

fensive use of Government owned and operated establishments; to the Committee on Naval Affairs.

1121. By Mr. DEAL: Petition of 42 citizens of Portsmouth, Va., urging that legislation similar to Senate bill 742 and House bill 2702 be enacted into law; to the Committee on Naval Affairs.

1122. By Mr. FENN: Petition of the Avoda Club, of Hartford, Conn., against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1123. Also, petition of Hartford Camp, No. 50, Connecticut Division, Sons of Veterans, Hartford, Conn., favoring increases in the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

1124. Also, petitions of the Archimede Political Club, of New Britain, Conn.; sundry citizens of Southington, Conn.; and sundry citizens of Hartford, Conn., all protesting against the passage of the so-called Johnson immigration bill; to the Committee on Immigration and Naturalization.

1125. By Mr. GALLIVAN: Petition of Howes Bros. Co., Boston, Mass., recommending early and favorable consideration of House bill 4517, designed to put the foreign service of the Department of Commerce on a permanent basis; to the Committee on Interstate and Foreign Commerce.

1126. Also, petition of Mosquito Fleet Yacht Club, E. L. Hopkins, commodore, urging elimination of tax on boats; to the Committee on Ways and Means.

1127. Also, petition of William H. K. Burke, Boston, Mass., recommending early and favorable consideration of the proposed child-labor amendment to the Constitution; to the Committee on the Judiciary.

1128. By Mr. KAHN: Petition of the San Francisco Chamber of Commerce and citizens of San Francisco, and other districts of California, urging passage of the Mellon tax bill; to the Committee on Ways and Means.

1129. By Mr. KING: Petition of Michael O'Meara and 30 other citizens of Geneseo, Ill., asking that the present railroad transportation act shall not be amended but remain as it is; to the Committee on Interstate and Foreign Commerce.

1130. By Mr. KVALE: Petition of Bennel G. Samstad Post, No. 375, Atwater, Minn., unanimously urging the enactment of an adjusted compensation measure; to the Committee on Ways and Means.

1131. Also, petition of Otto I. Ronningen, Madison, Minn., and other citizens of Madison, Dawson, Appleton, and Ortonville Minn., opposing the Mellon tax-reduction program and urging the enactment of bonus legislation; to the Committee on Ways and Means.

1132. Also, petition of members of Norway Lake Ramrod Club, Kandiyohi County, Minn., favoring the establishment of public shooting grounds and game refuges as provided in H. R. 745; to the Committee on Agriculture.

1133. By Mr. LEATHERWOOD: Petition of Brigham Rotary Club, of Brigham City, Utah, opposing any change in the transportation act of 1920 at the present time; to the Committee on Interstate and Foreign Commerce.

1134. Also, petition of Richfield Chamber of Commerce, Richfield, Utah, opposing any material change in the transportation act of 1920 at this time; to the Committee on Interstate and Foreign Commerce.

1135. By Mr. LEAVITT: Petition of C. F. Coleman, secretary of the Trades and Labor Assembly at Lewistown, Mont., and 15 other members, urging the passage of H. R. 2702, a bill to relieve unemployment among civilian workers of the Government, to remove the financial incentives to war, to stabilize production in Federal industrial plants, to promote the economical and efficient operation of these plants, and for other purposes; to the Committee on Naval Affairs.

1136. By Mr. MACGREGOR: Petition of Buffalo Aerie, No. 46, Fraternal Order of Eagles, in reference to immigration restriction; to the Committee on Immigration and Naturalization.

1137. By Mr. O'CONNELL of Rhode Island: Petition of members of Loggia Partenope, No. 453, Order of Sons of Italy, of Peacedale, R. I., opposing the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1138. Also, petition of members of the State committee of Polish-American citizens of Rhode Island, opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1139. By Mr. YOUNG: Petitions of John A. Beck and 29 other citizens of McClusky, N. Dak.; N. J. Krebsbach and 36 other citizens of Kongsberg, N. Dak.; K. W. Haviland and 19 other citizens of Hope, N. Dak.; J. Edgar Wagar and 20 other citizens of Bantry, N. Dak.; S. O. Bidne and 31 other citizens of Oberon, N. Dak., urging an increase in the tariff on wheat from 30 to 60 cents per bushel, the repeal of the drawback provision, and

the milling-in-bond provision of the Fordney-McCumber law; also urging the passage of the Wallace plan for the marketing of wheat; to the Committee on Ways and Means.

1140. Also, petitions of Mr. Andrew Tingelstad and 84 other citizens of St. John, N. Dak., and E. S. Stone and 61 other citizens of Leeds, N. Dak., urging a reduction in the tax on alcohol; to the Committee on Ways and Means.

1141. Also petitions of Gilbert B. Rice and 25 other citizens of Esmond, N. Dak.; Christ Hagedorn and other citizens of Russell, N. Dak.; Fred J. Woodrow and other citizens of Rock Lake, N. Dak.; Henry Pfau and other citizens of Upham, N. Dak.; Peter Dickson and other citizens of Sables, N. Dak.; Mrs. J. P. Parkinson and other citizens of Willow City, N. Dak.; Jens Myhre and other citizens of New Rockford, N. Dak.; Elias Nelson and other citizens of Milton, N. Dak.; A. C. Johnson and A. O. Brager, of Leeds, N. Dak.; H. H. Olson and other citizens of New Rockford, N. Dak.; F. A. Kruger and other citizens of Drake, N. Dak.; R. S. Conklin and others of New Leipzig, N. Dak.; Charles Gran and others of Crete, N. Dak.; Anna Melin and other citizens of Sheyenne, N. Dak., all urging the passage of the Norris-Sinclair bill; to the Committee on Agriculture.

## SENATE.

MONDAY, February 18, 1924.

(Legislative day of Saturday, February 16, 1924.)

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

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Adams	Ernst	Ladd	Reed, Pa.
Ashurst	Ferris	La Follette	Robinson
Bayard	Fletcher	Lenroot	Sheppard
Borah	Frazier	Lodge	Shields
Brandeggee	George	McKellar	Shipstead
Brookhart	Gerry	McKinley	Shortridge
Broussard	Glass	McNary	Simmons
Bruce	Gooding	Mayfield	Smith
Bursum	Hale	Moses	Snoot
Cameron	Harrel	Neely	Spencer
Capper	Harris	Norbeck	Stanley
Caraway	Harrison	Norris	Stephens
Couzens	Heflin	Oddie	Swanson
Cummins	Howell	Overman	Tamm
Curtis	Johnson, Minn.	Owen	Wadsworth
Dale	Jones, N. Mex.	Pepper	Watson
Dial	Jones, Wash.	Phipps	Weller
Dill	Kendrick	Pittman	Willis
Edge	Keyes	Ransdell	
Edwards	King	Reed, Mo.	

The PRESIDENT pro tempore. Seventy-eight Senators have answered to their names. There is a quorum present.

### NOMINATION OF OWEN J. ROBERTS AS SPECIAL COUNSEL.

The Senate in open executive session, pursuant to its order, proceeded to consider the nomination of Owen J. Roberts, of Pennsylvania, to be special counsel in the prosecution of litigation in connection with certain leases of oil lands and incidental contracts, as provided in Senate Joint Resolution 54, approved February 8, 1924.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the appointment of Owen J. Roberts, of Pennsylvania, as special counsel?

Mr. PEPPER. Mr. President, as I have known Owen J. Roberts intimately for many years, I desire to bear witness to what seem to me his eminent qualifications for the task to which he has been called by the President. For 25 years he has been engaged in the active practice of his profession at a bar which is not without men of ability. He has emerged from the struggles of the forum with a character unimpaired, a reputation unsmirched. He has stood the fire test of professional life. He is recognized by his entire community as a gentleman of integrity and honor.

Senators, the man is in the prime of life. He is 49 years of age and a tower of physical strength. He is a ceaseless and tireless worker. When he is not in court he will be found in his office early and late. He has recognized that the law is a jealous mistress and has given but little time to activities outside the scope of the profession.

There was a time, Mr. President, when it was doubtful which of two courses his life would take. He began as a student and teacher of the law, and for a while he seemed destined to academic work; but essentially the man is a fighting Welshman, and he broke from the law school and entered the active life of

the courts. He began his experiences in active practice as an assistant district attorney in Philadelphia and for several years prosecuted with effect criminals at the bar of the courts. In the meantime he was building up a civil practice which has attained proportions second to none in our community. He has been in court continuously for 20 years. Day after day, week after week, term after term, he has tried all kinds of cases and has acquired equal facility in the trial of all of them. He is an admirable jury lawyer. He has the courage, the thoroughness of preparation, the resourcefulness, and the personality necessary for success in that difficult branch of professional work. And he has attained it.

He is successful in the trial of equity cases, of which he has tried many in the Federal and State courts. Senators will find his name on one side or the other of many of the important cases of the last 10 years in our local courts of first instance, in the United States district court and the circuit court of appeals, and in the superior and supreme courts of the State. He has argued many of the important cases coming up from Pennsylvania to the Supreme Court of the United States here in Washington.

Mr. President, this man is in no sense a representative of big interests. In what I am going to say I shall not for a moment admit that a lawyer of courage and independence forfeits either of those qualities merely because he accepts the retainer of large concerns, but it is a simple matter of fact that Owen Roberts has built up his practice through individual effort and not as the representative of any of our great concerns. In Philadelphia, when we speak of the large interests, we usually mean the Pennsylvania Railroad Co., the Reading Railroad Co., the Baltimore & Ohio Railroad Co.; we mean the Philadelphia Electric, the U. G. I., and the great banking house of Morgan, which does business in Philadelphia under the name of Drexel & Co. Roberts represents none of these. He has always been ready to take cases against them. Only recently in the United States court he recovered against the Reading Railroad Co. the largest verdict in my recollection in that court in a personal injury case. That was a verdict of \$55,000 against the railroad company. He is in no sense, Mr. President, the representative of large interests.

It has been suggested here, and will no doubt be suggested again, that Mr. Roberts is of a mind opposed to the policies which we in the Senate think are the sound policies for this Government to pursue with regard to public lands and the conservation of its natural resources. Mr. President, nothing is further from the truth. I ask Senators to believe me that if I thought there was anything in that point of view I should not stand here to advocate Mr. Roberts's confirmation. Many years ago I represented Gifford Pinchot before the joint committee of the Senate and House of Representatives in the Ballinger-Pinchot controversy. At that time I fought as hard as I could for the vindication of the policies which have been reversed in recent times. I am as desirous as is any other Senator in this Chamber of vindicating the policies in which I believe. If I thought there was another man in my State, or at the American bar, who I knew to be better qualified for the task that is proposed than is Mr. Roberts, I should not be advocating the confirmation of Mr. Roberts.

Mr. McKELLAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. PEPPER. I yield to the Senator from Tennessee.

Mr. McKELLAR. To the appropriation bill, which is pending to pay the counsel in the oil cases, I have offered the following amendment:

*Provided*, No part of this appropriation shall be available for the salary or compensation of any person appointed hereunder who is or may be connected, or may have been connected, with any oil company, directly or indirectly, as an officer or as its counsel.

The question I wish to ask the Senator from Pennsylvania is: Would Mr. Roberts come within that provision in any way? Would it affect him in any way?

Mr. PEPPER. Mr. Roberts certainly would not be in any wise affected by the amendment proposed by the Senator from Tennessee. Neither Mr. Roberts nor his firm represents or has represented any of the oil companies. After diligent inquiry the only contact that I have been able to discover between Mr. Roberts's professional work or his personal interests and the oil industry in any form is that his firm represented a firm of bankers and brokers which was dissolved about four years ago—a firm named Montgomery & Co.—doing business in Philadelphia and New York, which firm were members of an underwriting syndicate that floated some of these oil securities; but Mr. Roberts

represented the banker who was a party to the syndicate floating the securities and never represented the oil company.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. PEPPER. I yield.

Mr. NORRIS. Since the Senator from Pennsylvania is so well acquainted with this nominee, I wish to get his idea as to the speech that was made by this gentleman at a banquet given, as I understand, by a trust company in New York, which it seems to me throws some light on his general viewpoint.

I would not find fault with a man because he had a corporation for his client, however great the corporation might be; and I do not think it would necessarily follow, even though he represented an oil company, that he would not do his duty in this instance; but, outside of his local connections, on the occasion referred to Mr. Roberts made a speech from which it seems to me we get his general viewpoint on this case. In that speech, as I take it, he criticizes the Senate committee for investigating the oil question and rather ridiculed the idea of the Senate committee undertaking to investigate the Standard Oil Co. or anybody else. He was not employed on that occasion by anybody; the speech was voluntary; and he had no client on that occasion, as I understand. Has the Senator from Pennsylvania read the speech to which I refer?

Mr. PEPPER. Mr. President, I answer the inquiry by saying that I have read in a file of the New York Times what purports to be a résumé of a speech delivered by Mr. Roberts at a trust company or bankers' dinner in New York sometime in February, I think, of 1923. I have not interrogated Mr. Roberts in regard to it; but I have seen an interview during the last two or three days attributed to him in a newspaper in which he denies that he made the criticism or comment upon the investigation or spoke of the salaries of those connected with oil companies in the way that is attributed to him in the newspaper, but he says with the greatest frankness that the substance of the view which he then expressed was his view then and is now, namely, that he is an individualist by temperament and training; that he is opposed to the socialization of industry or Government control of business or utilities and he did speak strongly about what he regarded as the unjustifiable interference of Government in business, while safeguarding himself by the careful recognition of not only the importance but the necessity of Government regulation.

Mr. NORRIS. Mr. President, if he was—and I judge that he was in substance—correctly quoted, then in the speech that I have read I take it that at least at the beginning of this oil investigation he had no sympathy with it whatever, and that he thought we ought to let those fellows alone and allow them to make as much money as they could and pay as large salaries as they desired. I take it in a general way from that speech that from his viewpoint he was not in favor of any such investigation, and the investigation in which he is about to be employed has to some extent grown out of the investigation that he was then criticizing.

Mr. PEPPER. Mr. President, I do not think that by the wildest stretch of imagination, assuming that Mr. Roberts said everything that was attributed to him in the newspapers, could it be suggested that anything that he said had any application to the public business, the care of the public lands, the conservation of public property, or the assertion of the rights of the United States.

Mr. President, if this man were of the type of those who believe in making it easy for other people to acquire interests in the property of his clients, I could well understand that he might be unfit to represent the United States; but when his whole heart and soul are in the proposition that those who have been despoiled of property should have their rights vindicated, I know of no better representative for Uncle Sam than this same earnest, careful, and energetic lawyer. If he is given a commission by your confirmation, Senators, you will find that you have put a dynamo into action.

This man will be tireless; he will be relentless, and he will be effective. Do not imagine for a moment that he will be at a disadvantage when he meets lawyers, no matter how eminent, arrayed against him on the other side. He holds his own in the battles of the forum in a fashion that is not surpassed by anybody within my observation in recent years, and I have seen a great part of the bar in action.

I have been just a little amused here, Mr. President, at the slighting way in which Senators have spoken of this man. We have a fashion here in the Senate, when the other man is out of our presence, of saying slighting things and of imputing motives; and that is well enough; but I have thought to my-

self when Senators were speaking thus of Mr. Roberts that if some of us were to step out of the Senate, where we are at home, and into the courts, where he is at home, and were to engage with him in the contest of the forum there would later be some senatorial funerals wherever the fragments happened to be found. This man can take care of himself, and he will take care of himself if you honor him with your confidence.

I have heard it said here that his reputation is not national. Senators, will you consider how few men at the American bar to-day attain national prominence until they have reached an age where their energy has been worn out in attaining it? Very few men can be rightly called national figures at the bar who still retain the fire and the energy which should be put at the disposal of a cause like this. Some of the names that have been mentioned on this floor as types of men of national reputation who ought to have been selected are men, although I have had considerable knowledge of the American bar for 30 years, of whom I never previously heard. I mention this not in the least to discredit them but merely to show that a man in active practice in various sections of the country may be in entire ignorance of men who through a great stretch of the country possess high qualities of a professional character and may be men of sterling integrity in their communities.

I do not mean that I am in ignorance of the names of some of the men who have been proposed. The Senator from Washington [Mr. DILL] spoke of Mr. Justice Brandeis. Mr. President, I will say with great candor that if Louis Brandeis were at the bar to-day I should regard him as an ideal man to have charge of the prosecution of these cases. Fourteen years ago, when I represented Gifford Pinchot in the Pinchot-Ballinger controversy, Louis Brandeis represented Glavis, the land agent who figured largely in that transaction, as the Senator from Florida, among others, will remember; and Louis Brandeis and I lived together and worked together for months, and laid the foundation of a friendship that has extended to the present time. I yield to nobody in my regard for him. If he were at the active bar, I am not at all sure that I should not be advocating him, as did the Senator from Washington.

Sherman Whipple has been mentioned. Mr. President, when it became my duty, as receiver of the Bay State Gas Co. 15 years ago, to fight the Standard Oil interests in the eastern part of this country, at a time when they were much more strongly entrenched than they are now, I selected Sherman Whipple as my attorney, and he and I worked together for years in that enterprise. We recovered a decree for a million and a half of dollars against Henry H. Rogers, and we collected every cent of it. If Sherman Whipple were as young to-day as he was then, I think it is quite likely that I should be advocating him for this task. But to-day Owen J. Roberts is the man who, by temperament, by training, by character, by experience, by enthusiasm, and by personality, seems to me to be fitted for the task to which he has been called.

It is not an enviable task, Senators; it is not an enviable task. We are proposing, if we confirm this nomination, to place upon the shoulders of these two men the most grievous professional responsibility that can fall to the lot of lawyers, and that is to undertake the conduct of great cases which have been prejudged by the Senate and by the people. It takes men of surpassing qualities to prove adequate to that kind of a fire test. I for one fancy that there will be many things done which individual Senators will think they could have done better had they been selected for the task. Taking it by and large, however, I believe that if you confirm this nomination, as you confirmed Senator Pomerene's, you will give your mark of approval to a very good working team, men who will very well supplement one another's qualifications.

What one is surpassingly strong in, the other may supplement by qualities which the first lacks; and there will be, I am sure, a division of labor between these men which will work for the welfare of their clients.

Mr. JONES of New Mexico. Mr. President—

Mr. PEPPER. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I believe the Senator has already enlightened us regarding the matter which has been called to my attention this morning by the clerk of the Senator from Montana [Mr. WALSH]. As we all know, the Senator from Montana himself is not in the city, and this morning his clerk received a telephone message from Philadelphia regarding Mr. Roberts. In that message attention was called to the firm of Montgomery & Co., bankers, and the connection of Mr. Roberts with that firm of bankers. The statement is made that Mr. Roberts is a member of the law firm of Roberts & Montgomery, and that Mr. Montgomery has a brother who was a member of the firm of Montgomery & Co., and that that

firm of bankers was the representative in Philadelphia of the Sinclair oil interests, and that Mr. Roberts's law firm was the attorney for the firm of bankers. I think the Senator threw some light upon that subject a while ago in his remarks, but I did not understand distinctly just what he did say about it.

Mr. PEPPER. Mr. President, I think I can enlighten the Senator; and members of the Committee on Public Lands and Surveys who are present will recognize that I am right in saying that that transaction was fully disclosed or stated by Mr. Roberts when he was before the committee.

The facts are these: There was in Philadelphia for a number of years a firm called Montgomery, Clothier & Tyler, beginning in a small way and attaining some prominence, which did the business of bankers and brokers. The Montgomery who was a member of that firm is a brother of the Montgomery who is a partner of Mr. Roberts. The firm finally became Montgomery & Co.; and while doing business under the name of Montgomery & Co. they did on three several occasions, through their New York office, join in underwriting some of the oil securities which were being sold through an underwriting syndicate in the New York market. That firm was dissolved four years ago, and long before the transactions in issue developed. Montgomery, the man who gave the firm his name, retired from business, is now living abroad, or traveling or sojourning abroad; and the firm which has succeeded to the business—a firm called Janney & Co., composed of young men who had been in the old combination—is doing business in a very reputable but relatively small way in Philadelphia.

The point about which the Senator from New Mexico inquires, however—and it is an abundantly proper inquiry to make—is a point which, I take it, was satisfactorily explained to the Committee on Public Lands and Surveys, because, if I am rightly informed, the report of the committee in favor of confirmation is a unanimous report, saving that the Senator from Montana thought it proper not to vote.

May I ask the Senator from New Mexico whether he thinks I have fairly answered his inquiry?

Mr. JONES of New Mexico. I believe the Senator has, and I am sorry that I was not in attendance upon the meeting of the committee which considered the confirmation of Mr. Roberts. I was in the Senate Chamber and engaged here at that time, and did not know that the committee was going to consider those nominations at the time it did. I think the Senator's explanation is quite comprehensive.

Mr. PEPPER. I thank the Senator.

Mr. President, Mr. Roberts is a Republican. He never has been active in our politics in Pennsylvania. He has confined himself very closely to the practice of his profession. I believe, sir, that there is nothing in the utterance attributed to him at the dinner referred to, which happened a year or so ago, which in the least degree disqualifies him for the task that lies ahead.

I am well aware that we can find lawyers at the American bar who will try these cases more effectively in the newspapers. I am well aware that there are celebrities, a few of them, who are now enjoying the relaxation which their labors have earned for them. But I really believe, Mr. President, that if the Senate wants to get down to brass tacks in this proposition the thing to do is to turn to one of the States of the Union, take a man in the prime of life who has risen to the top of the bar in his State, and give him a chance to serve the Nation as a whole. I believe that the history of the bar discloses that that is the way in which the most worthy national reputations have been won at the bar. A man has worked his way up from the lower levels of the profession until he is among the leaders of the bar of his State, and then suddenly opportunity has come and he has been asked to function in a wider field. In this way men attain national prominence, and when they attain it thus they have earned it.

