ascertain the value of lands necessary to acquire for this purpose. The commission shall submit a report of its findings to the Secretary of War not later than November 1, 1926.

SEC. 3. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in order to carry out the provisions of this act.

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

FRED A. GOSNELL AND ESTATE OF RICHARD C. LAPPIN

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2512) to authorize the Comptroller General of the United States to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii and special disbursing agent, in the settlement of certain accounts. It proposes to authorize the Comptroller General of the United States to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, from accountability or responsibility for losses for which he was accountable or responsible, by crediting his account with the sum of $1,460.68, paid out by him in good faith, through error in auditing and misinterpretation of the provisions of the Fourteenth Decennial Census act, during the census period from July 1, 1919, to July 1, 1922; and also the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii and special disbursing agent, from accountability or responsibility for losses for which he was accountable or responsible, by crediting his account with the sum of $91.50 paid out by him in good faith during the period from July 1 to September 30, 1920.

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

AMENDMENT TO CONSTITUTION OF NEW MEXICO

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 46) giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect; which was read, as follows:

Resolved, etc., That consent is hereby given and granted to the State of New Mexico and the qualified electors thereof to vote upon and amend the constitution of said State by the adoption of the following amendment proposed by the legislature of said State by Joint Resolution No. 10, passed by its seventh regular session, approved March 20, 1925, to wit:

"ARTICLE XXIV

"APPORTIONMENT OF MONEYS DERIVED FROM STATE LANDS

"All moneys in any manner derived from the lands which have been granted or confirmed to the State by Congress shall be apportioned to the separate funds established for the several objects, including the Eastern Normal University, for which said lands were granted or confirmed in proportion to the number of acres so granted or confirmed for each of said objects."

Consent is further given and granted to said State to enact such laws and establish such rules and regulations as it may deem necessary to carry such constitutional provision into effect, should the same be duly adopted.

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

Mr. MOSES subsequently said: Mr. President, at the request of the Senator from Missouri [Mr. WILLIAMS], who has left the Chamber, I had intended to ask to have passed over the joint resolution which I learn has just been passed by the Senate. The Senator from Missouri desired me to make that request in case the joint resolution came up during his absence, because there are certain matters in connection with it which he desires to discuss, as I understood him. My attention was diverted at the time the joint resolution came up for consideration and was passed. It is because of that that I now ask unanimous consent that the vote whereby the joint resolution was read the third time and passed may be reconsidered and that it may be restored to the calendar in order that the Senator from Missouri may be present when it shall be taken up for consideration.

The VICE PRESIDENT. Is there objection?

Mr. BRATTON. Mr. President, I have no objection to that course being taken, but I should like to recur to the joint resolution if the Senator from Missouri shall return before we finish the consideration of the calendar.

Mr. MOSES. I shall not object to that if the Senator from Missouri shall return to the Chamber. I understand he is temporarily absent, having been called from the Chamber.

The VICE PRESIDENT. Without objection, the vote whereby the joint resolution was read the third time and passed will be reconsidered and it will be restored to the calendar.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 750) to amend paragraph (18) of section 1 of the interstate commerce act as amended was announced as next in order.

Mr. MOSES. Let that bill go over, Mr. President.

Mr. COUZENS. I ask that the bill may go over.

Mr. MAYFIELD. Mr. President, who objected to the consideration of the bill last announced on the calendar?

Mr. COUZENS. I suggested, as also did the Senator from New Hampshire [Mr. MOSES], that the bill go over. I think it presents quite an important problem, and I believe there should be more Senators present when the matter is discussed than are now in the Chamber.

Mr. MAYFIELD. I did not understand the Senator from New Hampshire to object to Order of Business No. 557.

Mr. COUZENS. Yes; when that order of business was announced the Senator from New Hampshire said, "Let the bill go over," and I also suggested that it go over.

Mr. MOSES. I will say to the Senator from Texas that in saying, "Let the bill go over," I was acting in purely a vicarious capacity for the Senator from Michigan, who now speaks for himself.

Mr. MAYFIELD. Mr. President, let me request the Senator from Michigan to withhold his objection to this bill until I can explain the committee amendment.

The bill as amended simply permits existing carriers to make extensions. The amendment was accepted to meet the objection of the senior Senator from Iowa [Mr. CUMMINS]. The bill means a very great deal to the State of Texas. We have to-day pending before the Interstate Commerce Commission applications to build a thousand miles of railroads in the State by existing carriers. As I have said, it merely gives the existing carriers permission to make extensions without requiring a certificate of public convenience and necessity.

Mr. COUZENS. Mr. President, I appreciate what the Senator says, but I think that is a big problem and should not be acted upon without a full Senate and at this hour in the evening—that is my judgment about it—because it changes a very important part of the transportation act.