I am not overstating it, Senators, when I say that this man has risen to the top of the profession in his State; and it is no mean State, and the bar of Pennsylvania has been no mean bar. If you ask any of the judges of first instance throughout our Commonwealth, if you ask any of the judges of our supreme and superior courts, or of the United States courts, either the district or the circuit court of appeals, at either end of the State, I am quite sure you will be told that Owen Roberts, in the unanimous judgment of those men, is the peer of any man practicing at the bar in Philadelphia, and in many respects that he has no equal.

I am trying to measure my words, because this is not one of those cases, Senators, in which any one of us would feel like forcing his friend forward for his friend's sake, any more than

in war time he would seek to force upon one who was dear to him a commission of danger. I am trying to speak from the point of view of the man who believes that we have in our State a lawyer who is adequate to this great national emergency; and I believe, as I said a minute ago, that you will have put a dynamo into commission if you confirm the President's nomination of this hard-fighting, learned, and resourceful Welshman.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Owen J. Roberts as special counsel?

Mr. LENROOT. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BALL]. I understand that if present he would vote as I intend to vote, and I vote "yea."

Mr. DALE (when Mr. GREENE's name was called). It is well known to the Senate that my colleague [Mr. GREENE] is absent on account of illness. I am informed that if he were present he would vote "yea."

Mr. JONES of New Mexico (when his name was called). I have a general pair with the senior Senator from Maine [Mr. FERNALD]. I am advised that if he were present he would vote as I intend to vote, and I therefore vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. I am informed that if present he would vote as I intend to vote, and I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I understand that if he were present he would vote as I shall vote, and I vote "yea."

Mr. SMITH (when his name was called). I have been informed that my general pair, the Senator from South Dakota [Mr. SHERLING], would if present vote as I intend to vote, and I vote "yea."

Mr. STEPHENS (when his name was called). I have a pair with the junior Senator from Ohio [Mr. FESS]. I am advised that if present he would vote as I intend to vote, and therefore I vote "yea."

Mr. TRAMMELL (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. COLT], who is absent. I am informed that if he were present he would vote as I shall vote, and I therefore vote "yea."

The roll call was concluded.

Mr. OWEN. I am informed that if present my pair, the senior Senator from Illinois [Mr. McCORMICK], would vote "yea" on this question, and therefore I am at liberty to vote. I vote "yea."

Mr. ROBINSON. The senior Senator from Alabama [Mr. UNDERWOOD] is unavoidably absent. If he were present, on this question he would vote "yea."

I wish to state further that the junior Senator from Indiana [Mr. RALSTON] is also necessarily absent, and if he were present he would also vote "yea."

Mr. GLASS (after having voted in the affirmative). I have a general pair with the junior Senator from Connecticut [Mr. McLEAN], but I permit my vote to stand, because I am advised that if present he would vote as I have voted.

The roll call resulted—yeas 68, nays 8, as follows:

## YEAS—68.

Adams	Edwards	King	Pittman
Bayard	Ernst	Ladd	Ransdell
Borah	Ferris	Lenroot	Reed, Mo.
Brandeggee	Fletcher	Lodge	Reed, Pa.
Broussard	George	McKellar	Robinson
Bruce	Gerry	McKinley	Shields
Bursum	Glass	McNary	Shortridge
Cameron	Gooding	Mayfield	Simmons
Capper	Harrell	Moses	Smith
Caraway	Harris	Neely	Smoot
Couzens	Harrison	Norbeck	Stephens
Cummins	Heflin	Norris	Swanson
Curtis	Howell	Oddie	Trammell
Dale	Jones, N. Mex.	Overman	Wadsworth
Dial	Jones, Wash.	Owen	Watson
Dill	Kendrick	Pepper	Weller
Edge	Keyes	Phipps	Willis

## NAYS—8.

Ashurst	Frazier	La Follette	Shipstead
Brookhart	Johnson, Minn.	Sheppard	Wheeler

## NOT VOTING—20.

Ball	Fess	McLean	Sterling
Colt	Greene	Ralston	Underwood
Copeland	Hale	Spencer	Walsh, Mass.
Elkins	Johnson, Calif.	Stanfield	Walsh, Mont.
Fernald	McCormick	Stanley	Warren

The PRESIDENT pro tempore. On this question the yeas are 68, the nays are 8. So the Senate advises and consents to the appointment of Mr. Roberts as special counsel. The President will be notified of Mr. Roberts's confirmation.

## EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. JONES of Washington. Mr. President, I suppose it is not necessary to do so, but I move that the Senate proceed to the consideration of executive business in secret executive session.

Mr. BORAH. May I ask why we should go into secret session?

The PRESIDENT pro tempore. The Chair is of the opinion that under the unanimous consent-agreement it is the duty of the Chair to order at once the galleries cleared and the doors closed, that the Senate may proceed with executive business in the ordinary way. That being the opinion of the Chair, unless the Senate otherwise orders, the Sergeant at Arms will clear the galleries and close the doors.

The Senate proceeded to the consideration of executive business with closed doors. After four hours spent in secret executive session, the doors were reopened, and the Senate proceeded to the consideration of legislative business.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 71) directing the Secretary of the Interior to institute proceedings touching sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian.

## WAR FRAUD CONTRACT CASES.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney General, in response to Senate Resolution 139 (agreed to February 1, 1924, submitted by Mr. KING), relative to the disposition of the \$1,000,000 appropriation for the prosecution of frauds against the Government growing out of war contracts, etc., which was referred to the Committee on the Judiciary.

Mr. WILLIS. I ask that the letter of the Attorney General be printed in the RECORD, and that the whole report be printed as a Senate document.

There being no objection, the whole report was ordered to be printed as a Senate document, and the letter of the Attorney General was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., February 14, 1924.

The honorable the PRESIDENT OF THE SENATE PRO TEMPORE,  
United States Senate Chamber, Washington, D. C.

SIR: In obedience to Senate Resolution 139, directing the Attorney General to report to the Senate what disposition has been made of the \$1,000,000 appropriated for the prosecution of frauds against the Government growing out of war contracts, and also to report to the Senate the number of actions, if any, which have been brought to prosecute such frauds or to recover moneys due the Government, and the status of each case, and particularly to report to the Senate what disposition has been made by him of the case of the Government against the Wright-Martin Aircraft Co. of New York, I have the honor to transmit herewith a report which embraces all of the transactions of the War Transactions Section of the Department of Justice, since its organization, including a special report specifically requested in said resolution concerning the Wright-Martin Aircraft Co.

Prior to the presentation of such resolution, I began the preparation of a report to be submitted to the President covering the work of the so-called War Transactions Section of the Department of Justice, which report embraces the class of cases and transactions generally referred to in said resolution, and having submitted said report to the President, the report herewith submitted is substantially the same as that transmitted to him.

The character of cases embraced in Senate Resolution 139 are in charge of what is known as the War Transactions Section of the Department of Justice, which section was organized as the result of an act of Congress passed on the 22d day of May, 1922, appropriating \$500,000 for the prosecution of criminal and civil actions growing out of war transactions. I instituted a plan and set up an organization in this section embracing the following subdivisions:

- (1) Aviation. Having in charge all cases growing out of aviation contracts, construction and development, and expenditures. This division was originally in charge of Mr. Meier Steinbrink, of New York, who was succeeded by Judge M. D. Purdy in the latter part of 1923.
- (2) Camps and cantonments. Having in charge cases growing out of camp and cantonment contracts, construction, and expenditures. This division is in charge of Hon. Roscoe C. McCulloch.

(3) Quartermaster Corps. Having in charge cases growing out of Quartermaster Corps contracts and expenditures. This division is in charge of Hon. C. Frank Reavis.

(4) Ordnance and foreign contracts: Having in charge cases growing out of ordnance contracts and expenditures; also foreign contracts and expenditures. This division was in charge of Colonel Henry W. Anderson until February 1, 1924, when he resigned and was succeeded by Hon. John Paul.

(5) Miscellaneous cases: This division is in charge of the advisory council and embraces all cases especially assigned to it and all cases in the hands of district attorneys throughout the United States growing out of war contracts.

In addition to these special subdivisions there was created an advisory council, composed of three special assistants to the Attorney General, whose duty it is, upon the direction of the Attorney General or upon the request of any special assistant to the Attorney General in charge of one of the subdivisions of this section, to render opinions on the law and procedure in any given case. This advisory council was originally composed of ex-Senator Charles S. Thomas, Judge Thomas M. Bigger, and Judge Charles Kerr. Upon the resignation of Senator Thomas, who desired to return to private practice, Governor Thomas W. Hardwick, of Georgia, was appointed and is now serving.

There was also created a division of auditing and investigation, of which Mr. James Cameron was made director. This division has charge of all audits and statements of account and renders assistance in the preparation and trial of actions requiring the services of accountants.

During the past year, upon the recommendation of the Secretary of War and the Attorney General, there was created, under Executive direction, a joint board of survey, composed of representatives from the War Department and the Department of Justice, the chairman of which is the Assistant Secretary of War. The purpose and object of this board is to examine unaudited claims heretofore settled and, if found irregular, to report them to the Department of Justice for such action as a further examination may suggest. The work accomplished by this board will be found in the accompanying report.

At the time of the organization of the war transactions section there were about 300 cases or claims in the Department of Justice growing out of war contracts. Under the direction of the advisory council these cases were carefully abstracted and each important step noted in large abstract books prepared for that purpose, and all steps since taken have been likewise recorded. All cases which have since come to this section have been similarly treated. These cases and all cases subsequently received, as soon as abstracted, were and have been apportioned among the several subdivisions according to their classification.

The head of each subdivision has direction over all attorneys working under him, and whenever any differences of opinion arise or advice is desired the matter in question is submitted to the advisory council, which renders its opinion either in writing or in council, which opinion is submitted to the Attorney General before final action is taken.

Upon the organization of the war transactions section I requested that all persons against whom the Government was asserting a claim be given an opportunity to be heard before final action, if they so requested, and this procedure has been strictly adhered to in the disposition of each case. When a case has been prepared and is ready for submission the law and facts as presented are carefully considered by the council and an opinion rendered in writing, which opinion is submitted to the Attorney General and, if concurred in by him, is submitted to the department from which it is derived for consideration and approval. If not concurred in by the Attorney General, the advisory council and attorneys in charge are called in council and the whole question reconsidered. This in general has been the procedure in all matters of importance under consideration by this section, and is here recited for the purpose of advising you of the exact method adopted and carried out in the disposition of war transactions cases.

The report herewith submitted has been prepared in detail for the purpose of advising the President, and likewise the Senate in response to its resolution, as to the exact status of each case that has been considered and is now pending and the disposition of such cases and claims as have been settled. It embraces—

- (a) A list of criminal cases, including war transactions pending and closed, under appropriate headings.
- (b) A list of all cases in the Ordnance Division pending and closed, together with a reference to the cases recently transmitted to the Department of Justice by the Joint Survey Board.
- (c) A list of cases in the Quartermaster Division, pending and closed, including reference to the quartermaster survey unit.
- (d) A list of cases in the Aircraft Division, pending and closed, including special reference to the Wright-Martin case.
- (e) A list of all cases growing out of the construction of camps and cantonments, and their present status.
- (f) A list of the claims disposed of and pending in the hands of United States attorneys.

(g) A list of unclassified miscellaneous claims.

(h) A list of claims on which actions have been brought, amount claimed, and post-office address of defendants.

(i) A list of claims pending with receivers or trustees in bankruptcy.

(j) A list of claims in which judgments have been procured.

(k) A list of claims collected in full, amounts and post-office addresses.

(l) A list of cases involving compromise settlements, amounts and post-office addresses.

(m) A list of cases returned to the department from which received, as presenting no apparent cause for consideration.

(n) A list of claims upon which no suits have been brought thus far.

(o) A financial statement showing in detail all disbursements under the two appropriations of \$500,000 each.

(p) The work of the auditing and investigation unit.

A brief summary of the report shows:

- (1) A total of \$62,342,741.23 for which suits are pending.
- (2) A total of \$2,686,418.43 pending with receivers or trustees.
- (3) Judgments unpaid amounting to \$48,308.
- (4) A total of collections paid in full of \$2,485,685.97.
- (5) A total of collections involving compromise of \$1,875,263.51.
- (6) A total of all collections amounting to \$4,360,949.48.
- (7) Collections practically determined and in process of consummation, \$4,480,000.
- (8) A total of claims returned amounting to \$790,547.40.
- (9) A total upon which suit has not been brought in process of hearing and determination of \$40,943,967.50.

[NOTE: The accompanying report does not show in detail the amount of claims attempted to be collected against the Government in the Court of Claims. The work of the war-transactions section has not been confined merely to prosecuting claims, but in many instances it has been found necessary to defend claims instituted against the Government. In order that this work—viz, the defense of claims instituted against the Government—might be conducted economically and efficiently, I instructed the attorneys of the Department of Justice proper and those of the war-transactions section to assist each other and cooperate at all times. This cooperation has been most helpful, and its benefits and results are especially noticeable in the work of resisting claims against the Government, as the following will show:

In the Court of Claims alone the total number of cases pending on December 1, 1923, was 2,200. The amount claimed in such cases against the Government was \$1,783,830,467.72.

Of these 2,200 cases, 1,514 arose out of the World War. In practically all of the 1,514 cases before the Court of Claims alone the war-transactions section and the regular branch of the Department of Justice in charge of the defense of claims against the Government are, under my direction, cooperating efficiently and economically.

During the period from July 1, 1922, to December 1, 1923, 387 cases growing out of the World War and pending in the Court of Claims have been disposed of. The total amount claimed against the Government in these cases so disposed of was \$13,052,794.84. The total amount of judgments obtained against the Government by these claimants was only \$3,061,476.42, and of this \$3,061,476.42 the Government always admitted a liability of \$1,250,000 and was at all times willing to pay such amount. The amount recovered, including interest in this case, a Shipping Board case for a ship requisitioned by the Government and blown up by a German submarine, was \$1,351,381.81.

It would be difficult at this time to give an accurate statement of all such cases where claims are asserted against the Government, and I do not consider it necessary to do so inasmuch as the resolution does not so require.]

The attention of the Senate is directed to the fact that contracts executed during the war are novel and intricate to construe and involve many questions of law which the courts have not hitherto considered. It has been necessary, therefore, in many instances to bring suits in which these questions are involved and whose determination is necessary before many adjustments can be made. A sufficient number of cases have been brought to test all cases, and for this reason suits have been deferred in many cases involving the same questions pending court action in order to avoid the expense incident to the preparation and conduct of a multiplicity of actions.

It has been found in many instances in the preparation of suits that the testimony was scattered and hard to obtain, and that witnesses were more or less reluctant to make statements or render assistance. This has not only been a source of delay oftentimes but a not infrequent embarrassment as well.

The time and labor incident to the preparation of suits and adjustments of claims out of court are not reflected in this report.

With respect to criminal proceedings the attention of the Senate is directed to the fact that all consummated acts of a criminal nature prior to November 17, 1918, are barred by limitation, and that only those instances where additional acts of criminality were committed after that date can there be a criminal prosecution for the reason that the act of November 17, 1921, extending the statute of limita-

tions to six years could not be retroactive as to any case against which the bar had then run. For this reason many of the indictable crimes committed during the war can not now be presented to a grand jury.

Manifestly it would be unfair to many persons or companies under investigation to make public the fact that they are being investigated, and for that reason it is to be presumed that your body will regard this report as to them in a more or less confidential way. I made it a policy of this department from the beginning of this particular work that no publicity should be given to any case under investigation. I feel that a great injustice might be done to individuals, a great majority of whom desired to and did transact business with the Government on an honorable basis, and I feel it to be a duty of the Government to protect the innocent as well as to enforce the law against those who have violated it.

It is believed the attached report will fully meet the demands of your resolution, but if it does not, this department will be glad to respond to any further demands you may make, and in this connection I may add that the records of the war transactions section are at all times open to the inspection of any Member of the Senate or other person or official having a right to examine them.

As to the Wright-Martin Aircraft Co. case, about which you especially inquire, you are advised that this claim was transmitted to the Department of Justice by the Secretary of War in the month of October, 1921. This was prior to the organization of the war transactions section of the Department of Justice. As this was one of the first contracts of that character which had been transmitted to the Department of Justice, and realizing the importance of securing a correct interpretation of the rights of the Government under these aircraft contracts, I deemed it advisable to secure the services of a lawyer of known ability and high standing in his profession to have charge of the prosecution of this claim. After diligent inquiry, and upon the recommendation of those in whose judgment I have the greatest confidence, Mr. Meier Steinbrink, of New York, was selected. Mr. Steinbrink had been a valuable assistant to Secretary Hughes in an exhaustive investigation of this subject. He accepted the employment and the papers in the case were delivered to him, with instructions to thoroughly investigate the claim upon both the facts and the law and report his conclusions. Mr. Steinbrink did make such investigation and examination, and on the 23d day of October, 1922, filed a written report with me, in which he stated that as a result of his investigation and study of the case it was his opinion that the Government would be unable to legally sustain its claim. Mr. Steinbrink also submitted his report to the advisory council of the war transactions section. The council, upon consideration of the report, found that they could not concur in the conclusions announced in the report, and caused to be prepared a brief in the nature of a reply to Mr. Steinbrink's report. This brief was submitted to Mr. Steinbrink. Shortly thereafter Mr. Steinbrink, who had been selected to have charge of all aircraft cases with the exception of the Dayton airplane case, which had been committed to another attorney, reported that the brief had resulted in convincing him that he was in error in holding that the Government would be unable to legally establish any part of the claim. In March, 1923, the business of the aircraft section having increased to such an extent that it was necessary to have special assistants, attorneys, and accountants to take charge of the detail work, Mr. Steinbrink was retained in charge in a general advisory capacity.

Negotiations in the Wright-Martin case have since been going forward through Mr. Cameron, chief of the Accounting Division, with the officials and auditors of the Wright-Martin Co., looking toward an agreement as to certain matters of accounting which it was felt might greatly limit the scope of the inquiry and perhaps limit the controversy to the determination of the legal questions only.

Most of the claims growing out of contracts for the production of aircraft have come to the department during the past six or eight months. Three large claims of this character had, however, previously come to the department. Prior to the report of Mr. Steinbrink on the Wright-Martin claim proceedings had been instituted on two of these claims, viz, that against the Dayton Airplane Co. and that against the Dusenbergs Motors Corporation. The extent of recovery under all of these contracts for construction of airplanes for the Government, and in some, perhaps, the right to recover at all, must depend upon the determination by judicial decision of certain leading questions involved. The two cases in which proceedings have already been instituted involve practically all of these questions, and the decision in these cases will control and fix the extent of or the right to recover in the others.

It was also learned by inquiry at our division of accounting and investigation that the amount of auditing necessary to the preparation of an action in court on the Wright-Martin claim would involve an expenditure which could not be borne by the appropriation for the war transactions section, in addition to the other expenses necessarily incurred and to be incurred.

It has been the opinion of those in charge of this and similar claims in the department that it would be inadvisable to prosecute further actions involving the same legal questions, upon the decision of which only can the Government's right be established, until the cases already brought shall have been decided. Detailed reference to this case will appear in the general report.

I further direct your attention to the fact that there has been established between the war transactions section and the Department of Justice, having in charge the defense of all actions in the Court of Claims, an arrangement whereby counterclaims will be asserted in all actions pending in that court where the Government has a claim against the plaintiff growing out of war transactions. This will materially increase the work of the war transactions section, but so many suits are now pending in the Court of Claims against the Government some such arrangement had become necessary. Hon. Thomas S. Crago has been put in charge of this work. Reference to cases in which counterclaims of this character have been interposed will be found in the attached report.

In conclusion may I say that, heretofore, the Department of Justice, in prosecuting the legal business of the Government, has not deemed it to be a wise policy to disclose the status of pending cases, either civil or criminal, while the same were under investigation and before they were submitted to the court.

Obvious considerations of embarrassment and disadvantage to the Government in adopting a course of full publicity with respect to such matters while the same were still under consideration by the department have prevented the adoption of such a policy.

Likewise, in many instances it might have worked great hardship and injustice on corporations and individuals whose contracts and dealings with the Government were under investigation to publish to the world such fact, for if such corporations and individuals were guiltless of wrongdoing, still the mere publication of the fact that they were under investigation might work hardship and injury to them. For these reasons the Department of Justice for many years, under all administrations, has maintained the consistent policy that it was incompatible with the public interest to disclose to the public the details of such transactions while still pending and under investigation by the department.

Still, no considerations except those above indicated have inspired the Department of Justice, during my administration of its affairs, and if the Senate wishes to make public information about these cases and transactions while the same are still under investigation by the department, the responsibility of such publicity must rest upon the Senate, as the department has nothing to conceal in connection with these matters and its dealings with each of them have been on such a plane and of such a character that it has no objection to the public having full knowledge of the facts.

Trusting I have fully complied with the purpose of your resolution, I am,

Respectfully yours,

H. M. DAUGHERTY,  
Attorney General.

#### PETITIONS AND MEMORIALS.

Mr. BURSUM presented memorials of sundry members of shop associations of the Atchison, Topeka & Santa Fe Railway system at Belen, in the State of New Mexico, remonstrating against the making of any substantial change in the transportation act of 1920, which were referred to the Committee on Interstate Commerce.

Mr. CAPPER presented memorials, numerous signed, of members of the Santa Fe Supervisors' Association of the Atchison, Topeka & Santa Fe Railway system, of Kansas City and Emporia, and of members of shop associations of the Atchison, Topeka & Santa Fe Railway system, of Kansas City, Argentine, Rosedale, Leavenworth, Florence, Newton, Strong City, Cottonwood Falls, and Wichita, all in the State of Kansas, remonstrating against the making of any substantial change in the transportation act of 1920, which were referred to the Committee on Interstate Commerce.

Mr. JONES of Washington presented a memorial of sundry citizens in the State of Washington, remonstrating against the passage of House bill 2878, to authorize the sale of lands allotted to Indians under the Moses agreement of July 7, 1883, which was referred to the Committee on Indian Affairs.

Mr. KING presented a resolution of the Utah State Automobile Association, protesting against the passage of Senate bill 1222, to grant certain lands to Brigham Young University for educational purposes, which was referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted by the Oregon Wool Growers' Association, in convention assembled at Pendleton, Oreg., protesting against the present high grazing fees in the national forests, which was referred to the Committee on Agriculture and Forestry.

Mr. LADD presented a petition of sundry citizens of Wheelock, N. Dak., praying for the repeal or reduction of the so-called nuisance and war taxes, especially the tax on industrial alcohol, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Kindred, Davenport, Walcott, New England, Scranton, and De Sart, all in the State of North Dakota, praying for the imposition of increased tariff duties on wheat, and the repeal of the drawback provision and the milling-in-bond privilege of the Fordney-McCumber Tariff Act of 1922, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Rock Lake, Souris, Sheyenne, Lansford, Mohall, Abercrombie, Walcott, Christine, Wheelock, Heaton, Calvin, and Wellsburg, all in the State of North Dakota, praying for the passage of the so-called Norris-Sinclair bill, providing aid to agriculture, which were referred to the Committee on Agriculture and Forestry.

Mr. WILLIS presented resolutions of the Kiwanis Clubs of East Liverpool, Pomeroy, and Painesville, in the State of Ohio, favoring the adoption of the so-called Mellon tax-reduction plan, which were referred to the Committee on Finance.

He also presented resolutions of the Chamber of Commerce of Worthington; the Howard A. Bair Post, No. 423, the American Legion, of Rittman; the Cincinnati Post, No. 270, the American Legion, of Cincinnati; and of the Monclova Post, No. 556, the American Legion, of Lucas County, Department of Ohio, all in the State of Ohio, favoring the enactment of legislation granting adjusted compensation to veterans of the World War, which were referred to the Committee on Finance.

He also presented a resolution of the Akron and Summit County Federation of Women's Clubs, of Akron, Ohio, favoring an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

#### REPORTS OF THE COMMITTEE ON COMMERCE.

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

A bill (S. 2108) to grant the consent of Congress to the Southern Railway Co. to maintain a bridge across the Tennessee River at Knoxville, in the county of Knox, State of Tennessee (Rept. No. 148);

A bill (H. R. 2818) to grant the consent of Congress to construct, maintain, and operate a dam and spillway across the Waccamaw River, in North Carolina (Rept. No. 149);

A bill (H. R. 3845) to authorize the construction of a bridge across the Little Calumet River at Riverdale, Ill. (Rept. No. 150);

A bill (H. R. 4120) granting the consent of Congress to the Greater Wenatchee Irrigation District to construct, maintain, and operate a bridge across the Columbia River (Rept. No. 151);

A bill (H. R. 4182) authorizing the city of Ludington, Mason County, Mich., to construct a bridge across an arm of Pere Marquette Lake (Rept. No. 152);

A bill (H. R. 4187) to legalize a bridge across the St. Louis River, in Carlton County, State of Minnesota (Rept. No. 153);

A bill (H. R. 4984) to authorize the Clay County bridge district, in the State of Arkansas, to construct a bridge over Current River (Rept. No. 154);

A bill (H. R. 5337) granting the consent of Congress to construct a bridge over the St. Croix River, between Vanceboro, Me., and St. Croix, New Brunswick (Rept. No. 155);

A bill (H. R. 5348) granting the consent of Congress for the construction of a bridge across the St. John River, between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada (Rept. No. 156); and

A bill (H. R. 5624) authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio (Rept. No. 157).

Mr. LADD, from the Committee on Commerce, to which was referred the bill (S. 2332) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak., reported it with an amendment, and submitted a report (No. 158) thereon.

#### CHANGE OF REFERENCE.

On motion of Mr. OWEN, the Committee on Claims was discharged from the further consideration of bills of the following titles, and they were referred to the Committee on Indian Affairs:

A bill (S. 1391) conferring jurisdiction on the Court of Claims for adjudging the rights of the Otoe and Missouri Tribes of Indians for compensation on a basis of guardian and ward, and conferring jurisdiction on the Court of Claims to

adjust the claims between the Otoe and Missouri Tribes of Indians and the Omaha Indians to certain moneys received by the Omaha Indians; and

A bill (S. 1392) authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims.

On motion of Mr. JONES of New Mexico, the Committee on Irrigation and Reclamation was discharged from the further consideration of the bill (S. 349) for the relief of sufferers in New Mexico from the flood due to the overflow of the Rio Grande and its tributaries, and it was referred to the Committee on Claims.

#### BILLS INTRODUCED.

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

By Mr. ELKINS:

A bill (S. 2533) for the relief of Lola Blanche Dean; to the Committee on Claims.

By Mr. HARRISON:

A bill (S. 2534) for the relief of J. E. Saucier (with accompanying papers); to the Committee on Claims.

By Mr. HALE:

A bill (S. 2535) granting a pension to Edith F. Morrill (with an accompanying paper); to the Committee on Pensions.

By Mr. LENROOT:

A bill (S. 2536) for the relief of Henry H. Hall; to the Committee on Claims.

By Mr. KING:

A bill (S. 2537) for the relief of Willard Taylor Schell; to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 2538) to extend the time for the completion of the construction of a bridge across the Savannah River between the counties of Aiken, S. C., and Richmond, Ga.; to the Committee on Commerce.

#### NORTHERN PACIFIC LAND GRANTS.

Mr. LENROOT. I introduce a joint resolution relative to the adjustment of the Northern Pacific land grants, which I ask be referred to the Committee on Public Lands and Surveys and printed in the Record, with the accompanying papers.

The joint resolution (S. J. Res. 82) directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes, was read twice by its title and, with the accompanying papers, ordered to be printed in the Record, as follows:

*Resolved, etc.*, That the Secretary of the Interior is hereby directed to withhold his approval of the adjustment of the Northern Pacific land grants under the act of July 2, 1864, and the joint resolution of May 31, 1870, and he is also hereby directed to withhold the issuance of any further patents under the said act and the said resolution, or any legislative enactments supplemental thereto or connected therewith, until after Congress shall have made a full and complete inquiry into the said land grants and the acts supplemental thereto for the purpose of considering legislation to meet the respective rights of the Northern Pacific Railroad Co. and the United States in the premises.

2. That the Secretary of the Interior is hereby directed to advise Congress of the status of the said Northern Pacific land grants, recommending such action as he believes right and proper for the further adjustment thereof.

#### DEPARTMENT OF AGRICULTURE,

Washington, February 12, 1924.

HON. IRVINE L. LENROOT,

Chairman Committee on Public Lands and Surveys,

United States Senate.

MY DEAR SENATOR: Under date of April 11, 1921, the Supreme Court of the United States handed down a decision in the case of the Northern Pacific Railway Co. v. The United States (256 U. S. 51), in which it was held that the measure of the Northern Pacific land grant under the act of July 2, 1864 (13 Stat. 365), and the joint resolution of May 31, 1870 (16 Stat. 378), was the aggregate of the odd-numbered sections within the place limits of the grant unless (a) part of the grant included only a moiety of those sections, or (b) the route of the Northern Pacific and that of another road with a prior land grant were found to be upon the same general line, in which event certain deductions were to be made. The decision likewise held that the odd-numbered sections within the indemnity limits of the grant could not be withdrawn for governmental purposes if they were needed to satisfy the acreage of the grant. The previous position of the Government had been that the land within the indemnity limits of the grant could be withdrawn for governmental purposes if the withdrawals were made prior in time to the actual selection of the indemnity lands by the Northern Pacific.

By reason of the Supreme Court decision the Interior Department has undertaken an adjustment of the Northern Pacific grant. The preliminary figures that have been compiled under this adjustment indicate that the acreage of the grant may be deficient, with the consequence that should the preliminary figures become final, several million acres of national forest and other lands which have heretofore been withdrawn for governmental purposes may pass to the Northern Pacific.

The decision of the Supreme Court was based upon the record before it. It did not take into consideration, and properly so, many questions of law and fact which arise in connection with the grant and which would be germane to an inquiry made in connection therewith by Congress.

There are large public interests involved, and to the end that Congress may have an opportunity to consider the matter, a proposed joint resolution is transmitted herewith for your consideration.

A similar letter has been addressed to the Hon. N. J. SINNOTT, chairman of the Committee on Public Lands, House of Representatives.

Very sincerely yours,

HENRY C. WALLACE,  
*Secretary of Agriculture.*  
HUBERT WORK,  
*Secretary of the Interior.*

(Inclosure.)

FEBRUARY 13, 1924.

SUMMARY OF NORTHERN PACIFIC CONTROVERSY FROM VIEWPOINT OF FOREST SERVICE, DEPARTMENT OF AGRICULTURE.

The Department of Agriculture and the Department of the Interior have joined in asking Congress to settle the question of whether approximately 3,000,000 acres of land in the national forests of Montana, Idaho, and Washington, withdrawn and administered by the Government for many years and worth probably \$30,000,000, shall remain in public ownership or shall be given to the Northern Pacific Railway Co.

HOW THE CASE ARISES.

This question as put up to Congress is a result of the Northern Pacific's attempt to make selections and secure title to land in the national forests. The matter has been before the Supreme Court, but in only one of its aspects. The entire case presents considerations very similar to that involving the grant of the Oregon & California Railroad Co. (Southern Pacific) in which Congress on June 9, 1916, took over the title to the remaining unsold lands in that grant amounting to nearly 3,000,000 acres.

FOREST SERVICE CLAIMS.

The Forest Service contends that the Northern Pacific land grant has already been fully satisfied, and that a consideration of all the facts in the case will convince Congress that the company is not entitled to select a single additional acre, but, in fact, Congress has the right to ask an accounting from the railroad and that such an accounting may justify the cancellation of the patents to all granted lands still retained by the corporation. To substantiate this claim the Forest Service makes the following contentions:

1. That the land grants were made for the purpose of aiding in the construction of the railroad. The total gross receipts of the Northern Pacific to June 30, 1917, from the sale of the lands from its grant amounted to \$136,118,533.14. The cost of constructing the road did not exceed \$70,000,000. The sale of lands has more than paid the cost of constructing the railroad.
2. That the Northern Pacific failed to construct 1,507.21 miles of its railroad within the time required by law, thereby rendering the granted lands subject to forfeiture.
3. That the Northern Pacific failed to dispose of certain of its lands to settlers at not to exceed \$2.50 per acre, as required by law.
4. That the Northern Pacific failed to dispose of hundreds of thousands of acres of its lands at public sale, as required by law.
5. That hundreds of thousands of acres of poor land in the Northern Pacific grant were erroneously classified as mineral. This land was turned back to the United States and the railroad acquired mineral indemnity rights therefor, which were applied in part on more valuable lands in the indemnity limits.
6. That under a rule of law laid down by the Supreme Court, the Northern Pacific has been erroneously allowed 1,500,000 acres too much land in the State of Washington.
7. That over 500,000 acres of land credited to the Northern Pacific should be deducted because of conflict with the land grant of another road and the erroneous fixation of the land grant limit lines.
8. That approximately 640,000 acres of land have been erroneously allowed the Northern Pacific by reason of the Tacoma overlap.
9. That the Northern Pacific has received approximately 600,000 acres of land to which they were not entitled under their grant in the Wallula overlap.
10. That the Northern Pacific has been allowed to make over 1,300,000 acres of indemnity selections in its second indemnity belt, whereas these selections should have been confined to the first indemnity belt.

11. That for lands erroneously patented to the Northern Pacific the Government should be entitled to receive at least what the railroad received from the sale of these lands, instead of \$1.25 per acre.

12. That the Northern Pacific under the Mount Rainier Park act of March 2, 1899, relinquished to the United States thousands of acres of commercially valueless land and received therefor selection privileges applicable to the finest lands they could find in the States of Oregon, Washington, Idaho, Montana, North Dakota, Minnesota, and Wisconsin.

It is the position of the Forest Service that the foregoing questions, and others, to which of course the railroad is entitled to make reply, will upon an investigation by Congress show that the Northern Pacific land grants, upon an equitable basis, have already been more than satisfied, and that Congress would be justified at least in passing legislation saving the 3,000,000 acres of national forest lands to the United States.

E. A. SHERMAN, *Acting Forester.*

INVESTIGATION OF TREASURY ESTIMATES ON SOLDIERS' BONUS.

Mr. HARRISON. I submit a resolution for which I ask immediate consideration.

The resolution (S. Res. 164) was read as follows:

Whereas in a speech delivered in the city of New York on the 17th day of February, 1924, Hon. Thomas W. Miller, Alien Property Custodian, is reported to have stated that a high Treasury official admitted that the Treasury Department estimates on the cost of the World War veterans' bonus were juggled to deceive and that each time Congress asked for a revised estimate the Treasury Department increased its previous estimates because it was felt necessary to use stronger and stronger arguments against the bonus each time it came up before Congress; and

Whereas the question of enacting a World War veteran's adjusted compensation measure is now pending in the Congress: Therefore be it Resolved, That the Finance Committee of the Senate be directed to investigate said charges.

Mr. WADSWORTH. I ask that the resolution may lie over under the rule.

The PRESIDENT pro tempore. On objection, the resolution will lie over under the rule.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 6820, the naval appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 37, line 14, after the colon, insert:

"For new construction, buildings, and improvements at air stations at a total cost not to exceed \$560,000, as follows: Pensacola, Fla., \$150,000; Pearl Harbor, Hawaii, \$173,000; Coco Solo, Canal Zone, \$237,000."

Mr. ODDIE submitted an amendment intended to be proposed by him to House bill 5078, the Interior Department appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 70, line 13, after the word "purposes," strike out the semicolon and insert a comma, and add the following:

"When the water users of the Truckee-Carson irrigation district have voted for a contract binding themselves to reimburse the Federal Government for the cost thereof."

SITES AT THE PENSACOLA (FLA.) NAVAL STATION.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 4097) to authorize the disposition of lands no longer needed and the acquisition of other lands required for naval purposes, which was referred to the Committee on Naval Affairs and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on February 16, 1924, the President approved and signed acts and a joint resolution of the following titles:

S. 152. An act to authorize the county of Multnomah, Oreg., to construct a bridge and approaches thereto across the Willamette River in the city of Portland, Oreg., to replace the present Burnside Street Bridge in said city of Portland; and also to authorize said county of Multnomah to construct a bridge and approaches thereto across the Willamette River in said city of Portland in the vicinity of Ross Island;

S. 384. An act to authorize the building of a bridge across Waccamaw River in South Carolina near the North Carolina State line;

S. 602. An act to extend the time for the construction of a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.;



S. 604. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River near St. Francis, Ark.;

S. 643. An act to extend the time for the construction of a bridge across the Pamunkey River in Virginia;

S. 733. An act granting the consent of Congress to the construction of a bridge over the Hudson River at Poughkeepsie, N. Y.;

S. 1170. An act to authorize the Highway Commission of the State of Montana to construct and maintain a bridge across the Yellowstone River at or near the city of Glendive, Mont.;

S. 1374. An act to authorize the Norfolk & Western Railway Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near a point about 1½ miles west of Williamson, Mingo County, W. Va., and near the mouth of Turkey Creek, Pike County, Ky.;

S. 1539. An act extending the time for the construction of a bridge across Fox River by the city of Aurora, Ill., and granting the consent of Congress to the removal of an existing dam and to its replacement with a new structure;

S. 1540. An act granting the consent of Congress to the city of Aurora, Kane County, Ill., a municipal corporation, to construct, maintain, and operate certain bridges across Fox River;

S. 1634. An act to authorize the building of a bridge across the Lumber River, in South Carolina, between Marion and Horry Counties; and

S. J. Res. 68. Joint resolution authorizing the erection on public ground in the city of Washington, D. C., of a memorial to the Navy and Marine services, to be known as Navy and Marine Memorial Dedicated to Americans Lost at Sea.

#### ADDRESS ON ABRAHAM LINCOLN.

Mr. BURSUM. Mr. President, I ask to have printed in the RECORD an address on Abraham Lincoln delivered on the occasion of the Lincoln Day celebration in the Synagogue of Washington Heights Congregation, Washington, D. C., February 12, 1924, by the president of the congregation, Emanuel Hertz.

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

#### ABRAHAM LINCOLN—THE SEER.

(Delivered on the occasion of the Lincoln Day celebration in the Synagogue of Washington Heights Congregation, February 12, 1924, by the president of the congregation, Emanuel Hertz.)

The Sundays following the assassination of President Lincoln were observed throughout the restored Union as the occasion upon which the American people assembled in their various houses of worship to do honor to Abraham Lincoln, who was even then on his long journey to the home which he left a little over four years ago with premonitions that he would never return alive to the scenes of his early manhood—to the scenes of his early struggles. The preachers of practically every denomination, as was but natural, proceeded to Deuteronomy XXXIV, 1-5, and quoted the famous passage:

"And Moses went up from the plains to Moab unto the mountain of Nebo, to the top of Pisgah. \* \* \* And the Lord said unto him, 'This is the land. \* \* \* I have caused thee to see it with thine eyes, and thou shalt not go over thither.'"

Henry Ward Beecher, in Plymouth Church, pronounced the most eloquent of those funeral sermons, and what the most inspired divine of his times used as his text in paying his final tribute to the great war President was echoed and reechoed not only on that occasion but on succeeding anniversaries observed and dedicated to Lincoln in practically every State in the Union.

An examination of many pamphlets, speeches, and treatises of Abraham Lincoln disclosed the same idea adopted by practically everyone who sees the similarity between the great war President and the great lawgiver. The amazing thing about it is that practically no biographer, no commentator of Lincoln's life, has carried the parallelism between the two great characters either backward, to the beginning of Lincoln's career, or forward, in an analysis of his work and of the stupendous problems with which he was confronted—aside from Coffin, who, in a brief summary at the conclusion of his Life of Lincoln, states, "the millions whom Abraham Lincoln delivered from slavery will ever liken him to Moses, the deliverer of Israel. Only in part are they to be compared, humble alike from birth, but the childhood of one was passed in the luxurious court of Pharaoh, that of the other amid the poverty of a frontier cabin. Moses gives just and righteous laws to Israel, Abraham Lincoln a new charter of liberty to his country. Both led their fellow men out of bondage; both beheld the promised land of a nation's larger life, but neither is privileged to enter it." But here, as elsewhere, the comparison between the two characters ends.

Moses, in his youth, "went out unto his brethren and looked on their burdens, and he saw an Egyptian smite a Hebrew, one of his brethren, and he looked this way and that way, and when he saw that there was

no man, he smote the Egyptian and hid him in the sand," and it was thus that Moses, at this time, in this effective manner, demonstrated his position on the question of slavery.

When Abraham Lincoln was a young man he took a cargo of produce down the Mississippi River to the market of New Orleans. After he had sold the cargo he and a fellow boatman sauntered through the slave mart. Black men and women and children were arranged in rows against the wall for inspection. The auctioneer proclaimed their good qualities as he would those of a horse or a mule; again and again the hammer of the auctioneer fell and husbands and wives were separated forever, and children were there and then doomed never again to look into the faces of father and mother. That scene in the auction room set the blood of Lincoln on fire. His lips quivered and his voice choked in his throat as he turned to his fellow boatman and said: "If ever I get a chance to hit that thing I will hit it hard, by the eternal God." "Who is he," says Dr. David Gregg, "to hit the 'thing' a blow? He is only a boatman, a splitter of rails, a teamster, a backwoodsman. Nothing more. His poverty so deep that his clothes are in tatters. The thing which he would like to hit is incorporated into the framework of society and legalized in half the States, and is entrenched in state and church alike. Is there the remotest probability that he will ever be able to smite such an institution? Why utter these words? Why raise the right hand toward heaven and swear a solemn oath?" Was it some dim vision of what might come to him through Divine Providence in unfolding years? Was it an illumination of the Spirit forecasting for the moment the impending conflict between right and wrong in which he was to take a conspicuous part? Was it a whisper by a divine messenger that he was to be the chosen one to wipe the "thing" from the earth and give deliverance to millions of his fellow men? You may answer these questions as you please, but these are the facts of this history. The hour of the Nation came, and with it the golden moment for the slave. Then it was that the very same hand that was lifted in solemn oath before God in the New Orleans slave mart took up the God-inspired pen of liberty and wrote the emancipation which forever abolished slave master, slave market, and slave.

One of the most remarkable occurrences showing the predestination of Abraham Lincoln for his task took place in the little town of Salem, Ill., in August, 1837, when Lincoln was only 23 years of age. Lincoln went from Springfield to Salem to attend a camp meeting. Dr. Peter Akers, one of the greatest Methodist preachers of the time, preached a sermon which lasted three hours. He showed that a great civil war would put an end to human bondage. "I am not a prophet," he said, "but a student of the prophets. American slavery will come to an end in some near decade, I think in the sixties." These words caused a profound sensation. In their excitement thousands surged about the preacher, but when at last he cried out, "Who can tell but that the man who shall lead us through this strife may be standing in our presence," a solemn stillness fell over the assembly. There, not more than 30 feet away, stood the lank figure of Lincoln, with his pensive face, a prophet as yet uninspired, a leader as yet unannounced. The preacher's words had fallen like a mystical baptism on the head of this obscure pioneer, as yet unannounced by the sacrificial fires of the coming national tragedy.

When they returned to Springfield, Lincoln remained silent for a long time. At last one of his friends asked him what he had thought of the sermon, and he replied that he "little dreamed that such power could be given to mortal man, for those words were from beyond the speaker. Peter Akers has convinced me that American slavery will go down with the crash of civil war." Then he added: "Gentlemen, you may be surprised and think it strange, but when the preacher was describing the civil war I distinctly saw myself, as in second sight, bearing an important part in that strife."

The next morning Mr. Lincoln came very late to his office, and Mr. Herndon, glancing at his haggard face, exclaimed: "Why, Lincoln, what's the matter?" Then Lincoln told him about the great sermon, and said: "I am utterly unable to shake myself free from the conviction that I shall be involved in that terrible war."

Similar premonitions and visions were Lincoln's, down to the very last of his notable life and the one of which Noah Brooks in his Life of Lincoln wrote, wherein Lincoln says: "I have seen this evening what I saw on the evening of my nomination. As I stood before a mirror I saw two images of myself—a bright one in front and one that was pallid standing behind. It completely unnerved me. The bright one I know is my past, the pale one my coming life. I do not think I shall live to see the end of my second term."