The VICE PRESIDENT. The bill, being objected to, will be passed over.

BUSINESS PASSED OVER

The resolution (S. Res. 194) declaring Daniel F. Steck to be a duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925, was announced as next in order.

Mr. WILLIS and Mr. JOHNSON asked that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 3480) for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES WALL

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1944) for the relief of Charles Wall. It authorizes the President to appoint Charles Wall a lieutenant commander in the United States Naval Reserve Force, class 3 (in which grade and force he served honorably during the World War), and to retire him and place him upon the retired list of the Navy with the retired pay and emoluments of that grade, but provides that no back pay, allowances, or emoluments shall become due because of the passage of the act.

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

GATES AND PIERS IN WEST EXECUTIVE AVENUE, DISTRICT OF COLUMBIA

The bill (H. R. 54) authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building, was announced as next in order.

Mr. JONES of Washington. I ask that that bill go over.

The VICE PRESIDENT. Under objection it will be passed over.

Mr. COPELAND. Will not the Senator withhold his objection for a moment? Why does the Senator, may I ask, object to the bill?

Mr. JONES of Washington. Because I do not think that what the bill proposes to do ought to be done.

Mr. COPELAND. Are we going to give it consideration at some later time?

Mr. JONES of Washington. I do not know.

Mr. COPELAND. Mr. President, before we pass to the next bill on the calendar, let me say that I am sorry the Senator from Washington has any opposition to the removal of the gates and piers in West Executive Avenue. It is not my bill, and I have only the interest in it that any other Senator would have, but I think those gates are a very great menace to the public. Sooner or later somebody is going to be killed there in an automobile accident, and I would not want to have the Senate assume the responsibility for something that may be, after all, purely a matter of sentiment so far as the retention of the gates is concerned.

Mr. JONES of Washington. I want to say to the Senator that I do not agree with him as to the gates being a menace to life. I think the fact is just the contrary. I have that opinion upon my knowledge of the situation as I have observed traffic going through there, and so forth. I think those gates are a guaranty of security instead of danger.

Mr. COPELAND. Mr. President, if I may ask the Senator a question, then why not have them in all the streets?

Mr. JONES of Washington. The Senator can argue that question when the bill comes up. I will say that if we had them along every street we could travel with a great deal more safety.

Mr. McKELLAR. Mr. President, how long have those gates been there?

Mr. JONES of Washington. Ever since I can remember.

Mr. McKELLAR. Has anybody ever been killed or hurt there?

Mr. JONES of Washington. I never heard of anybody being hurt there.

Mr. TRAMMELL. Mr. President, I do not see any reason why those gates should be removed. There seems to be a disposition on the part of a great many people to try to remove and do away with everything——

Mr. McNARY. I call for the regular order.

The VICE PRESIDENT. The regular order is called for. The bill has gone over under objection. The Secretary will state the next bill on the calendar.

PRESS CLUB BUILDING

Mr. KING. Mr. President, some time ago I objected, or, rather, the Senator from Delaware [Mr. BAYARD] objected, to the Press Club bill, after I had asked some time to present the case. I want to give notice that on Tuesday morning, during the morning hour, I shall ask for the consideration of the bill, which is on the calendar, for increasing the height of the Press Club Building beyond the present limit authorized by law. I hope that the Senator from Delaware will be here, because I want the responsibility to rest upon him.

The VICE PRESIDENT. The notice will be entered.

DISTRICT BATHING BEACH

Mr. KING. I also wish to announce as to the bathing beach bill, that I shall ask the Appropriations Committee which is now considering the appropriation bill for the District to take that matter up before the bill is reported to the Senate.

STEAMSHIP "SAN LUCAR"

The bill (S. 1728) for the relief of the owners of the steamship *San Lucar* and of her cargo was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claims of the owners of the steamship *San Lucar* and the owners of her cargo for damages arising out of collision between said steamship and the United States steamship *Tonopah*, which occurred on or about February 18, 1919, in the Tagus River, at Lisbon, Portugal, may be submitted to the United States District Court for the Eastern District of New York, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, with costs, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal.

SEC. 2. That should damages be found to be due from the United States to the owners of said steamship *San Lucar* or to the owners of her cargo, the amount of the final decree or decrees therefor shall be paid to said parties or to their proctors of record out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

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

LANDS IN IDAHO

The joint resolution (H. J. Res. 171) authorizing the Secretary of the Interior to approve the application of the State of Idaho to certain lands under an act entitled "An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands," approved September 22, 1922, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUSTOMS WAREHOUSE, SAN JUAN, P. R.

The bill (H. R. 9314) to provide for the enlargement of the present customs warehouse at San Juan, P. R., was considered as in Committee of the Whole.