Shortly before Lincoln's assassination some friends were talking about certain dreams recorded in the Bible, and the President said: "About two days ago I retired very late; I could not have been long in bed, when I fell into a slumber, for I was weary. I soon began to dream. There seemed to be a deathlike stillness about me. Then I heard subdued sobs, as if a number of people were weeping. I thought I left my bed and wandered downstairs. There the silence was broken by the same pitiful sobbing, but the mourners were invisible. I went from room to room; no living person was in sight, but the same mournful sounds of distress met me as I passed along. It was light in all the

rooms; every object was familiar to me, but where were all the people who were grieving as if their hearts would break? I was puzzled and alarmed. What could be the meaning of all this? Determined to find the cause of a state of things so mysterious and so shocking, I kept on until I arrived at the East Room, which I entered. Before me was a catafalque, on which was a form wrapped in funereal vestments. Around it were stationed soldiers who were acting as guards. There was a throng of people, some gazing mournfully upon the catafalque, others weeping pitifully. 'Who is dead in the White House?' I demanded of one of the soldiers. 'The President,' was the answer; 'he was killed by an assassin.' Then came a loud burst of grief from the crowd, which woke me from my dream."

John Hay, writing to Senator Hoar in reference to a conversation had between Charles Dickens and Secretary Stanton, says: "General Grant, in an interview with the President on the 14th of April—the day he was shot, expressed some anxiety as to the news from Sherman. The President answered him in that singular vein of poetic mysticism, which, though constantly held in check by strong common sense, formed a remarkable element in his character. He assured Grant that the news would come soon and come favorable, for he last night had his usual dream which preceded great events. He seemed to be, he said, in a singular and indescribable vessel, but always the same, moving with great rapidity toward a dark and indefinite shore. He had had this dream before Antietam, Murfreesboro, Gettysburg, and Vicksburg."

It has been a pleasant pastime during the centuries, if not during the millenia, to speak jestingly, if not jeeringly, of those wonderful passages in the Old Testament, and which ever commence with the words, "And God spoke to Moses." God spoke to Moses! To a mere mortal! And so we find similar criticism from the day when Abraham, the first empire builder, who walked with God, down to Moses, the Law Giver, who spoke to God, down to our own Abraham Lincoln, to whom God made clear his will in these mysterious ways. While the great lawgiver is very nearly 4,000 years removed, Abraham Lincoln is but 60 years removed from us, and he is full of these apprehensions—of these dreams—of these talks with God—of these requests to God, to whom? Not to his friends, the few he had, because most of them he had left in Illinois—not to Governor Andrew, for he was far away in Boston—not to Governor Morton, for he was well occupied in Indiana—not to Governor Curtin, for he was busy in Harrisburg—not to the friends in the Northwest and in the Northeast—but to his own Cabinet, to General Grant, a man of iron and of steel, who listened and who believed; to Seward, the man who would be President, the man who said: "If I were President I would have a policy." Oh, what a policy he proposed to the kind-hearted Abraham Lincoln—a universal war in order to cement the fragments of the Republic which we now clearly see could not be cemented except by Lincoln's method.

He told it to Chase, the coldest, the proudest, and the most recalcitrant man of them all, who said again and again, "If I were President I would have a policy; Abraham Lincoln has no policy," and Chase believed. He told it to that great leader of men, Secretary Stanton, Buchanan's Democratic Attorney General, the creator of armies, of ordnance, of munitions; he told it in the presence of Charles A. Dana, the greatest of American newspaper men. He told it in the presence of Gideon Welles, Nicolay, Hay, Senators Wilson, Sumner, Fessenden, and a host of others, who, if they had not believed and been cowed by the seriousness, by the solemnity, but the sincerity, by the divine attributes of the man, would have told him to his face that he was a poltroon and an impostor.

The irresistible conclusion is that when a man—whether he be Abraham, Moses, or Lincoln—when the man has been picked for a task by Providence, Providence always has a way of communicating His orders and His decrees to the man of His choice.

Another mark of resemblance between the two men—Moses and Lincoln—is their physical appearance. Both were men of giant constitutions. Both men towered above their fellows. Both men, who upon close scrutiny were homely men, homely in the common adaptation of the term. One of the legends about Moses tells us that a near-by potentate heard about the ungainly appearance of the law giver and could not understand how a man so homely, so ill-shapen, could accomplish such monumental deeds, but when he saw Moses transfigured with his mission as the servant of God, he forgot all about his looks; he saw the rays of light which shone from the seer's face. The three or four great equestrian statues in the world, if taken from their high pedestals and examined at close range, would appear monstrosities; but if viewed in their own proper proportions, at the proper angle, in the proper light, and under proper conditions, and upon their proper eminence, those statues are miracles in bronze, even as is the Lincoln of Augustus St. Gaudens in Chicago a miracle in bronze, and even as is the statute of Moses by Michael Angelo a miracle in stone. The ideals for which both lived transfigured their appearance, and they appear in their true, heroic, gigantic, overwhelming proportions known to posterity as Moses and as Lincoln.

In picking the 10 greatest men of all time Moses, of course, found one of the places, and the biographer of the 10 has very little to say by

way of comment upon Moses. He simply says, "Moses, the ancient lawgiver," and all the world knows. Similarly Lincoln being picked as the representative of the nineteenth century for that peculiar niche of fame which has one human being for each century, selected upon the roll call of the centuries, from the first century down to the nineteenth century, is called "Lincoln the emancipator."

I would amend this description of Lincoln, because "emancipation" and "emancipator" but sprang from the multitudinous and many-sidedness of his accomplishments. It was rather "Lincoln, the seer," prepared in the primeval forests, as was his great prototype in the primeval desert, for the gigantic tasks of 1861–1865. I had almost overlooked the great joint debates with Judge Douglas—the five monumental debates which were preceded 4,000 years ago by the 10 joint debates between the law giver and the court of Pharaoh—that Pharaoh of whose power and prowess and splendor we are even now obtaining glimpses at Luxor.

Never was the education of two men more alike than was that of Moses and of Lincoln. In spite of the alleged learning which Moses gathered at the feet of his Egyptian teachers and philosophers, it was in the desert, where he cared for the flocks of Jethro, where his education was completed and where he unlearned all the fallacies of Egyptian life. It was the great desert, with its vast horizons and silences, which invited men of introspection to worship and to marvelous religious utterances, where Moses received his final education.

In the same manner Abraham Lincoln, in the primeval forests of southern Illinois, then just about opened to civilization, in contact with mountains and rivers, received the final touches of that education which fitted him for his great future career. It is almost laughable how some of his biographers commiserate Lincoln because of his lack of education. True, Illinois in those days represented in the main an untracked and untracked wild. Into this wild country a tall, unkept stripling drove the four-ox team that carried his father and stepmother, stepbrother, sister, and cousin, with their simple household equipment out of Indiana into Illinois. He had scarcely reached his majority; he tarried with his family long enough to help house his aging parents, and then, with the characteristic independence of the true American lad, struck out for himself, for at 21 the true pioneer youth accepted the responsibilities of life, and in the adjoining county of Sangamon entered upon that great career that is the most picturesque as well as the most profoundly significant story in American history.

To continue the comparison, after the remarkable similarity of education of both men, we find that instead of reaching a climax—the one on Nebo's Mount and the other on the day of his assassination—it appears that the climax of one career, that of Moses, was at the Red Sea and at Mount Sinai, and of Lincoln at Washington on March 4 1861; and here is where we see the remarkable similarity of the two careers, the two great outstanding periods in the lives of both leaders. It was when hemmed in between the Red Sea and the best trained legions of antiquity that Moses showed his strategy, his generalship, his leadership, and his communion with God. It was there that he harmonized a distracted people and rose above the divided counsels of the four parties who confronted him with their advice, even as was Lincoln confronted with the advice of four similar parties on that fatal 4th day of March in 1861. There were those who counseled Moses to commit national suicide; there were those who counseled Lincoln—like Horace Greeley and others—to permit the erring sisters to go in peace; let there be as many States, as many republics on the continent as the people in the different States might decide upon. There were those who counseled Moses to return to Egypt and to slavery. There were those who counseled Lincoln not to touch the great institution of slavery, not to shed any blood by reason of any interference with that almost sacrosanct institution. There were those, and they constituted the most dangerous party known as the "Copperheads" in the North, who, with Vallandigham and others—to borrow a term from Thucydides—"emitted the sounds of the hostile armies"; in other words, those who preached secession and treason in the North, those who favored the South, those who could see nothing right in what Lincoln or the upholders of the Union did or proposed to do. There were a similar set of defeatists among the followers of Moses at the Red Sea, who were bent on anything and everything to destroy the hegemony of Moses and of those who would make a united people out of the liberated Egyptian slaves. And there were finally, thank God, those who would follow Lincoln as far as he would lead—men like Governors Andrew, Curtin, Morton, Yates—men who began to perceive the divine mission of the great President, even as Moses had his followers, who said, "No; we will follow you; let us fight the Egyptian hordes." The great lawgiver rose to the very height of his unparalleled career when he stepped from Mount Sinai with the decalogue, the fundamental structure upon which all religions rest. Lincoln reached the greatest height of his career when he stepped before his Cabinet and read his Emancipation Proclamation. Neither man again rose to similar heights.

Perhaps George Grey Barnard explains what happened between the two periods of Lincoln's life: between the times when the two masks were taken of the great war President—the life mask taken by Douglas Folk: Lincoln's life mask is the most wonderful face left to us—a face utterly opposed to the faces of the Emperors of Rome or of Napoleon—that with a record of a dominating will, self-assertive over others, Lincoln's commanding self for the sake of others, a spiritual will based on reason. "For 100 days I sought the secret of this face in the marvelous constructive work of God. \* \* \* The mystery of this whole form nature alone knows—man will never fathom it. \* \* \* Lincoln's face, the triumph of God through man and of man through God. \* \* \* Lincoln, the song of democracy, written by God, his face the temple of his manhood."

On the other hand, Lincoln's death mask reveals the man who has concluded his work, a man who has weathered the storm, a giant whose strength was taxed to the utmost, and which unprecedented tasks have left their marks upon that remarkable constitution.

And so it might be repeated that the great life work of the emancipator was done between the day of his first inaugural and the day of his second inaugural; when he harnessed together the greatest intellects of the country—statesmen, diverse as the winds in temper and sentiment—better capable than himself to push forward the car of legislation or handle the multifarious details of executive work; and he held the reins over them with infinite considerateness and discretion, conciliating, assuaging rivalries, maintaining good humor and encouraging each to his greatest work. He kept his Cabinet in closest touch with Congress, and both Cabinet and Congress in generous accord with public opinion, and with the surrender at Appomattox there was nothing left of colossal size for Lincoln to perform. His work was done, and, as if by an irony of fate, the entire class of captious statesmen who said, "If I were President," were given the task of finishing up what little Lincoln had left undone. He had recemented the Union. He had stamped out sedition and had destroyed slavery, and now it was left as an insignificant heritage to those who thought that they would have performed Lincoln's tasks so much better than Lincoln himself, to finish and clean up the minutia which the assassin's bullet had prevented Lincoln from completing, and which he was even then in the process of completing. The sad and black chapters of reconstruction tell the story of the success with which they met. The disgraceful chapter of the impeachment of Andrew Johnson is something which could never have happened were the spirit of Lincoln alive in the land. And so his great prototype, when he stood on Mount Nebo, left to his successors, who were about equally as successful as were the successors of the martyred President, the taking over of the land and the division thereof among the different tribes.

"How large," says Doctor Converse, "how potent a factor in the conduct of Providence a single great personality may be! The memory of a single great man, Moses, kept and consecrated through the ages by the supreme veneration and obedience, has suffered to preserve intact a wandering people and to confront the modern world with what I may call the one outstanding miracle of civilization, 'a race without a country.' Great characters, like great objects of nature, demand distance and perspective to be viewed aright; to be judged aright they must be judged by their total mass, their dimensions and elevation, by the way they tower above on the horizon. Gazing admiringly upon a giant oak or pine, if some botanist or entomologist begins to tell me of knots and gnarls, and worm holes in the bark, I say, 'Be gone, get thee behind me, thou minute philosopher, thou ferreter of trifles. Never by such process can the measure of the meaning of a noble object make itself felt. Stand back! Survey in grand dimension of the whole; see its mighty arms, in Titan battle with the winds of heaven; mark how its giant roots, piercing the earth with the dark energy of their powerful life, anchor securely the mighty form!'"

So should we look at Moses; so should we look at Lincoln.

Perhaps no other being who came in touch with Abraham Lincoln saw the similarity between him and the great lawgiver more clearly than did Father Chiniquy, to whom Lincoln had come closer, perhaps, than to any other of his many clients. He had freed Chiniquy from a monstrous charge, and he had opened his heart to Chiniquy as he has opened it to very few others. "As we must all die sooner or later," he says to Father Chiniquy, "it makes very little difference to me whether I die from a dagger plunged through the heart or from an inflammation of the lungs. Let me tell you that I have lately read a passage in the Old Testament which has made a profound, and I hope a salutary, impression upon me." The President took his Bible and opened at the third chapter of Deuteronomy and read from the twenty-second to the twenty-eighth verses: "And I besought the Lord at that time, saying \* \* \* I pray thee, let me go over and see the good land that is beyond Jordan, that goodly mountain, and Lebanon. But the Lord was wroth with me for your sakes, and would not hear me; and the Lord said unto me, Let it suffice thee; speak no more unto me of this matter. Get thee up into the top of Pisgah, and lift up thine eyes westward, and northward, and southward, and eastward, and behold it with thine eyes; for thou shalt not go over this Jordan."

After the President had read these words, with great solemnity, he added: "My dear Father Chiniquy, let me tell you that I have read these strange and beautiful phrases several times these last five or six weeks. The more I read them the more it seems to me that God has written them for me as well as for Moses. Has he not taken me from my poor log cabin by the hand, as he did Moses in the reeds of the Nile, put me at the head of the greatest and most blessed of modern nations, just as he put that prophet at the head of the most blessed nation of ancient times? Has not God granted me the privilege, which was not granted to any living man, when I broke the fetters of 4,000,000 of men and made them free? Has not our God given me the most glorious victories over our enemies? Are not the armies of the Confederacy so reduced to a handful of men when compared to what they were two years ago, that the day is fast approaching when they will have to surrender?"

"Now I see the end of this terrible conflict with the same joy as Moses, when, at the end of his trying 40 years in the wilderness; and I pray my God to grant me to see the days of peace and untold prosperity, which will follow this cruel war, as Moses asked God to let him see the other side of Jordan and enter the promised land. But, do you know, I hear in my soul the voice of God giving me the rebuke which was given Moses? Yes; every time that my soul goes to God to ask the favor of seeing the other side of Jordan, and the fruits of that peace, for which I am longing with such an unspeakable desire, do you know that there is a still but solemn voice which tells me that I will see those things only from a long distance, and that I will be among the dead when the Nation, which God granted me to lead through those awful trials, will cross the Jordan, and dwell in that land of promise, where peace, industry, happiness, and liberty will make everyone happy, and why so? Because He has already given me favors which He never gave, I dare say, to any man in these latter days.

"Why did God Almighty refuse to Moses the favor of crossing the Jordan and entering the promised land? It was on account of his own nation's sins. That law of divine retribution and justice, by which one must suffer for another, is surely a terrible mystery. But it is a fact which no man who has any intelligence and knowledge can deny. Moses, who knew that law, though he probably did not understand it better than we do, calmly says to his people, 'God was wroth with me for your sakes.' But though we do not understand that mysterious and terrible law, we find it written in letters of tears and blood wherever we go. We do not read a single page of history without finding undeniable traces of its existence. \* \* \*

"When I look on Moses, alone, silently dying on Mount Pisgah, I see that law in one of the most sublime human manifestations, and I am filled with admiration and awe. \* \* \* My God alone knows what I have already suffered for my dear country's sake. But my fear is that the justice of God is not yet paid. When I look upon the rivers of tears and blood drawn by the lashes of the merciless masters from the veins of the very heart of those millions of defenseless slaves these 200 years; when I remember the agonies, the cries, the unspeakable tortures of those unfortunate people to which I have, to some extent, connived with so many others, a part of my life, I fear that we are still far from the complete expiation. For the judgments of God are true and righteous.

"It seems to me that the Lord wants to-day, as he wanted in the day of Moses, another victim—a victim He has Himself chosen, anointed, and prepared for the sacrifice by raising it above the rest of His people. I can not conceal from you that my impression is that I am that victim. So many plots have already been made against my life that it is a real miracle that they have all failed; but can we expect that God will make a continuing miracle to save my life? I believe not.

"But just as the Lord heard no murmur from the lips of Moses, when He told him that he had to die before crossing the Jordan for the sins of his people, so I hope and pray that He will hear no murmur from me when I fall for my Nation's sake.

"The only two favors I ask the Lord are, first, that I may die for the sacred cause in which I am engaged and when I am the standard bearer of the rights and liberties of my country.

"The second favor I ask from God is that my dear son Robert, when I am gone, will be one of those to lift up that flag of liberty which will cover my tomb and carry it with honor and fidelity to the end of his life, as his father did, surrounded by the millions who will be called with him to fight and die for the defense and honor of our country."

"Lincoln, the Seer," then, should be the title which should be bestowed upon the man who ruled Washington between 1861 and 1865. It seems never to have occurred to his biographers that he had one of the qualities of the seer, in being a remarkable master of repartee—one who always had the last word, the final, definite, concluding word. In 1836, when again a candidate for the legislature, Lincoln greatly distinguished himself by singling out the moral issue from all others and by putting to confusion his political opponent in the "Lightning-rod

speech," not popularly known. There lived in the most pretentious house in the town a politician by the name of George Forquer, who had long been known as a leading Whig but who now had gone over to the Democrats and had received from the Democratic administration an appointment to the lucrative position of register of the land office at Springfield. Upon his handsome new house he had lately placed a lightning rod, the first one ever put up in Sangamon County. As Lincoln was driving into town with his friends they passed the fine house of Forquer; they observed the lightning rod and discussed the manner in which it protected the house from being struck by lightning.

There was a large meeting and great curiosity to hear this speaker from New Salem. There were seven Whig and seven Democratic candidates for the lower branch of the legislature, and after several had spoken it fell to the lot of Lincoln to close the discussion. Forquer, though not a candidate, asked to be heard for the Democrats and reply to Lincoln. He was a good speaker and his special task was to attack and ridicule the young countryman from Salem. Turning to Lincoln, he said: "This young man must be taken down; I am sorry that the task devolves on me." He proceeded to heap ridicule on the person, dress, and arguments of Lincoln, and with so much success that Lincoln's friends feared the outcome.

As soon as Forquer closed, Lincoln took the stand, and one by one demolished his opponent's arguments, ending with these words: "The gentleman began his speech by saying that this young man, alluding to me, must be taken down. I am not so young in years as I am in the tricks and the trade of the politician, but," he went on, pointing to the unfortunate Forquer, "'live long but die young.' I would rather die now than, like this gentleman, change my politics, and with the change receive an office for \$3,000 a year, and then feel obliged to erect a lightning rod over my house to protect a guilty conscience from an offended God."

It is difficult to realize the effect produced on the old settlers by these words. They had slept all their lives in their cabins in conscious security. Here was a man who was afraid to sleep in his own house without special protection from the visitation of the Almighty. The old settlers concluded that nothing but consciousness of guilt could account for such timidity. Forquer and his lightning rod were talked of in every settlement from Sangamon to the Wabash.

Consider the singular self-control of Abraham Lincoln. The scene is Washington. The time is a few days before Mr. Lincoln's first inauguration. Mr. Lincoln has been in Washington scarcely 24 hours. Washington is throbbing and tumultuous with excitement; rumors of all sorts are afoot. The ship is about to change captains amid the threatenings of a storm such as never before growled and flashed on the horizon.

Here is the gaunt, queer, homely, towering man, standing amid utterly untried circumstances, confronted with problems such as never before amassed themselves before an American statesman, and in an environment where an unguarded word might be as a match to a magazine—an ill-considered gesture even the cause of an explosion; maligned and hated by the multitudes, surrounded by many men filled with criticism, called to trip him; hot with anger at his election, some determined already to band themselves into rebellion against him, soon to be the constitutional head of the Republic; and he, with never a quiver in his voice, nor a touch of paleness on his gaunt cheek nor the slightest indication of irritation in his tone, the steady master of himself during the whole occasion. It was reserved for the delegates from New York to call out from Mr. Lincoln his first expression touching the great controversy of the hour. William E. Dodge, a New York merchant prince, had stood waiting his turn. As soon as his opportunity came he raised his voice sufficiently to be heard by all present, and addressing Mr. Lincoln declared that the whole country in great anxiety was awaiting his inaugural address, and then added: "It is for you, sir, to say whether the whole Nation shall be plunged into bankruptcy, whether the grass shall grow in the streets of our commercial cities." "Then I say it shall not," Mr. Lincoln answered, with a merry twinkle in his eye. "If it depends upon me, the grass will not grow anywhere except in the fields and the meadows."

"Then you will yield to the just demands of the South; you will leave her to control her own institutions; you will admit slave States into the Union on the same conditions as free States; you will not go to war on account of slavery."

A sad but stern expression swept over Mr. Lincoln's face. "I do not know that I understand your meaning, Mr. Dodge," he said, without raising his voice, "nor do I know what my acts or my opinions may be in the future, beyond this: If I shall ever come to the great office of the President of the United States, I shall take an oath. I shall swear that I will faithfully execute the office of the President of the United States—of all the United States—and that I will to the best of my ability preserve, protect, and defend the Constitution of the United States. This is a great and solemn duty. With the support of the people and the assistance of the Almighty, I shall undertake to perform it. It is not the Constitution as I would like to have it, but as it is that is to be defended. The Constitution will not be preserved and defended until it is enforced and obeyed in every part of every one of the United States. It must be so respected, obeyed, enforced, and defended, let the grass grow where it may."

Silence fell. Dispute was impossible. No one could gainsay the weight and balanced justice of the words. They were entirely unpremeditated, but they fell and fitted as the light does.

Just one more example, which is but typical of a score, and which always concludes by leaving absolutely nothing to be said after Lincoln concluded, is to be found on August 19, 1862, when the good, impulsive, impractical, and misguided Horace Greeley, unmindful of the discomfiture of Carl Schurz, published in his newspaper, the New York Tribune, an address to the President to which he gave the awe-inspiring title, "The prayer of twenty millions of people." "It was an extremely foolish paper," says John T. Morse, "and its title, like other parts of it, was false." Only those persons who were agitators for immediate emancipation could say amen to this mad prayer, and they were far from being even a large percentage of the 20,000,000 people. Yet these men, being active, hundreds proceeded in behalf of a measure in which they had perfect faith, made a show and exercised an influence disproportionate to their numbers. Therefore, that prayer, though laden with blunder of fact and reasoning, expressed malcontent Republicanism. Moreover, multitudes who could not quite join in the prayer would read it in the Tribune and would be moved by it, for the influence of the Tribune was enormous.

Colonel McClure truly says that by means of it Mr. Greeley "reached the very heart of the Republican Party in every State in the Union," and perhaps he does not greatly exaggerate that through this same line of connection the great Republican editor was in closer touch with the active loyal sentiment of the people than was even the President himself. For these reasons it seemed to Mr. Lincoln worth while to make a response to the assault which, if left unanswered, must seriously embarrass the administration. He therefore wrote: "My paramount object is to save the Union, and not either to save or destroy slavery. If I could save the Union without freeing any slave, I would do it. And if I could save it by freeing all the slaves, I would do it. And if I could save it by freeing some, and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save the Union, and what I forbear, I forbear because I do not believe it would help to save the Union. I shall do less whenever I believe what I am doing hurts the cause, and shall do more whenever I believe more will help the cause. I shall try to correct the errors, when shown to be errors, and I shall adopt new views so fast as they shall appear to be true views. I have here stated my purpose, according to my view of official duty, and I intend no modification of my oft-expressed personal wish, that all men everywhere could be free."

This reply, placing the Union before all else, did "more to steady the loyal sentiment of the country in a very grave emergency than anything that ever came from Lincoln's pen." It was, very naturally, "particularly disrelished by antislavery men, whose views were not modified by it, but whose temper was irritated in proportion to the difficulty of meeting it. Mr. Greeley himself, enthusiastic and woolly-witted, allowed this heavy roller to pass over him, and arose behind it unaware that he had been crushed. This convinced not only Greeley, Beecher, Phillips, Schurz—but the entire class of noble men and women who had no patience with Lincoln's caution in dealing with the problem of emancipation.

These examples are but typical of others, and all these and similar occurrences always ended the same way. Lincoln not only spoke the last word, but the final, convincing, crushing word. It was ever so—whether a congressional committee, a senatorial committee, a delegation criticizing the conduct of the war, a delegation demanding the resignation of the Cabinet, a delegation of clergymen demanding the change of a general—they always received a complete, conclusive, crushing reply. Even during the great joint debate, while Lincoln kept his personal feeling and his personality out of the debates, and kept high in the limelight the questions of the principles involved in the debate, he could not help replying to some of the baser attacks of Judge Douglas, and it is the universal judgment of all his biographers and critics that Douglas and his theories were completely demolished.

#### LINCOLN'S MILITARY AND POLITICAL STRATEGY.

By a strange misconception, based upon a purely inadequate study of Lincoln's career in the War Office, hardly anyone has given Lincoln credit for the marvelous military strategy which was his, which he mastered as the war proceeded. There has never been a great war where military strategy had to be reinforced by political strategy, and where political strategy played a more important part in it than in our Civil War. The problems confronting the Government were both numerous and difficult. It was no mere local contest. It involved our relations with Europe, and required a world-wide vision to grasp and an almost superhuman intellect to solve them.

Mr. Lincoln I believe to have been the greatest combination of military and political strategist the world has seen. His intuition into the minds of people is perhaps without parallel. Under any other pilotage the unity of the Nation could not have been preserved. At the very threshold of the contest, by drawing a pen through a few

words in the letter of instructions by the Secretary of State to Mr. Adams, our minister to the Court of St. James, and changing a few phrases and repeating a number of times the words "one war at a time" while making the corrections, he saved us from a probable war with England. By quick and decisive action, at Lincoln's orders, the Governor of Missouri and his secession followers were driven into Arkansas, and Missouri was kept in the Union. Less than three months from the date of Virginia's secession the Confederate forces had been driven out of the greater part of West Virginia and a new government established. By a conciliatory and hands-off policy, notwithstanding a strong and persistent pressure to adopt a different course—Greeley insisted on freeing the slaves forthwith, even if Kentucky and the border States were lost to the Union—Kentucky abandoned her first stand of neutrality and contributed her full share to the persecution of the war. No one ever watched the unseen signals that marked the trend of public opinion with vision quite so clear, or read their meaning with judgment quite so true, until from his watchtower he saw the light that was to usher in the day when he could with safety send forth the proclamation of emancipation, which ultimately brought to the Army the strength of nearly a quarter of a million colored soldiers. For four years Lincoln stood facing the South with a sword in his hand and kindness in his heart—and the North, pressing home to the minds of all the conviction "that if the union of these States and the liberties of the people shall be lost, it is little to one man of 52 years of age but a great deal to the 40,000,000 of people who inhabit these United States and their posterity in all coming time." It was shortly after the Emancipation Proclamation that a leading statesman of England said that his Government would not dare to face the religious sentiment of Great Britain on the question of recognizing the independence of the Confederate government, that was founded to perpetuate slavery, to the injury of a Nation that had proclaimed the principles of universal freedom. His military strategy was on a par with his political strategy. After changing his generals for upward of two years, and by the time Grant and Sherman and Sheridan and the new school of warriors had appeared upon the horizon, Lincoln had mastered his military strategy to such an extent that he could with authority advise General Meade to follow up the victory of Gettysburg, and sent him a note which reveals like a ray of light what manner of man was practically alone in the White House: "This order is not a record. If you are successful you may destroy it, together with this note; if you fail, publish the order, and I will take the responsibility." He had no vanity, no bitterness, no pettiness, and his ingenuity of self-effacement was as simple as his unwillingness to evade duty or escape censure. He it was who was the sole author of the military strategy of having the South strike first or provoking the war by the fatal bombardment of Fort Sumpter and thus shifting the responsibility upon the South for attempting to break up the Union. He it was who encouraged Sherman in his march to the sea, as he said, to bisect the Confederacy. He it was who gave Grant full authority and full charge of every available soldier, because his military strategy taught him that he had found the master of the situation in General Grant. Had it not been for his military and political strategy it would have never been possible to save the Union from disruption.

Thomas Williams, one of the founders of the Republican Party, has well said, "If he could have foreseen the magnitude of the task that was before him, he might well have shrunk from the trial. He would have been a bold man who, with such foreknowledge, would willingly have taken the helm in such a storm as howled around him on his advent and strained the timbers of the ship of state for so many long and weary years. To him the place, however exalted and honorable, was one of anxious and unsleeping care. No man can tell you how much of agony it cost a heart like his. It is to that point of his career, however, that our inquiries are to be directed if we would know the man. The history of the great rebellion, comprehending all, or nearly all of his public life, is emphatically his history. It began and ended with his administration of the Government. He succeeded to a divided scepter. He lived just long enough to reunite the broken fragments—to replant the starry banner of our fathers on the battlements whence treason had expelled it—to see the arch apostate who had seduced a third part of the States from their allegiance, a wanderer and a fugitive—and to leave to his successor a once more undivided Union. \* \* \* And yet he did not shrink from the ordeal, but there, on the steps of the Capitol, in the presence of all that innumerable concourse and in the hearing of a listening world, in terms of kindness, and not of menace, but with a seriousness and solemnity that were not to be mistaken, he proclaimed his firm and unalterable determination to employ all the powers vested in him by the Constitution in maintaining the integrity and inviolability of the Union from sea to sea and from the Lakes to the Gulf and restoring to its authority every State and fortress that had been wrested from it by the hands of treason. Rebellion, already organized and armed and confident of its superior prowess, received the announcement with derisive laughter as an idle vaunt on the part of a President, who was without a soldier or a ship to batter down the very feeblest of its strongholds. He knew that there was an army in the fields and workshops of

the North, which only awaited his call to do this work. A million of stalwart men sprung to their arms upon his summons and the pledge was redeemed. The boastful chivalry went down before the sturdy arms and stormy valor of the men they had so foolishly despised; and they who laughed to scorn the admonitions of that day and arrogantly proclaimed to their deluded followers that the Capital of the Nation and the rich spoils of the opulent and crowded cities of the North should be given to their victorious arms found only a grave, where they meditated an easy conquest. But Abraham Lincoln lived to see his pledge fulfilled. His work was done, and he too sleeps with his fathers."

The character of the achievements of Abraham Lincoln have been approached in the past 60 years by over a thousand authors, orators, critics, and military and political writers, and most of them have seen fit to attribute the performance of the gigantic tasks which he performed to one or another of his accomplishments. There are those who attribute the success of his achievements to his superior ability as a politician: "Lincoln the politician," therefore, is one of the tracts which upholds that theory. "Lincoln the lawyer," is the product of another Lincoln scholar, who attributes most, if not all of his success, to the fact that he was a great lawyer.

"It was Lincoln the lawyer," says Mr. Frederick Trevor Hill, "as well as the statesman, who suggested and urged compensated emancipation upon the slave-holding States \* \* \*"

"It was Lincoln the lawyer who \* \* \* resisted every effort of the abolitionists to deprive the South of her property rights without due process of law, and it was not until every legal remedy had failed that he exercised his authority as military commander and issued the Emancipation Proclamation.

"It was Lincoln the lawyer who, fortified by his experience in hundreds of jury trials, watched the people to whom a mighty issue was being presented, and, by anticipating and interpreting their thought, guided popular opinion, inspired public confidence, and at last received the tribute of an unprecedented verdict. It was Lincoln the lawyer who, knowing the crucial point in his cause and keeping it continually in sight, remained serenely sane in the babel and pressed steadily forward, undiverted and undismayed.

"It was Lincoln the lawyer who wrote the state papers which are today recognized as models of finish and form, not only in his own country but wherever statecraft is understood, and it was Lincoln the lawyer whose shrewdness and tact not only saved the Nation from foreign complications, but paved the way for one of the greatest international lawsuits and most notable diplomatic triumphs—the Alabama arbitration and award.

"We all agree that the seceded States, so called, are out of their proper relation to the Union, and that the sole object of the Government, civil and military, in regard to those States is to again get them into that proper relation. \* \* \* Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad. Let us all join in doing the acts necessary to restoring the proper practical relations between these States and the Union, and each forever after innocently indulge his own opinion whether in doing the acts he brought the States from without into the Union or only gave them proper assistance, they never having been out of it."

Reading those words, who can doubt that it would have been Lincoln the lawyer who would have proved the genius of reconstruction had he been allowed to live and help "bind up the Nation's wounds"?

Another attributes his unusual achievements to the fact that he was a "master of men," and that he could so hold discordant and different types of men, like Seward and Welles, like Chase and Stanton, that he succeeded in bringing about a restored Union. "Lincoln, the man of God," is the delightful thesis of another Lincoln devotee. But, in order to explain this remarkable leadership and these remarkable performances we must conclude that he was, like his great prototype, inspired and led by a Providence who shapes the destinies not only of men but of nations. It simply can not be explained in any other way. "When he came into power," says Doctor Storrs, "the Nation was a company lost in the woods; with sudden griefs sinking before it; with stealthy robbers lurking near; with utter darkness overhead; the sun had gone down; the light of all the constellations quenched; no man knew certainly what to do, which way to turn, on whom to rely. There was danger in advancing, perhaps greater in delay; danger that everything precious might be lost; danger, even, that the travelers themselves, in their dark fear and furious haste, might turn on each other with deadly blows. You remember what an infinite jargon of counsels from all presses, forums, individual speakers, rent and vexed the gloomy air; with what patient eagerness the public sought on every side for some avenue of escape, urging the adoption of one course to-day and of another, its opposite, to-morrow. All voices sounded strange in the darkness; all paths were obliterated, and all bearings lost. It seemed impossible that any one man, without Divine guidance, should be able to hold and lead the country; especially that one without large experience, without the prestige of previous leadership, should be able to guide it into safety. \* \* \*"

"When he took in hand the reins of the Government the finances of the country seemed hopelessly deranged, and when he died, after such

expenditures that no one had hitherto dreamed of, after four long years of devastating war, the credit of the Republic was so firmly established that foreign markets were clamorous for its bonds.

"When he came to Washington the Navy at the command of the Government was scattered, almost beyond recall, to the ends of the earth—intentionally dispersed by treasonable officials—and was ludicrously insufficient for instant needs. He left it framed of iron instead of oak, and large enough to bind the continent in blockade, while it made the national flag familiar on every sea which commerce crosses."

He found an army remotely dispersed, almost hopelessly disorganized by the treachery of its officers, with scarcely enough of it left at hand to furnish a bodyguard for his march to the Capital. He left a half million men in arms, after the losses of 50 campaigns, with valor, discipline, arms, and generalship unsurpassed.

He found our diplomacy a by-word and a hissing in foreign courts. He made it respected wherever a civilized language was spoken.

He found the arts of industry prostrated—almost paralyzed—by the arrest of commerce, the repudiation of debts, and by universal distrust. He left them so trained and developed that henceforth they are secure amid the world's competition.

He came to Washington to a people morally rent and disorganized; of whom it was known that a part at least were in full accord with disloyal plans, and concerning whom it was predicted by some, and feared by many, that the slightest pressure from the Government upon them would dissolve them at once into fighting factions. He levied heavy taxes; he drafted them into armies; he made no effort to excite their admiration; he seemed to throw down even the ancient monuments of their personal liberty; and he went back to his grave with the very same people so knit into one by their love for each other and their reverence for him that the cracking of the continent hardly could part them.

At his entrance upon his office he found the leaders of the largest, fiercest, and most confident rebellion known to history, apparently in all things superior to himself in capacity, in culture, in political experience, in control over men, in general weight with the country itself. And when he was assassinated he left them so utterly overthrown and discomfited that they fled over the sea. A power it had taken 30 years to mature, a power that put everything into the contest—money, men, homes, churches, cities, States themselves—and that fought with a fury never surpassed, he not only crushed but extinguished in four years. A court that had been the chief bulwark of slavery he so reorganized as to make it a citadel of liberty and light for all time to come. He found the race enmeshed in a bondage which had lasted already 200 years, and had even been compacted and confirmed by invention and commerce, by arts, legislation, by social usage, by ethnic theories, and even by what was called religion; he pretended no special fondness for the race; he refused to make war on its behalf, but he took it up cheerfully in the sweep of his plans and left it a race of free workers and soldiers.

From the highest reach that Lincoln had attained before his accession to the Presidency to the zenith of his career the space seems incalculable. He was known to possess clearness of thought, gift of expression, native sagacity, honesty of purpose, and courage of conviction; he was devoted to the rights of man; he loved his country; but that he possessed elements of greatness in such degree as the war revealed could not have been surmised. And that he should manifest so soon and so signally his ability to rule a great Nation in the most dangerous period of its existence; that he should overthrow his associates and prove that, more than they, he was fitted to save the Government; that he could wield a power that was greater than that of any of his predecessors and surpassing that exercised by any contemporary ruler, king, or emperor, could not have been foreseen by any lacking divine inspiration. Not by graded steps but by giant stride Lincoln reached the height of power, achievement, and fame. At the very opening of the war it at once became apparent that Providence had so shaped the country's destiny that the man who had been chosen mainly because of his availability as a candidate was far and away the one man for the office and for the work.

If Abraham Lincoln could return from that bourne from which, to our limited earthly ken, none come and behold the Union that he saved and perceive our territorial expansion, our enormous wealth, our splendid cities, and see again our beloved flag, the symbol everywhere of a new world power, of our great industries and our colossal fortunes, he would calmly inquire, "But what of your men? What about the Declaration of Independence? Are its principles cherished and lived up to and exalted? Are its ideas of free government applied by men who talk liberty and mean slavery, by men who adore the Constitution with their lips, the descendants of the men in my time who adored it in their speech and who were yet doing their utmost to destroy it? And what about your legislatures? Have they improved? Are statutes carefully and wisely considered? Do they enact the laws of God or the will of some powerful interest? What about the governmental departments? Are they administered for the people? Have your political leaders eyes for their own or for the public interests? Have they principles for which they are ready to give up their lives,

their property, their sacred honor? Or have they principles only for platforms or parades or purchase? How about the immigrant, the stranger; do you love the stranger? Do you give the immigrant a chance to become a good American—the same chance to the Hollander, the German, the Frenchman, the Scotchman, and all the others who make up the fine type of our American citizenship?"

Fixing upon us those melancholy eyes—those eyes which drew all men to him—he would warn us to learn wisdom in the time of our power and our wealth and our opportunity, lest we, too, provoke the righteous judgment of God upon ourselves and our posterity. "Have we not all one Father? Has not one God made us all?" He would remind us with pathetic solemnity that all the miseries of those troubled years in which he suffered for us came from judicial blindness, from the sacrifice of conscience and truth and freedom of speech, to avarice and ambition and lust of power; and, lifting his hand again as he did at Gettysburg, he would call upon us all "to here highly resolve that these dead shall not have died in vain; that this Nation \* \* \* shall have a new birth of freedom; and that the Government of the people by the people and for the people shall not perish from the earth."

#### ADDRESS BY SENATOR ROBINSON ON WOODROW WILSON'S PLACE IN HISTORY.

Mr. CARAWAY. I present an address by the senior Senator from Arkansas [Mr. ROBINSON] on Mr. Wilson's place in history, which I ask may be printed in the RECORD.

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

#### MR. WILSON'S PLACE IN HISTORY.

It is perhaps too soon after his death to form an accurate conclusion of how the future of mankind will be influenced by the labors and achievements of former President Wilson. The bias of friendship prompts many to judge the great man by his best deeds, and the prejudice of his enemies drives them to condemn him for his worst mistakes.

#### WILSON'S FIGURE GIGANTIC.

To the majority of those who have noted the revolutions which occurred throughout the civilized world during the period of Mr. Wilson's public activities his figure looms as the most gigantic of all the great men of our time. So weighty were the issues and so important were the events with which his name is forever associated that it seems probable his shadow will grow rather than shrink as the centuries go by.

#### VALUE OF MORAL RESTRAINT IN YOUTH.

The thoughts, utterances, and achievements of Mr. Wilson can not be comprehended without a knowledge of the moral restraints under which his youth and early manhood were passed. In the stern discipline of a Presbyterian home, dominated by the personality of his father, who is revealed as uncompromising with evil and prompt always in the championship of honor, justice, and Christianity, he acquired a masterful will power which stands out as the most prominent among his many noble personal attributes. This faculty in the great crises of his life served both him and his country well, but it challenged opposition, often made compromise impossible, and impelled him to assume personal responsibility in cases where it might have been avoided.

The high standards of public duty and the lofty ideals in domestic and in international politics which glorify the memory of Woodrow Wilson were conceived during his early home life and were given permanence and clearness of outline in the period when he was connected with Princeton University.

#### MR. WILSON AT PRINCETON.

It is doubtful if any other President since Washington and Jefferson has been so well grounded in the fundamental principles of our Republic, and it seems certain that Mr. Wilson has more clearly defined those principles in his writings and official papers than anyone else who has appeared since the period when the Constitution was formed. His lectures, addresses, and published volumes demonstrated intimate familiarity with both the principles and administrative features of our Government and, even before Mr. Wilson entered politics, secured for him recognition as a standard authority in the broad field of political literature. His labors at Princeton brought Mr. Wilson into contact with the great educators of the Nation and with thousands of virile young men whose services have helped to shape the educational and political policy of our country during a period marked by wonderful development and thrilling incidents.

#### NOTABLE EXECUTIVE ABILITY.

It is rare indeed that men of exceptional culture and vivid imagination have demonstrated remarkable ability as executives.

In America politics has long been a universal occupation. Poets, philosophers, authors, professional men, and captains of industry have heard the call to public service, and many of them at some time in their lives have yielded to its summons. Mr. Wilson demonstrated his skill in practical politics when as Governor of New Jersey he at first ignored and afterwards challenged and defied the bosses and the big interests

which they sought to serve. He employed the driving force of his matchless will power to secure the people of his State from exploitation and oppression, and to give them a sane, wholesome, and clean administration of public affairs.

#### THE BALTIMORE CONVENTION.

The Democratic National Convention of 1912 assembled in this city. Throughout the country former students at Princeton and their friends effected an organization which made Mr. Wilson one of the principal contenders for the presidential nomination. His opponent was that honest and courageous Representative in Congress, Champ Clark, of Missouri. For many days it seemed probable that the latter would be nominated. On several ballots he received a majority vote in the convention. The Wilson line held firm and gathered strength and enthusiasm, so that Mr. Clark could not obtain the two-thirds necessary for his nomination. Mr. William J. Bryan, who in three campaigns had unsuccessfully led his party, threw his influence against the Missourian and the Democratic standard was finally placed in Mr. Wilson's hand. With brilliant daring he carried the fight into the enemy's territory and won the election.

#### CONTROL BY MINORITY PARTY.

President Wilson's first administration, and probably his second, in a practical sense, represented control by a minority party. If the opposition had been united, his election would have been impossible. The aggregate votes cast for the Taft and Roosevelt electors exceeded the number received by the Democratic electors. The division in the ranks of the Republican Party contributed to the Democratic victory in 1912, and the victor had the difficult task of administering the Government through what may be defined as a minority.