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

The VICE PRESIDENT. That completes the calendar.

GEORGE BARRETT

Mr. JOHNSON. Mr. President, I ask unanimous consent to return to Order of Business 195, Senate bill 3031, for the relief of George Barrett. I ask it because the man is dying of tuberculosis. Nothing is asked in his behalf except the correction of a record, and it is a case that is singularly appealing. The bill has been reported favorably without amendment.

The VICE PRESIDENT. Is there objection?

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

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, their widows, and dependent relatives George Barrett, Army serial No. 1637071, who was a private of Battery F, Twelfth Field Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said battery and regiment on the 3d day of April, 1919: *Provided*, That no back pay or allowance of any kind shall be held to have accrued prior to the passage of this act.

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

W. P. DALTON

Mr. CAMERON. Mr. President, I ask unanimous consent to recur to Order of Business No. 253, Senate bill 464, for the relief of W. P. Dalton. A similar bill passed the Senate in the last Congress, but got caught in the jam, and did not get through. It is one of the most meritorious bills that can come up.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

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

Be it enacted, etc., That the sum of $5,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the payment in full of the claim of W. P. Dalton for injuries sustained at Laguna Dam, Ariz., on November 16, 1908, while in the employ of the United States Reclamation Service.

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

ENLARGEMENT OF TARGET RANGE AT AUBURN, ME.

Mr. HALE. Mr. President, I ask unanimous consent to take up Order of Business 413, Senate bill 2876, for the purchase of a tract of land adjoining the United States target range at Auburn, Me.

This is a bill that I asked to have put over a short time ago. The bill provides for the expenditure of $3,000 for the purchase of land adjoining a Federal rifle range at Auburn, Me. The committee reported the bill with an amendment providing that the money should be taken out of funds allotted to the State of Maine by the United States from the appropriation "Arming, equipping, and training the National Guard," and I think there can be no objection to it.

Mr. KING. It does not increase the appropriation?

Mr. HALE. Oh, no; it comes out of the money already appropriated.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment.

The amendment was, on page 1, line 7, after the words "rifle range, and," to strike out "there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, a sum not to exceed $3,000, to purchase the above-described property," and to insert "to purchase said property the Secretary of War is authorized to expend a sum not to exceed $3,000, from funds allotted to the State of Maine by the United States from the appropriation 'Arming, equipping, and training the National Guard,' for the fiscal year ending June 30, 1927," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to purchase the tract of land adjoining the United States target range at Auburn, Me., comprising 84 acres, more or less, the property of the heirs of John Barron, for the purpose of adding to said rifle range, and to purchase said property the Secretary of War is authorized to expend a sum not to exceed $3,000, from funds allotted to the State of Maine by the United States from the appropriation "Arming, equipping, and training the National Guard," for the fiscal year ending June 30, 1927.

The amendment was agreed to.

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

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

EXECUTIVE SESSION

Mr. KING. Mr. President, I understand that it is desired to have an executive session.

Mr. FESS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS

Mr. JONES of Washington. I move, in accordance with the unanimous-consent agreement heretofore entered into, that the Senate take a recess until 12 o'clock Monday.

The motion was agreed to; and the Senate (at 4 o'clock and 37 minutes p. m.), under the order previously made, took a recess until Monday, April 12, 1926, at 12 o'clock m.

SENATE

MONDAY, *April 12, 1926*

(Legislative day of Monday, April 5, 1926)

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

Mr. GOFF. Mr. President——

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Fernald	Keyes	Robinson, Ark.
Bayard	Ferris	King	Robinson, Ind.
Bingham	Fess	La Follette	Sackett
Blease	Fletcher	Lenroot	Sheppard
Borah	Frazier	McKellar	Shipstead
Bratton	George	McLean	Shortridge
Broussard	Gerry	McMaster	Simmons
Bruce	Gillett	McNary	Smith
Butler	Glass	Mayfield	Smoot
Cameron	Goff	Metcalf	Stanfield
Capper	Gooding	Moses	Stephens
Caraway	Greene	Neely	Swanson
Copeland	Hale	Norbeck	Trammell
Couzens	Harreld	Norris	Tyson
Cummins	Harris	Nye	Wadsworth
Curtis	Harrison	Oddie	Walsh
Dale	Heflin	Overman	Warren
Deneen	Howell	Phipps	Watson
Dill	Johnson	Pine	Weller
Edge	Jones, N. Mex.	Ransdell	Wheeler
Edwards	Jones, Wash.	Reed, Mo.	Williams
Ernst	Kendrick	Reed, Pa.	Willis

Mr. PHIPPS. I wish to announce that my colleague, the junior Senator from Colorado [Mr. MEANS], is detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present. The Senate will receive a message from the President of the United States.