#### HE KEPT US OUT OF WAR.

In the election of 1916 the Republican Party was reunited. Notwithstanding this fact, Mr. Wilson was reelected. He had stoutly insisted upon the maintenance of a policy of neutrality, and everywhere the slogan resounded, "He kept us out of war." A cyclone of wrath was destroying Europe. Its best manhood was dying in muddy, blood-soaked trenches and on battle fields, where bursting shells and streams of liquid fire and poisonous gas consumed millions. Our people did not want to engage in a foreign conflict. They knew that the President could be relied upon to exercise a steady influence. They knew he would safeguard courageously the interest and the honor of the Nation. His first administration had brought wholesome and far-reaching domestic reforms, which apparently made him stronger than his party. His great ability and resolute leadership earned the vote of confidence which was accorded in November, 1916.

#### MR. WILSON'S RECORD AS PRESIDENT.

The eight years during which Mr. Wilson served as President were the most momentous in all history. It is impossible in an address appropriate to this occasion accurately and completely to review the record of these years. Only the briefest mention can be made here even of the outstanding achievements attributable to his influence.

#### FISCAL POLICY REVOLUTIONIZED.

The fiscal policy of the United States was revolutionized by the enactment of a tariff law which discarded the theory of protection, and by the imposition of an income tax which has become a permanent feature of our revenue system.

#### FEDERAL RESERVE BANKING LAW.

The Federal reserve banking act may be regarded as the most important peace measure of Mr. Wilson's administration. It secured the financial institutions of the country against panics, based the currency on assets rather than liabilities, and gave to every member bank, in a large measure, the combined strength of all.

The agricultural extension law, the farm loan act, and the creation of the Trade Commission may be numbered among the reforms which Mr. Wilson initiated and successfully championed. He was ambitious to carry out a progressive policy which embraced numerous measures designed to promote comfort and prosperity among the people, but the consummation of his plans was interrupted by our participation in the war.

In spite of the President's patience and forbearance, in spite of the people's hopes and prayers, the United States was at last drawn into the world conflict which threatened the complete destruction of civilization.

#### CONTINUANCE OF NEUTRALITY IMPOSSIBLE.

When Germany invaded Belgium the neutral policy announced by Mr. Wilson provoked criticism in both Europe and the United States. It was, however, justified by the overwhelming majority of the American people, as the election of 1916 conclusively showed. Not until it became apparent that Germany had determined to ruthlessly destroy the lives and property of American citizens did the President yield to imperative necessity and summon the manhood of the Nation to the combat.

#### DEMONSTRATION OF SUPREME WILL POWER.

Again was demonstrated his supreme will power. When the German Government announced its purpose to resume submarine warfare, which had been temporarily suspended against neutrals, the President went to his room in the Capitol. He summoned a number of Senators and said: "You know the situation in all its details. I wonder what you are thinking I should do."

One Senator replied:

"Give the German ambassador his passports and order him forthwith to leave the country."

Another declared:

"I heartily approve of that suggestion."

A third Senator, however, suggested that perhaps it might be well to dispatch a communication remonstrating against the avowed purpose of Germany. President Wilson's jaws snapped. His features became pale and rigid. Drawing himself erect and casting a stern glance upon the crowd which had gathered while the consultation was in progress, he said, in substance:

"Let us be done with diplomatic notes. The hour to act has come. We scarcely can hope that Germany will recede. The German ambassador will be advised that unless immediate abandonment of the submarine policy is announced, his further presence in the United States is not desired."

The conference ended. The President departed. That night the telegraph and telephone lines were busy. They carried the news that Germany at last had forced the United States into open resentment and was driving us into the war.

Then came days of excitement and of preparation; nights of wakefulness and anxiety. Old men and women renewed their strength as if by magic; young girls whose tender hands had never known the touch of toil gave themselves with diligence to labor. Everywhere were uniforms and flags. The railway lines were cleared for troop trains and supplies. Silently great transports bearing soldiers slipped from their docks and steamed toward the coast of France. A mighty task was resolutely begun.

#### THE SELECTIVE DRAFT.

Meantime, once more America's mighty leader proved his worth. He proposed the selective draft, without which the war might have been indefinitely prolonged. Nothing occurred from the beginning of the conflict until the armistice was signed more heartening and inspiring to those who hoped that Germany would be overcome than the passage and enforcement of the selective draft law. It distributed the obligation to perform military duty as fairly and impartially as human minds could plan, and wisely made possible the mobilization of the Nation's industries for the support of a cause in which the future of the world was involved—a cause then threatened with failure. The selective draft law, and other measures which quickly followed it, enabled the United States in record-breaking time to organize, equip, train, and transport to the front the best-selected and most aggressive fighting force the world has ever known.

#### AMERICAN SOLDIERS TO THE FRONT.

The decision of Mr. Wilson, as Commander in Chief of the Army and Navy, not to stand on the defensive, but to hurry our troops as fast as possible to the front, in order that their coming might bring new courage to the soldiers of England, France, and Italy, required surpassing will power. The refusal to yield to political influence in the selection of a supreme commander, upon whose sound sense and wisdom everything depended—the choice of Pershing for that responsible duty—in the light of all that has since occurred these decisions completely established Mr. Wilson's right forever to occupy a place in history among the great and brave.

#### THE LEAGUE OF NATIONS.

Looking backward, it is easily discovered that the big mistake—perhaps it could not have been avoided—which the Allies made in the treaty of Versailles, was the imposition of terms so difficult of performance as to delay indefinitely the return of peace to Europe. President Wilson had suggested in his famous "14 points" terms of peace which in almost every particular have been shown to be wise and just. If his terms could have been written into the Versailles treaty, Europe long ago would have advanced from chaos and disorder into lasting prosperity and progress.

It has been said that President Wilson unwisely assumed control of the negotiations at the Paris Peace Conference, and that he autocratically dominated our representatives there. He foresaw the difficulties of writing a treaty which would be just. He anticipated the jealousies and hatreds which found expression at the conference table, and, quite naturally, recognized his accountability if the conclusions of the conference should prove responsive to the influences of suspicion and hatred which he knew would be exerted.

No doubt Mr. Wilson felt his personal presence would be helpful, and it was helpful. He was determined to redeem the pledges through

which hostilities had been suspended. He hoped that out of the sacrifices of the war would come a new and better order; that the night of bitterness, sorrow, and suffering would dawn into a day of peace and liberty. At Paris he encountered experienced diplomats, including the revengeful and indomitable Clemenceau and the wily and unscrupulous Lloyd-George. Mr. Wilson found it impossible to relieve the atmosphere of the conference from the age-old poisons of European diplomacy—national rivalry, intense jealousy, and deep-seated hatred. Unable to accomplish all his exalted aims, he did his best to thwart the sinister forces that worked in secret for a puny peace. Exhausted and grieved, he compromised. His reluctance to consent to arrangements in the treaty which appeared unjust, his bold championship of the rights of people struggling for self-determination provoked resentment and conspiracies against him.

When the armistice was signed the belief was well-nigh universal that the formal restoration of peace would be accompanied or followed by a comprehensive plan through which disputing nations might amicably arrange their differences and thus be denied the excuse and spared the necessity of resorting to military force in the settlement of their controversies.

The League of Nations, due in large part to Mr. Wilson's thought and labors, was the only plan suggested. He hoped that the unjust provisions in the Versailles treaty provisions, which he knew would prove disturbing, would be nullified or rendered less harmful through the intervention of the league. It was perhaps the first instance in his public life when he adopted a policy of compromise. Undoubtedly the treaty embraced a series of compromises among the Allies by means of which they planned to maintain a united front against their former enemies. Considering the many nations represented at the Paris conference and their conflicting contentions, compromise was inevitable if agreement was to be made. Mr. Wilson unwillingly consented to many stipulations in the belief that by doing so an enduring benefit to all mankind might be secured.

A natural reaction—stiffening of determination on the President's part—was followed by a contest which resulted in the rejection of the treaty and the league by the Senate of the United States. It will be recalled that at first only unimportant reservations were proposed. If Mr. Wilson had been able to go a short distance along the path of compromise, the treaty likely would have been ratified and the United States would have become a member of the League of Nations. Perhaps Mr. Wilson felt that his course at Paris disclosed weaknesses of purpose on his own part which he found difficult at times to justify. In any event he refused a compromise with the Senate and demanded that the treaty be consented to without material change or reservation. Then occurred an episode in American politics which will shame his enemies for all time. A deliberate effort was made to destroy him, to overcome his influence with the public in order to keep the United States from entering the league. Trained politicians organized and directed the propaganda which gathered force and effectiveness until it crushed the physical strength of the great leader, against whom it was so skillfully and unscrupulously directed.

His unconquerable will remained and served him to the end. Continuous physical suffering never impaired in the slightest degree his memory or his vision. He could not restrain indignation at the weak and indefinite foreign policy of his successor. He felt that by patience and sympathetic counsel our Government could retain the confidence of European peoples, even though we refused them financial assistance. Had he regained his health sufficiently to present and urge his views respecting foreign policies, it seems quite likely that the verdict alleged to have been returned against him in 1920 might have been reversed. At the hour of his death Mr. Wilson was more popular and beloved than at the time of his greatest power. He was growing in favor with the masses, who realized the great sacrifice for them their champion had made. Months before he died his enemies had ceased outspoken censure and had come to criticize him only in whispers. In that eternity of fame where only master spirits abide let him be remembered for his service to his fellow men, for after all this is God's test when He permits creatures to exchange mortality for immortality.

RECESS.

Mr. SMOOT. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and the Senate (at 4 o'clock and 55 minutes p. m.) took a recess until to-morrow, Tuesday, February 19, 1924, at 12 o'clock meridian.

#### NATURALIZATION TREATY WITH BULGARIA.

In executive session this day, the following treaty was ratified, and on motion of Mr. LODGE the injunction of secrecy was removed therefrom:

#### To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a naturalization treaty concluded between the United States and Bulgaria at Sofia on November 23, 1923.

CALVIN COOLIDGE.

THE WHITE HOUSE,  
Washington, January 7, 1924.

#### The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to its ratification, if his judgment approve thereof, a treaty of naturalization concluded between the United States and Bulgaria at Sofia on November 23, 1923.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,  
Washington, January 3, 1924.

#### NATURALIZATION TREATY BETWEEN THE UNITED STATES AND BULGARIA.

The President of the United States of America and His Majesty Boris III, King of the Bulgarians, being desirous of reaching an agreement concerning the status of former nationals of either country who have acquired, or may acquire, the nationality of the other by reasonable processes of naturalization within any territory under its sovereignty, have resolved to conclude a treaty on this subject and for that purpose have appointed their plenipotentiaries, that is to say:

The President of the United States of America:

Charles S. Wilson, envoy extraordinary and minister plenipotentiary of the United States of America to Bulgaria;

And His Majesty, the King of the Bulgarians:

Christo Kalfoff, Minister for Foreign Affairs and Worship of Bulgaria.

Who, having communicated to each other their full powers, found to be in good and due form, have agreed upon the following articles:

#### ARTICLE I.

Nationals of the United States who have been or shall be naturalized in Bulgarian territory shall be held by the United States to have lost their former nationality and to be nationals of Bulgaria.

Reciprocally, nationals of Bulgaria who have been or shall be naturalized in territory of the United States shall be held by Bulgaria to have lost their original nationality and to be nationals of the United States.

The foregoing provisions of this article are subject to any law of either country providing that its nationals do not lose their nationality by becoming naturalized in another country in time of war.

The word "national," as used in this convention, means a person owing permanent allegiance to, or having the nationality of, the United States or Bulgaria, respectively, under the laws thereof.

The word "naturalized" refers only to the naturalization of persons of full age, upon their own applications, and to the naturalization of minors through the naturalization of their parents. It does not apply to the acquisition of nationality by a woman through marriage.

#### ARTICLE II.

Nationals of either country who have or shall become naturalized in the territory of the other, as contemplated in Article I, shall not, upon returning to the country of former nationality, be punishable for the original act of emigration, or for failure, prior to naturalization, to respond to calls for military service not accruing until after bona fide residence was acquired in the territory of the country whose nationality was obtained by naturalization.

#### ARTICLE III.

If a national of either country, who comes within the purview of Article I, shall renew his residence in his country of origin without the intent to return to that in which he was naturalized, he shall be held to have renounced his naturalization.

The intent not to return may be held to exist when a person naturalized in one country shall have resided more than two years in the other.



## ARTICLE IV.

The present treaty shall go into effect immediately upon the exchange of ratifications, and shall continue in force for 10 years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the treaty, it shall further remain in force until the end of 12 months after either of the contracting parties shall have given notice to the other of such intention.

In witness whereof, the respective plenipotentiaries have signed this treaty and have hereunto affixed their seals.

Done in duplicate at Sofia this 23d day of November, 1923.

CHARLES S. WILSON.  
CH. KALFOFF.

## TREATY RELATING TO SPITZBERGEN.

In executive session this day, the following treaty was ratified, and, on motion of Mr. LODGE, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty relating to Spitzbergen, signed at Paris on February 9, 1920, by the plenipotentiaries of the United States, Great Britain, Denmark, France, Italy, Japan, Norway, the Netherlands, and Sweden.

The attention of the Senate is invited to the accompanying explanatory report of the Secretary of State. A copy of the mining regulations mentioned in that report is furnished for the Senate's information.

CALVIN COOLIDGE.

THE WHITE HOUSE,

Washington, January 14, 1924.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty relating to Spitzbergen, signed at Paris on February 9, 1920, by the United States, Great Britain, Denmark, France, Italy, Japan, Norway, the Netherlands, and Sweden. The treaty provides for the recognition of the sovereignty of Norway over the Archipelago of Spitzbergen, which heretofore has had the status of a terra nullius.

The treaty secures to nationals of the contracting parties equality of treatment in matters relating to maritime, industrial, mining, and commercial enterprises, and to the acquisition, enjoyment, and exercise of the right of ownership of property in the archipelago.

The treaty provides that Norway is to prepare mining regulations for the archipelago which are to be approved by the signatory powers. A copy of the mining regulations so prepared by Norway is submitted with this communication. These mining regulations have been approved by this Government and by all the other powers signatory to the treaty.

An annex to the treaty contains provisions with respect to rights acquired in the archipelago prior to the signing of the treaty. These provisions embody a recognition of private rights and a procedure for the adjustment of conflicting claims to lands in the archipelago.

It may be stated that although the treaty was framed at Paris when the peace negotiations were in progress it is in no sense a peace settlement. The matter was taken up at the request of the Government of Norway, which was particularly interested in an early settlement of the Spitzbergen question, and which no doubt believed that the presence of representatives of the allied and associated powers at Paris afforded an opportune occasion for dealing with the matter. Denmark, the Netherlands, and Sweden, neutral powers interested in the Spitzbergen question, participated in the preparation of the treaty.

The treaty, it is believed, offers a satisfactory and a practical solution of the long-standing and vexatious questions relating to the sovereignty of the archipelago.

The treaty has already been ratified by Great Britain and by the Netherlands. This Government is advised that the Government of Norway has delayed its ratification pending approval of the mining regulations prepared by it for the archipelago. The regulations now having been approved by all the powers signatory to the treaty, it is expected that the Norwegian Government will submit the treaty to the Storting for ratification when that body convenes in January, 1924.

It appears to be desirable that the United States should acquiesce in an arrangement to recognize the sovereignty of

Norway over Spitzbergen. Recognition of such sovereignty will be given by ratification of this treaty. The treaty contains provisions in the nature of those found in commercial treaties, and by becoming a party to it the United States would enjoy benefits under these provisions in common with other nations.

It may be of importance in this relation to note that it appears that the treaty will not come into force until it has been ratified by all the powers signatory to it.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,

Washington, January 11, 1924.

The President of the United States of America; His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Denmark; the President of the French Republic; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; His Majesty the King of Sweden,

Desirous, while recognizing the sovereignty of Norway over the Archipelago of Spitzbergen, including Bear Island, of seeing these territories provided with an equitable régime, in order to assure their development and peaceful utilization,

Have appointed as their respective plenipotentiaries with a view to concluding a treaty to this effect:

The President of the United States of America:

Mr. Hugh Campbell Wallace, ambassador extraordinary and plenipotentiary of the United States of America at Paris;

His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable the Earl of Derby, K. G., G. C. V. O., C. B., his ambassador extraordinary and plenipotentiary at Paris;

and

for the Dominion of Canada:

The Right Honourable Sir George Halsey Perley, K. C. M. G., high commissioner for Canada in the United Kingdom;

for the Commonwealth of Australia:

The Right Honourable Andrew Fisher, high commissioner for Australia in the United Kingdom;

for the Dominion of New Zealand:

The Right Honourable Sir Thomas Mackenzie, K. C. M. G., high commissioner for New Zealand in the United Kingdom;

for the Union of South Africa:

Mr. Reginald Andrew Blankenberg, O. B. E., acting high commissioner for South Africa in the United Kingdom;

for India:

The Right Honourable the Earl of Derby, K. G., G. C. V. O., C. B.;

His Majesty the King of Denmark:

Mr. Herman Anker Bernhoff, envoy extraordinary and minister plenipotentiary of H. M. the King of Denmark at Paris;

the President of the French Republic:

Mr. Alexandre Millerand, president of the council, Minister for Foreign Affairs;

His Majesty the King of Italy:

The Honourable Maggiorino Ferraris, senator of the Kingdom;

His Majesty the Emperor of Japan:

Mr. K. Matsui, ambassador extraordinary and plenipotentiary of H. M. the Emperor of Japan at Paris;

His Majesty the King of Norway:

Baron Wedel Jarlsberg, envoy extraordinary and minister plenipotentiary of H. M. the King of Norway at Paris;

Her Majesty the Queen of the Netherlands:

Mr. John Loudon, envoy extraordinary and minister plenipotentiary of H. M. the Queen of the Netherlands, Paris;

His Majesty the King of Sweden:

Count J.-J.-A. Ehrensward, envoy extraordinary and minister plenipotentiary of H. M. the King of Sweden at Paris;

Who, having communicated their full powers, found in good and due form, have agreed as follows:

## ARTICLE 1.

The high contracting parties undertake to recognize, subject to the stipulations of the present treaty, the full and absolute sovereignty of Norway over the Archipelago of Spitzbergen, comprising, with Bear Island or Beeren-Eiland, all the islands situated between 10° and 35° longitude east of Greenwich and

between 74° and 81° latitude north, especially West Spitzbergen, North-East Land, Barents Island, Edge Island, Wiche Islands, Hope Island or Hopen-Eiland, and Prince Charles Foreland, together with all islands, great or small, and rocks appertaining thereto (see annexed map).

## ARTICLE 2.

Ships and nationals of all the high contracting parties shall enjoy equally the rights of fishing and hunting in the territories specified in article 1 and in their territorial waters.

Norway shall be free to maintain, take, or decree suitable measures to insure the preservation and, if necessary, the reconstitution of the fauna and flora of the said regions and their territorial waters, it being clearly understood that these measures shall always be applicable equally to the nationals of all the high contracting parties without any exemption, privilege or favour whatsoever, direct or indirect, to the advantage of any one of them.

Occupiers of land whose rights have been recognized in accordance with the terms of articles 6 and 7 will enjoy the exclusive right of hunting on their own land: (1) in the neighborhood of their habitations, houses, stores, factories, and installations, constructed for the purpose of developing their property, under conditions laid down by the local police regulations; (2) within a radius of 10 kilometers round the headquarters of their place of business or works; and, in both cases, subject always to the observance of regulations made by the Norwegian Government in accordance with the conditions laid down in the present article.

## ARTICLE 3.

The nationals of all the high contracting parties shall have equal liberty of access and entry for any reason or object whatever to the waters, fjords, and ports of the territories specified in article 1; subject to the observance of local laws and regulations, they may carry on there without impediment all maritime, industrial, mining, and commercial operations on a footing of absolute equality.

They shall be admitted under the same conditions of equality to the exercise and practice of all maritime, industrial, mining, or commercial enterprises both on land and in the territorial waters, and no monopoly shall be established on any account or for any enterprise whatever.

Notwithstanding any rules relating to coasting trade which may be in force in Norway, ships of the high contracting parties going to or coming from the territories specified in article 1 shall have the right to put into Norwegian ports on their outward or homeward voyage for the purpose of taking on board or disembarking passengers or cargo going to or coming from the said territories or for any other purpose.

It is agreed that in every respect and especially with regard to exports, imports, and transit traffic the nationals of all the high contracting parties, their ships, and goods shall not be subject to any charges or restrictions whatever which are not borne by the nationals, ships, or goods which enjoy in Norway the treatment of the most-favoured nation; Norwegian nationals, ships, or goods being for this purpose assimilated to those of the other high contracting parties, and not treated more favourably in any respect.

No charge or restriction shall be imposed on the exportation of any goods to the territories of any of the contracting powers other or more onerous than on the exportation of similar goods to the territory of any other contracting power (including Norway) or to any other destination.

## ARTICLE 4.

All public wireless-telegraphy stations established or to be established by, or with the authorization of, the Norwegian Government within the territories referred to in article 1 shall always be open on a footing of absolute equality to communications from ships of all flags and from nationals of the high contracting parties, under the conditions laid down in the wireless-telegraphy convention of July 5, 1912, or in the subsequent international convention which may be concluded to replace it.

Subject to international obligations arising out of a state of war, owners of landed property shall always be at liberty to establish and use for their own purposes wireless-telegraphy installations which shall be free to communicate on private business with fixed or moving wireless stations, including those on board ships and aircraft.

## ARTICLE 5.

The high contracting parties recognize the utility of establishing an international meteorological station in the territories specified in article 1, the organization of which shall form the subject of a subsequent convention.

Conventions shall also be concluded laying down the conditions under which scientific investigations may be conducted in the said territories.

## ARTICLE 6.

Subject to the provisions of the present article, acquired rights of nationals of the high contracting parties shall be recognized.

Claims arising from taking possession or from occupation of land before the signature of the present treaty shall be dealt with in accordance with the annex hereto, which will have the same force and effect as the present treaty.

## ARTICLE 7.

With regard to methods of acquisition, enjoyment, and exercise of the right of ownership of property, including mineral rights, in the territories specified in article 1, Norway undertakes to grant to all nationals of the high contracting parties treatment based on complete equality and in conformity with the stipulations of the present treaty.

Expropriation may be resorted to only on grounds of public utility and on payment of proper compensation.

## ARTICLE 8.

Norway undertakes to provide for the territories specified in article 1 mining regulations which, especially from the point of view of imposts, taxes, or charges of any kind, and of general or particular labour conditions shall exclude all privileges, monopolies, or favours for the benefit of the State or of the nationals of any one of the high contracting parties, including Norway, and shall guarantee to the paid staff of all categories the remuneration and protection necessary for their physical, moral, and intellectual welfare.

Taxes, dues, and duties levied shall be devoted exclusively to the said territories and shall not exceed what is required for the object in view.

So far, particularly, as the exportation of minerals is concerned, the Norwegian Government shall have the right to levy an export duty which shall not exceed 1 per cent of the maximum value of the minerals exported up to 100,000 tons, and beyond that quantity the duty will be proportionately diminished. The value shall be fixed at the end of the navigation season by calculating the average free-on-board price obtained.

Three months before the date fixed for their coming into force the draft mining regulations shall be communicated by the Norwegian Government to the other contracting powers. If during this period one or more of the said powers propose to modify these regulations before they are applied, such proposals shall be communicated by the Norwegian Government to the other contracting powers in order that they may be submitted to examination and the decision of a commission composed of one representative of each of the said powers. This commission shall meet at the invitation of the Norwegian Government and shall come to a decision within a period of three months from the date of its first meeting. Its decisions shall be taken by a majority.

## ARTICLE 9.

Subject to the rights and duties resulting from the admission of Norway to the League of Nations, Norway undertakes not to create nor to allow the establishment of any naval base in the territories specified in article 1 and not to construct any fortifications in the said territories, which may never be used for warlike purposes.

## ARTICLE 10.

Until the recognition by the high contracting parties of a Russian Government shall permit Russia to adhere to the present treaty, Russian nationals and companies shall enjoy the same rights as nationals of the high contracting parties.

Claims in the territories specified in article 1 which they may have to put forward shall be presented under the conditions laid down in the present treaty (article 6 and annex) through the intermediary of the Danish Government, who declare their willingness to lend their good offices for this purpose.

The present treaty, of which the French and English texts are both authentic, shall be ratified.

Ratifications shall be deposited at Paris as soon as possible. Powers of which the seat of the government is outside of Europe may confine their action to informing the Government of the French Republic, through their diplomatic representative at Paris, that their ratification has been given, and in this case they shall transmit the instrument as soon as possible.

The present treaty will come into force, in so far as the stipulations of article 8 are concerned, from the date of its ratification by all the signatory powers; and in all other respects on the same date as the mining regulations provided for in that article.

Third powers will be invited by the Government of the French Republic to adhere to the present treaty duly ratified. This adhesion shall be effected by a communication addressed to the French Government, which will undertake to notify the other contracting parties.

In witness whereof the above-named plenipotentiaries have signed the present treaty.

Done at Paris, the 9th day of February, 1920, in duplicate, one copy to be transmitted to the Government of His Majesty the King of Norway, and one deposited in the archives of the French Republic; authenticated copies will be transmitted to the other signatory powers.

[L. S.]	HUGH C. WALLACE.
[L. S.]	DERBY.
[L. S.]	GEORGE H. PERLEY.
[L. S.]	ANDREW FISHER.
[L. S.]	TH. MACKENZIE.
[L. S.]	R. A. BLANKENBERG.
[L. S.]	DERBY.
[L. S.]	H. A. BERNHOFT.
[L. S.]	A. MILLERAND.
[L. S.]	MAGGIORINO FERRARIS.
[L. S.]	K. MATSUI.
[L. S.]	WEDEL JARLSBERG.
[L. S.]	J. LOUDON.
[L. S.]	J. EHRENSVARD.

Copie certifiée conforme Le Ministre Plénipotentiaire, Chef du Service du Protocole.

(Sgd.) P. DE FOUQUIERE.

ANNEX.

1.

(1) Within three months from the coming into force of the present treaty notification of all claims to land which had been made to any government before the signature of the present treaty must be sent by the Government of the claimant to a commissioner charged to examine such claims. The commissioner will be a judge or juriconsult of Danish nationality possessing the necessary qualifications for the task and shall be nominated by the Danish Government.

(2) The notification must include a precise delimitation of the land claimed and be accompanied by a map on a scale of not less than 1/1,000,000 on which the land claimed is clearly marked.

(3) The notification must be accompanied by the deposit of a sum of one penny for each acre (40 acres) of land claimed, to defray the expenses of the examination of the claims.

(4) The commissioner will be entitled to require from the claimants any further documents or information which he may consider necessary.

(5) The commissioner will examine the claims so notified. For this purpose he will be entitled to avail himself of such expert assistance as he may consider necessary and, in case of need, to cause investigations to be carried out on the spot.

(6) The remuneration of the commissioner will be fixed by agreement between the Danish Government and the other Governments concerned. The commissioner will fix the remuneration of such assistants as he considers it necessary to employ.

(7) The commissioner, after examining the claims, will prepare a report showing precisely the claims which he is of opinion should be recognized at once and those which, either because they are disputed or for any other reason, he is of opinion should be submitted to arbitration as hereinafter provided. Copies of this report will be forwarded by the commissioner to the Governments concerned.

(8) If the amount of the sum deposited in accordance with clause (3) is insufficient to cover the expenses of the examination of the claims, the commissioner will, in every case where he is of opinion that a claim should be recognized, at once state what further sum the claimant should be required to pay. This sum will be based on the amount of the land to which the claimant's title is recognized.

If the sums deposited in accordance with clause (3) exceed the expenses of the examination, the balance will be devoted to the cost of the arbitration hereinafter provided for.

(9) Within three months from the date of the report referred to in clause (7) of this paragraph the Norwegian Government shall take the necessary steps to confer upon claimants whose claims have been recognized by the commissioner a valid title securing to them the exclusive property in the land in question, in accordance with the laws and regulations in force or to be enforced in the territories specified in article 1 of the present treaty and subject to the mining regulations referred to in article 8 of the present treaty.

In the event, however, of a further payment being required in accordance with clause (8) of this paragraph, a provisional title only will be delivered, which title will become definitive on payment by the claimant, within such reasonable period as the Norwegian Government may fix, of the further sum required of him.

2.

Claims which for any reason the commissioner referred to in clause (1) of the preceding paragraph has not recognized as valid will be settled in accordance with the following provisions:

(1) Within three months from the date of the report referred to in clause (7) of the preceding paragraph, each of the Governments whose nationals have been found to possess claims which have not been recognized will appoint an arbitrator.

The commissioner will be the president of the tribunal so constituted. In cases of equal division of opinion, he shall have the deciding vote. He will nominate a secretary to receive the documents referred to in clause (2) of this paragraph and to make the necessary arrangements for the meeting of the tribunal.

(2) Within one month from the appointment of the Secretary referred to in clause (1) the claimants concerned will send to him through the intermediary of their respective Governments statements indicating precisely their claims and accompanied by such documents and arguments as they may wish to submit in support thereof.

(3) Within two months from the appointment of the secretary referred to in clause (1) the tribunal shall meet at Copenhagen for the purpose of dealing with the claims which have been submitted to it.

(4) The language of the tribunal shall be English. Documents or arguments may be submitted to it by the interested parties in their own language, but in that case must be accompanied by an English translation.

(5) The claimants shall be entitled, if they so desire, to be heard by the tribunal either in person or by counsel, and the tribunal shall be entitled to call upon the claimants to present such additional explanations, documents, or arguments as it may think necessary.

(6) Before the hearing of any case the tribunal shall require from the parties a deposit or security for such sums as it may think necessary to cover the share of each party in the expenses of the tribunal. In fixing the amount of such sum the tribunal shall base itself principally on the extent of the land claimed. The tribunal shall also have power to demand a further deposit from the parties in cases where special expense is involved.

(7) The honorarium of the arbitrators shall be calculated per month and fixed by the governments concerned. The salary of the secretary and any other persons employed by the tribunal shall be fixed by the president.

(8) Subject to the provisions of this annex, the tribunal shall have full power to regulate its own procedure.

(9) In dealing with the claims the tribunal shall take into consideration—

- (a) Any applicable rules of international law.
- (b) The general principles of justice and equity.
- (c) The following circumstances:
  - (i) The date on which the land claimed was first occupied by the claimant or his predecessors in title.
  - (ii) The date on which the claim was notified to the government of the claimant.

(iii) The extent to which the claimant or his predecessors in title have developed and exploited the land claimed. In this connection the tribunal shall take into account the extent to which the claimants may have been prevented from developing their undertakings by conditions or restrictions resulting from the war of 1914-1919.

(10) All expenses of the tribunal shall be divided among the claimants in such proportion as the tribunal shall decide. If the amount of the sums paid in accordance with clause (6) is larger than the expenses of the tribunal, the balance shall be returned to the parties whose claims have been recognized in such proportion as the tribunal shall think fit.

[Translation.]

MINING ORDINANCE FOR SPITZBERG (SVALBARD).

CHAPTER I.

INTRODUCTORY PROVISIONS.

1.

The present mining ordinance shall apply to the entire Archipelago of Spitzbergen (Svalbard), comprising, with Bear Island, all the islands situated between 10° and 35° longitude east of Greenwich and between 74° and 81° latitude north,

especially West Spitzbergen, North-East Land, Barents Island, Edge Island, Wiche Islands (Kong Karls Land), Hope Island (Hopen), and Prince Charles Foreland, together with all islands, great or small, and rocks appertaining thereto.

2.

1. The right of searching for and acquiring and exploiting natural deposits of coal, mineral oils, and other minerals and rocks which are the object of mining or quarrying, subject to the observance of the provisions of this mining ordinance and on equal terms with regard to taxation and in other respects belongs, in addition to the Norwegian State, to—

a. All nationals of those States which have ratified or adhered to the Spitzbergen treaty.

b. Companies that are domiciled and legally established in any of the said States.

A company is considered as domiciled in the State in which its board has its seat.

2. That a person or a company fulfill the conditions here stipulated must, at the demand of the commissioner of mines, be verified through a proper affidavit of a competent authority in their home country, and the competency of such authority if it is not a Norwegian authority must be certified by a Norwegian Legation or consulate in the country concerned, or by the legation or consulate in Norway of such country.

3. Any dispute as to whether a mineral or rock is of such nature as mentioned, subsection 1, shall be finally settled by the Government department concerned on report of the commissioner of mines.

3.

1. Persons who have no domicile, nor any permanent place of residence in Norway or in Spitzbergen (Svalbard), and companies, the boards of which have not their seat in Norway or in Spitzbergen (Svalbard), in order to be able to acquire and exercise the rights mentioned in paragraph 2, must have an attorney permanently resident in Norway or in Spitzbergen (Svalbard), whose name, position, and place of residence have been reported to the commissioner of mines, and who is empowered to represent them in court and toward the authorities in all cases concerning searchings, claims, or mining operations in Spitzbergen (Svalbard).

2. Upon a failure to comply with this requirement, the judge of the inferior court, at the place where the commissioner of mines has his office, at the request of anyone interested, may name an attorney. Such attorney shall have the same authority as mentioned, subsection 1, until the party concerned reports the appointment of another attorney.

4.

1. Any application to Norwegian authorities that has to be made within a certain term, pursuant to this mining ordinance, must be filed with the authority concerned before the expiration of such term.

2. If an application be not worded in the Norwegian language, the authority concerned may demand a translation thereof, duly certified, to be submitted within a certain term and, upon a failure of the applicant to comply therewith, may refuse to consider the application.

5.

1. The powers which according to the mining ordinance are conferred upon the commissioner of mines, the government department concerned, to such extent as needed, may transfer to inferior officers of the mining service.

2. The decisions of such officers may be submitted to the commissioner of mines for reconsideration and the decisions of the commissioner of mines likewise to the government department, provided the decisions have not been given during a claim survey in which case the procedure of paragraph 13 applies.

3. The decisions of other inferior administrative authorities, with reference to the mining ordinance, also may be submitted to higher authority for reconsideration.

6.

Members of the public service of Spitzbergen are not allowed to notify to any discoveries, to obtain any claims or to be proprietor of, or partner in any claims, nor to be agents for sale of discoveries or claims in their districts.

## CHAPTER II.

## ON SEARCH AND DISCOVERIES.

7.

1. The search for natural deposits of the minerals and rocks mentioned in paragraph 2 may be made on one's own property as well as on that of any other party, and on the public lands.

2. Any person who desires to search on the property of some other party or on the public lands must have a license from the commissioner of mines or from the chief of the police, and he is bound to produce such license on request.

3. The license shall be valid for two years from the date of issue, and confers upon the searcher the right of undertaking any work considered necessary or expedient in order to search for the minerals and rocks mentioned in paragraph 2, or in order to examine discoveries already made, also including work, the object of which is to make a preliminary examination of the deposit in order to decide whether it is worth working.

4. No search must be made within the claim of any other party unless the holder of the claim has given the permission.

5. No search must be made within a distance of 500 meters from any factory or industrial establishment under construction or in operation, any line of transport or quays, or from any dwelling house, not including huts for hunting, fishing, or whaling expeditions which are only occasionally used, unless consent be given by the proprietor and tenant of the plants or the building. Nor must any search be made within any such distance from any public or scientific establishment, church, or cemetery.

8.

1. The searcher is bound to indemnify any damage which, through the search, is caused to the proprietor of the ground or any other party.

2. Anyone preventing any party from lawful search shall indemnify any probable loss which the searcher has suffered through any futile journey or otherwise.

9.

1. Anybody who, by lawful search, shall discover a natural deposit containing or supposed to contain minerals or rocks as mentioned in paragraph 2, acquires thereby, in preference to subsequent discoverers, a right to the discovery, provided he, in the presence of two witnesses, by marks in solid rock or by other lasting and satisfactory means, visibly locates a discovery point and besides, not later than 10 months after having located the discovery, through a written notification informs the commissioner of mines thereof.

A discovery notice may also, before the expiration of this term and with full legal effect, be filed with the chief of police, who in that case as soon as possible shall transmit it to the commissioner of mines.

2. The discovery notice must be signed by the claimant and shall contain:

a. The name, domicile, and nationality of the claimant and the witnesses, and—in the cases mentioned in paragraph 3—the name and address of the appointed attorney.

b. Accurate description of the situation of the discovery point and of the kind of marks used, accompanied by a sketch map in a scale of not less than 1:100,000 on which the discovery point shall be marked.

c. Exact statement of the moment when the discovery was marked.

d. Information of the nature of the discovery under reference to a sample, handed over at the same time, of the minerals or rocks found.

e. Reference to an inclosed declaration from the witnesses that the discovery point was marked in their presence and when and how the marking took place.

3. Anybody who wants to notify several discoveries must for each of them file a separate discovery notice.

4. If a discovery notice which does not comply with the prescriptions of sections 2 and 3 has been filed in due time, the right to the discovery is preserved if the defects are remedied within a term to be fixed by the commissioner of mines.

5. The provisions in sections 1–4 are correspondingly applicable when any party will take up a deposit which has reverted to the public lands, whether it has been worked or not.

10.

1. The right to a discovery which has been acquired by a discoverer according to paragraph 9, besides the right of carrying out on the place of discovery the operations mentioned in paragraph 7, section 3, also entitles him, in preference to subsequent discoverers, to demand a claim on the discovery point.

2. The right to the discovery lapses if an application for a claim survey has not been filed with the commissioner of mines within five years after the discovery was marked, or if any other party before the expiration of the said term has obtained a claim on the discovery point, comparative paragraph 12, section 2d.

3. The right to a discovery that has been filed for record may be transferred. The transfer is not valid before having been notified to the commissioner of mines.

CHAPTER III.  
ON CLAIM PATENTS.

11.

1. The claim survey shall be made by the commissioner of mines at the latest within two years after an application has been filed, if natural conditions or any other circumstances do not make it impossible.

2. The time for such survey shall be notified in the official Gazette designated for the purpose, within the end of the month of March of the year in which the survey is to be held.

The notification shall contain:

a. The name, the domicile, and nationality of the applicant.  
b. Information concerning the situation of the discovery point and the time reported for the marking of the discovery.  
c. The time and the place for the survey.

d. Summons to all who claim to possess a better right to the claim to meet and look after their interests during the survey. The commissioner of mines besides should send reprints of the notification to those who are supposed to be interested in the survey. It is, however, of no consequence for the furthering of the survey that such information has not been transmitted or not been received by the party interested.

3. Five hundred kr. shall be paid for the dealing with an application for a single claim.

If an applicant asks for several claims in the same neighborhood and at the same time, or if several applicants jointly ask for claims in the same neighborhood and at the same time, 200 kr. shall be paid for each additional claim stated in the application. The claims applied for are considered as lying in the same neighborhood, when between the discovery points which are lying farthest from each other the distance does not exceed 30 kilometers.

Payment for a claim survey shall be made to the commissioner of mines simultaneously with the application for same.

12.

1. On making the claim survey the commissioner of mines first decides whether the applicant is entitled to obtain any claim.

2. If so, he makes the survey, observing the following provisions:

a. The discovery must lie within the boundaries of the claim.  
b. If several discovery points that are recorded are situated so near to each other that the right to get a claim on one of the discoveries is dependent on the manner in which a claim is given for another discovery, he who first has marked a discovery point may choose in what manner he wishes the survey to be undertaken. If he does not attend to the claim survey, the commissioner of mines shall decide in what manner the claim for his discovery is to be subsequently given, if he demands a claim.

c. The claim shall be given as a plain superficies in the form of a rectangular parallelogram having a square content as per the request of the applicant and the character of the deposit up to 1,000 hectares. The proportion between the length and breadth of the parallelogram is fixed by the applicant himself, the limitation being that the length may not be more than four times the breadth. The boundaries are comprised within vertical planes passing through the boundary lines on surface and projected indefinitely downward. When the circumstances make it necessary or expedient the commissioner of mines may give a claim another shape than that prescribed above.

d. If the claim covers several discovery points the right to obtain claim for the rest lapses.

3. The claim survey shall be entered in an authorized book. The commissioner of mines, when requested, shall supply a verified extract of the book against a fee of 2 kr. per sheet or part thereof.

4. When a claim has been granted, the commissioner of mines shall send to the applicant a patent for each separate claim which according to the claim survey has been allotted to him.

A proclamation of the issuing of such patent shall be published in the Public Gazette instituted for that purpose.

13.

1. If any party intends to contest the decisions of the commissioner of mines in a claim survey, proceedings must be commenced within six months after proclamation of the issue of the patent has appeared in the public Gazette, or, if survey has been refused, within six months after such refusal.

2. The claim is final when the time for beginning an action has expired without such action having been instituted or when an action instituted in proper time has been validly decided, withdrawn, or dismissed.

14.

1. When the claim has become final the holder of the claim has acquired the sole right to extract all the minerals and rocks mentioned in paragraph 2 through mining operations within the claim, provided that he complies with the requirement to work made incumbent on him in paragraph 15.

2. The holder of the claim is entitled to mine and retain other minerals and rocks to such extent as is necessary or expedient for the operations. What has been mined but not used in the said manner may be disposed of by the proprietor of the ground.

3. Any voluntary or compulsory transfer of the right to a claim and any voluntary or compulsory establishment or transfer of mortgage rights or any other rights to a claim can with full legal effect only be done in the manner stipulated for real estate.

4. On the application of the holder of the claim the commissioner of mines may divide a claim by making part of it a special claim. The division is to be made without a claim survey on the spot. Otherwise paragraphs 12 (3 and 4) and 13 are to be applied.

The fee is 200 kr. for each claim to be divided from the original claim.

15.

1. When four years have elapsed from October 1 of the year after the claim became final the holder of the claim is bound to commence mining operations within the claim to such an extent that in the course of each succeeding period of five years at least 1,500 men-days' work are employed in mining operations in the claim.

2. For a number of not more than 25 claims, which in their entirety are lying within a distance of not over 15 kilometers from a fixed point, indicated by the claim holder to the commissioner of mines, such obligatory work of the claim holder shall be considered as having been performed when he, inside one or more of these claims, performs as many days' work as imposed upon him by article 1 for all claims aggregately.

3. Reports concerning the number of days' work performed during each working year, counting from October 1 one year until September 30 the next year, shall be delivered to the commissioner of mines before the following 31st of December.

4. When a petition is delivered to the commissioner of mines in the course of a period, or at latest on December 31 of the year in which the period elapses, the Government department concerned on the report from the commissioner of mines may dispense from the provisions in sections 1 and 2 for the period in question by exempting from the duty of working, or by reducing the number of days' work required for the fulfillment of such duty.

The conditions for such dispensations are:

a. That the holder of a claim proves that essential hindrances for which he can not be made answerable are or have been checking the operations, such as special and passing circumstances connected with the operations, or with the utilization or sale of the products, or

b. That the holder of a claim proves that one or more claims which he wishes to be left out of consideration in the calculation of the days' work are necessary as a reserve for claims which are being worked.

16.

1. Should any holder of a claim fail to comply with the requirements for work, according to paragraph 15, sections 1 and 2, without having in due time applied for and obtained dispensation, his claim lapses at the end of the calendar year following, provided he does not, in the course of same, make up for lost work besides performing the average number of days' work which belong to one year of the new period.

2. If sufficient work has been done to maintain the right to one or more of the claims, but not to all of them, the commissioner of mines shall decide which claims are to be considered as lapsed, provided the holder of the claim has not made his choice and stated same to the commissioner of mines within the expiration of the year mentioned in section 1.

3. When a claim has lapsed according to the above provisions, neither the claim nor any part thereof can again be allotted to the holder of the claim nor to any company in which he possesses a majority of the shares, in case another holder of a registered discovery makes an application for a claim within the said area before the expiration of the current period of five years.

## 17.

1. When the claim has become final, the annual due to be paid by the holder of the claim is up to 500 kr. for each claim. For this due the State shall have a first priority mortgage right in the claim concerned, and the due may be collected in accordance with the rules fixed for the collection of taxes on real estate.

2. If, by sale of the claim in execution, sufficient covering of outstanding dues is not obtained, the claim lapses. Then it may not again be allotted to the holder of the claim, nor to any company in which he possesses a majority of the shares, unless the dues outstanding, together with costs, have first been paid, including also the dues which have accrued in the meantime.

## 18.

Besides in those cases mentioned in paragraphs 16 and 17 a claim lapses when the claim holder, after having paid the dues owing, through a written declaration to the commissioner of mines, abandons his right to the claim. In that case the provisions in paragraph 16, section 3, have a corresponding application.

## CHAPTER IV.

## IN RELATION TO THE PROPRIETOR OF THE GROUND.

## 19.

1. The proprietor of any private ground on which a claim has been given is entitled to a participation in the operations for not exceeding one-fourth. If he desires to make use of this right he must notify the holder of the claim of the share which he claims within one year after the patent was published in the official Gazette. He may then also demand that a corresponding part of what has been extracted is to remain on the spot until an agreement has been established as to the terms of participation.

If a claim has been given on the ground belonging to several the proprietors are entitled to participate jointly in the operations for not exceeding one-fourth, the expenditure and income being divided equally amongst them. If any of said proprietors is unwilling his interest shall become the property of the others.

2. When the proprietor of the ground or any other party to whom he may have transferred his rights has declared his willingness to participate in the operations, a written contract shall be made concerning the terms, on the basis that the proprietor of the ground or the holder of his rights is bound to participate proportionately to the share he demanded in all the costs of the operations and the establishments for the utilization of the output and with a right to participation in the profits, in both cases from the commencement of the operations.

If the parties do not agree, either of them, within six months after the expiration of the time mentioned in subsection 1, may demand the commissioner of mines to fix the terms. If the proprietor of the ground will not accept the decision of the commissioner of mines he may, within six months after it was made known to him, either transfer his rights to some one who accepts the terms or withdraw from any participation in the operations.

## 20.

1. A claim holder has the right to demand the assignment by the commissioner of mines of the ground needed for footpaths, roads, railways, tramways, aerial ropeways, dumps, surface buildings, stores, quays, and other establishments connected with the working of the mines.

2. Within the areas mentioned in paragraph 7, section 5, no other cession can be claimed than that which is needed for the operations of any claimholder for footpaths, roads, railways, tramways, aerial ropeways, power transmissions, and quays. For the acquisition of the control of the ground in such places the permission of the commissioner of mines must be obtained in default of an agreement. Before any decision is made, the commissioner of mines shall give the proprietor of the ground and other holders of rights the opportunity of being heard. A permission must not be given unless the commissioner of mines finds that the interest of other parties be not thereby materially prejudiced, and conditions for the security against such prejudice shall be made if necessary.

3. For any damage and inconvenience caused through cessions in accordance with section 1 or 2, the proprietor of the ground, as well as any other holders of rights, may claim an indemnification which, failing agreement, shall be fixed by a survey.

4. The ground ceded by a proprietor according to section 1 or 2 shall revert to the main ground as a full property when the use has been finally waived, or when the claim has lapsed.

After the final discontinuation of the operations the holder of a claim has a period of three years to clear the ground to

such extent as he may desire. What has not then been removed shall belong to the proprietor of the ground. If, however, within the time mentioned, any party has obtained a new claim on the abandoned mine, the previous holder of the claim has the right to transfer to the new holder his establishments, houses, and machines.

## CHAPTER V.

## ON THE MINING.

## 21.

The provisions in this chapter concerning mines shall have a corresponding application to surface working as far as they are suitable.

## 22.

1. The working of a mine shall be effected in a minerlike manner.

2. He, or those, who are to superintend the technical management on the spot, must have the necessary professional knowledge and experience.

3. No mine workings must be commenced in those places where search is prohibited according to paragraph 7, section 5, except by permission of the owner or the user of the ground; nor may underground work take place on these premises, unless the work, exclusively to the judgment of the commissioner of mines, is of such nature or is carried on in such a way that no subsidencies are caused thereby or no other damage is inflicted on buildings or plants on the surface. No permission as mentioned above is needed, however, if such buildings or plants have been erected after the claim has become final.

In order to commence or carry on underground work within the distance mentioned in paragraph 7, section 5, from public or scientific establishment, church or cemetery, permission is required of the King.

4. At any establishment employing workmen who are not Norwegians, at least one officer must be appointed who understands Norwegian and can make himself understood in the Norwegian language and contingently also in the foreign language commonly used at the mine.

## 23.

1. At every mine there shall, if the commissioner of mines deems it necessary, be kept a record in which shall be entered monthly a report on the operations and everything happening of interest to the mine, and to the conditions of the deposits.

Of this record an extract—made in accordance with a form prescribed by the commissioner of mines—shall be sent for each working year, before December 31, to the commissioner of mines.

2. For each mine, that can not in its entirety be overlooked on the surface, there shall further be prepared a map (mine plan), which must be supplemented as the operations are advancing.

One copy of the map shall be kept at the mine, and another shall be forwarded to the commissioner of mines.

3. The informations and the maps which the commissioner of mines receives according to this paragraph should only be used for Government purposes and must not be made available to others.

## 24.

To such extent as may be done without special difficulties and expenses, endeavors should be made in the course of operations to avoid the destruction of any geological and mineralogical formations or any other natural curiosities or places which may be supposed to be of scientific or historical importance.

## 25.

1. If the holder of a mine for which surveying is prescribed desires, temporarily or definitely, to discontinue the operations, he shall inform the commissioner of mines to that effect as soon as possible.

2. Any timbering and support provided for the safety of the mine must in such cases not be damaged or removed without the permission of the commissioner of mines.

3. Mine openings must be filled or surrounded with a proper fence.

## CHAPTER VI.

## ON THE PROTECTION OF WORKMEN.

## 26.

1. The statutory provisions regarding the protection of workmen at any time in force for mining in Norway shall also apply to mining in Spitsbergen (Svalbard), with such modifications and adaptations, however, as may be ordered by the King, due regard being had to the local conditions.

2. What has been stipulated in paragraphs 27–33 concerning workmen shall also apply to any other person employed in the operations at the place.

27.

1. The employer is bound to furnish his workmen with healthy and proper dwellings and, as far as circumstances permit, to provide sanitary arrangements.

Further instructions concerning the manner of building and the fitting up of the houses shall be issued by the Government department concerned. The department also may make it incumbent on the employer to provide for a meeting hall and a proper collection of books in a language known by the workers.

2. The employer is bound to keep at the establishment a supply of the necessary medicines, surgical instruments, and dressing articles.

Further instructions in this respect shall be issued by the Government department concerned.

3. The Government department may make it incumbent on the employer to maintain a hospital suitable for the purpose with an isolation hospital and the necessary outfit and attendance calculated to accommodate as large a number of patients as the department may decide. When the department finds it necessary, the employer shall also be required to supply medical attendance on the spot.

28.

1. At the time of the year when the communication with the outside world may be expected to be interrupted through ice, it is incumbent on the employer to take care that there is present at the establishment such supplies of food, clothing, and other necessities of life as his workmen shall need for at least one year's maintenance. The stores shall be distributed in safe depots.

Further instructions for the effecting of these provisions shall be issued by the Government department concerned.

2. The chief of police, in case of emergency, may order, or himself effect, the sending home of as many workmen as he finds necessary in order to make the supplies suffice for the maintenance of those remaining.

Complaint does not cause postponement.

29.

Arms, munitions, and explosives, as well as alcoholic beverages and narcotics, may be imported into Spitsbergen (Svalbard) only in accordance with regulations fixed by the King, taking due regard to the needs of the companies.

30.

1. The net proceeds of the trade which the employer himself or through others carries on with the workmen, or is interested in, at the place concerned, shall after audited annual accounts be used for the general welfare of the workmen. The application of these profits shall be decided by the employer in conjunction with a committee named by the workmen who, in the case of dispute, may demand that the matter be referred to the decision of the chief of police. In calculating the net proceeds of such trade, the employer is entitled to deduct a reasonable interest on the capital engaged in the establishment.

2. The provisions of section 1 shall also be applicable if the employer has any profit on his maintenance of the workmen within Spitsbergen (Svalbard).

31.

1. The employer in the case of illness shall provide nursing of his workmen until they are cured, or at any rate in a condition to be sent home. The homesending in this case shall be paid by the employer.

2. The employer, moreover, has the duty to render indemnification for the loss of working income during illness.

3. The King will fix the further regulations concerning the duty of nursing and concerning the conditions and the amount of the indemnification for loss of working income during illness.

32.

If any workman in doing his work be hurt by an accident that can not be ascribed to any intention on the part of the victim of the accident, it is incumbent on the employer, besides the obligations mentioned in paragraph 31, to pay to the victim or, in the event of his death, to his survivors an indemnification in accordance with regulations issued by the King.

33.

1. The employer shall give to the Government department concerned, through a bank guaranty, insurance, or in some other manner, satisfactory security for the claims of the workmen. The amount of the guaranty sum shall be fixed and the security offered shall be approved by the department.

2. If the requirement to give security be not complied with, the Government department may fix a daily fine running until the matter is settled. The fine shall be collected by distress. It is employed as stipulated in paragraph 30.

CHAPTER VII.  
TRANSITION PROVISIONS.  
34.

1. Persons and companies who make territorial claims on the basis of acts of appropriation or occupations that have taken place before the signing of the Spitsbergen treaty, if their claims are notified in conformity with paragraph 1, section 1, of the annex to the said treaty, shall be entitled, without any hindrance from the stipulations in this mining ordinance but also without this involving any acknowledgment of their claims, to carry on prospecting and mining operations within the areas claimed, as long as their claims have not lapsed or been rejected pursuant to the provisions of the said annex. During this interval no other person has the right of prospecting or mining within said areas.

2. The provisions in Chapters V and VI shall also apply to mining operations, carried on according to section 1, from September 1 of the year after the mining ordinance has come into force.

35.

1. The persons and companies who, pursuant to the provisions of the annex to the Spitzbergen treaty, are recognized as proprietors of a certain territory, shall be granted as many claims as they desire within the boundaries of their property, subject to the following conditions:

a. That the act of appropriation or occupation upon which the acknowledged ownership is founded has taken place with a view to utilize the territory for mining operations, or has been followed by development or exploitation for that purpose;

b. That an application for a claim survey containing information of the nature of the deposit under reference to a sample, contemporarily handed over, of the minerals and rocks found and accompanied by the stipulated fee, is filed with the commissioner of mines within 10 years after the claimant's title deed for the property has been issued pursuant to the provisions in the annex to the Spitzbergen treaty, paragraph 1, section 9, or paragraph 2, section 11, provided that the title deed is or becomes definite.

The fee to be charged is kr. 500 for the first and kr. 200 for each succeeding claim within the boundaries of the same property.

In respect of the persons and companies referred to in this section, the provisions of paragraph 11, section 1, and the last period of section 3, and of paragraph 12, section 1, section 2, subsection c, section 3 and section 4 shall be applicable mutatis mutandis, while the other provisions of paragraphs 9 to 12 are not applicable.

2. Until the expiration of the term mentioned in section 1 subsection b, and provided the application for a claim be filed in proper time, until the claim has become final, the recognized owner has the exclusive right to carry on prospecting and mining within his territory. During this period the provisions in Chapters V and VI are applicable.

3. Individuals and companies mentioned in section 1 are exempted from the claim dues mentioned in paragraph 17 for claims acquired pursuant to section 1. The same will apply to claims being asked for under reference to discoveries which they have notified during the 10-year period mentioned in section 1b. In other respects the regulations of this ordinance apply to the claims.

## CLOSING PROVISION.

36.

This mining ordinance shall come into force from such time as shall be fixed by law.

PUBLICITY OF CUSTOMS DOCUMENTS—TREATY WITH CHILE.

In executive session this day the following convention was ratified and, on motion of Mr. LODGE, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith, authenticated by the Chilean ministry for foreign affairs, which is the depositary of the original, a copy of a convention providing for publicity of customs documents, signed at Santiago, Chile, on May 3, 1923, by the delegates of the United States and of the other Governments represented at the Fifth International Conference of American States.

CALVIN COOLIDGE.

THE WHITE HOUSE, January 31, 1924.

## The PRESIDENT:

The undersigned the Secretary of State has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, an authenticated copy each of the English, Spanish, Portuguese, and French texts of a convention providing for publicity of customs documents, signed at Santiago, Chile, on May 3, 1923, by the delegates of the United States and of the other Governments represented at the Fifth International Conference of American States.

The convention was signed in one original which is deposited in the ministry for foreign affairs of the Republic of Chile, by which the authenticated copies of the four texts herewith submitted were furnished.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,  
Washington, January 30, 1924.

## FIFTH INTERNATIONAL CONFERENCE OF AMERICAN STATES, SANTIAGO, CHILE.

## CONVENTION ON PUBLICITY OF CUSTOMS DOCUMENTS.

Their Excellencies the Presidents of Venezuela, Panama, United States of America, Uruguay, Ecuador, Chile, Guatemala, Nicaragua, Costa Rica, Brazil, Salvador, Colombia, Cuba, Paraguay, Dominican Republic, Honduras, Argentine Republic, and Hayti;

Being desirous that their respective countries may be represented at the Fifth International Conference of American States, have sent thereto the following delegates, duly authorized to approve the recommendations, resolutions, conventions, and treaties which they might deem advantageous to the interests of America.

Venezuela: Pedro César Dominici, César Zumeta, José Austria;

Panama: Narciso Garay, José E. Lefevre;

United States of America: Henry P. Fletcher, Frank B. Kellogg, Atlee Pomerene, Willard Saulsbury, Frank C. Partridge, George E. Vincent, William Eric Fowler, Leo S. Rowe;

Uruguay: J. Antonio Buero, Justino Jiménez de Aréchaga, Eugenio Martínez Thedy;

Ecuador: Rafael M. Arízaga, José Rafael Bustamante, Alberto Muñoz Vernaza;

Chile: Agustín Edwards, Manuel Rivas Vicuña, Carlos Aldunate Solar, Luis Barros Borgoño, Emilio Bello Codesido, Antonio Huneeus, Alcibíades Roldán, Guillermo Subercaseaux, Alejandro del Río;

Guatemala: Eduardo Poirier, Máximo Soto Hall;

Nicaragua: Carlos Cuadra Pasos, Arturo Elizondo;

Costa Rica: Alejandro Alvarado Quirós;

United States of Brazil: Afranio de Mello Franco, Sylvino Gurgel do Amaral, J. de P. Rodríguez Alves, A. de Ipanema Moreira, Helio Lobo;

El Salvador: Cecilio Bustamante;

Colombia: Guillermo Valencia, Laureano Gómez, Carlos Uribe Echeverri;

Cuba: José C. Vidal Caro, Carlos García Velez, Aristides Agüero, Manuel Márquez Sterling;

Paraguay: Manuel Gondra, Higinio Arbo;

Dominican Republic: Tulio M. Cestero;

Honduras: Benjamín Villaseca Mujica;

Argentine Republic: Manuel Augusto Montes de Oca, Fernando Saguier, Manuel E. Milbrán.

Hayti: Arthur Rameau.

Who, after having presented their credentials and the same having been found in due and proper form, have agreed upon the following convention on publicity of customs documents:

The high contracting parties considering that it is of the utmost importance to give the greatest publicity to all customs laws, decrees, and regulations, agree as follows:

## ARTICLE I.

The high contracting parties agree to communicate to each other all the laws, decrees, and regulations that govern the importation or the exportation of merchandise, as well as all laws, decrees, and regulations referring to vessels entering into or sailing from their ports.

## ARTICLE II.

The high contracting parties agree to publish in full or in an abridged form the laws, decrees, and regulations mentioned in Article I which have been communicated to them by the several American countries that have ratified this convention.

## ARTICLE III.

The high contracting parties will communicate to the central executive council of the Inter-American high commission the laws, decrees, or regulations to which Article I refers.

## ARTICLE IV.

The high contracting parties resolve to intrust to the central executive council of the Inter-American high commission the preparation of a handbook, as detailed as possible, of the customs laws, decrees, and regulations enforced in the American countries. This handbook will be published in English, Spanish, Portuguese, and French.

## ARTICLE V.

This convention will become effective as soon as it is ratified by six signatory States.

## ARTICLE VI.

The American countries not represented at the fifth international conference of American States may adhere to this convention at any time. The respective protocol will be signed in Santiago, Chile, the original texts of this convention being filed in the archives of the Government of the Republic of Chile.

## ARTICLE VII.

The ratifications of this convention will be deposited with the Ministry of Foreign Affairs of the Republic of Chile.

The Government of the Republic of Chile will notify the signatory States through diplomatic channels of the deposit of these ratifications; this notification will be equivalent to an exchange of ratifications.

## ARTICLE VIII.

This convention may be denounced at any time. The denunciation must be made to the Government of the Republic of Chile and will affect the Government making such denouncement one year after the date of the notification.

## ARTICLE IX.

Any controversy which may arise between the high contracting parties with respect to the execution or interpretation of this convention shall be decided by arbitration.

This convention is issued in Spanish, English, Portuguese, and French, each of which texts is authentic.

In witness whereof the delegates sign this convention in English, Spanish, Portuguese, and French and affix the seal of the Fifth International Conference of American States, in the city of Santiago, Chile, on the 3rd day of May in the year one thousand nine hundred and twenty-three.

This convention shall be filed in the Ministry of Foreign Affairs of the Republic of Chile, in order that certified copies may be made and forwarded through appropriate diplomatic channels to each of the signatory States.

(Signed) for Venezuela: Pedro César Dominici, César Zumeta, José Austria; for Panama: Narciso Garay, J. E. Lefevre; for the United States of America: Henry P. Fletcher, Frank B. Kellogg, Atlee Pomerene, Willard Saulsbury, George E. Vincent, Frank C. Partridge, William Eric Fowler, Leo S. Rowe; for Uruguay: J. Antonio Buero, Justino Jiménez de Aréchaga, Eugenio Martínez Thedy; for Ecuador: Rafael M. Arízaga, José Rafael Bustamante, Alberto Muñoz Vernaza; for Chile: Agustín Edwards, Manuel Rivas Vicuña, Carlos Aldunate Solar, Luis Barros Borgoño, Emilio Bello Codesido, Antonio Huneeus, Alcibíades Roldán, Guillermo Subercaseaux, Alejandro del Río; for Guatemala: Eduardo Poirier, Máximo Soto Hall; for Nicaragua: Carlos Cuadra Pasos, Arturo Elizondo; for Costa Rica: Alejandro Alvarado Quirós; for the United States of Brazil: Afranio de Mello Franco, Sylvino Gurgel do Amaral, J. de P. Rodríguez Alves, A. de Ipanema Moreira, Helio Lobo; for El Salvador: Cecilio Bustamante; for Colombia: Guillermo Valencia, Laureano Gómez, Carlos Uribe Echeverri; for Cuba: José C. Vidal Caro, Carlos García Velez, Aristides Agüero, Manuel Márquez Sterling; for Paraguay: Manuel Gondra, Higinio Arbo; for the Dominican Republic: Tulio M. Cestero; for Honduras: Benjamín Villaseca Mujica; for the Argentine Republic: Manuel A. Montes de Oca, Fernando Saguier, Manuel E. Malbrán; and for Hayti: Arthur Rameau.

MANUEL RIVAS VICUÑA,  
Secrétaire General.

[Seal of the Fifth Pan American Conference.]  
Está conforme.

ALBERTO CRUCHAGA.

[Stamp of the Ministry of Foreign Affairs of Chile.]



PROVIDING FOR UNIFORMITY OF NOMENCLATURE FOR THE CLASSIFICATION OF MERCHANDISE.

In executive session this day, the following convention was ratified, and, on motion of Mr. Lodge, the injunction of secrecy was removed therefrom:

*To the Senate:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith, authenticated by the Chilean Ministry for Foreign Affairs, which is the depositary of the original, a copy of a convention to provide for uniformity of nomenclature for the classification of merchandise, signed at Santiago, Chile, on May 3, 1923, by the delegates of the United States and of the other Governments represented at the Fifth International Conference of American States.

CALVIN COOLIDGE.

THE WHITE HOUSE, January 31, 1924.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, an authenticated copy each of the English, Spanish, Portuguese, and French texts of a convention to provide for uniformity of nomenclature for the classification of merchandise, signed at Santiago, Chile, on May 3, 1923, by the delegates of the United States and of the other Governments represented at the Fifth International Conference of American States.

The convention was signed in one original which is deposited in the Ministry for Foreign Affairs of the Republic of Chile, by which the authenticated copies of the four texts herewith submitted were furnished.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,

Washington, January 30, 1924.

FIFTH INTERNATIONAL CONFERENCE OF AMERICAN STATES, SANTIAGO, CHILE.

CONVENTION ON UNIFORMITY OF NOMENCLATURE FOR THE CLASSIFICATION OF MERCHANDISE.

Their Excellencies the Presidents of Venezuela, Panama, United States of America, Uruguay, Ecuador, Chile, Guatemala, Nicaragua, Costa Rica, Brazil, Salvador, Colombia, Cuba, Paraguay, Dominican Republic, Honduras, Argentine Republic, and Hayti:

Being desirous that their respective countries may be represented at the Fifth International Conference of American States, have sent thereto the following delegates, duly authorized to approve the recommendations, resolutions, conventions, and treaties which they might deem advantageous to the interests of America.

Venezuela: Pedro César Dominici, César Zumeta, José Austria;

Panamá: Narciso Garay, José E. Lefevre;

United States of America: Henry P. Fletcher, Frank B. Kellogg, Atlee Pomerene, Willard Saulsbury, George E. Vincent, Frank C. Partridge, William Eric Fowler, Leo S. Rowe;

Uruguay: J. Antonio Buero, Justino Jiménez de Aréchaga, Eugenio Martínez Thedy;

Ecuador: Rafael M. Arízaga, José Rafael Bustamante, Alberto Muñoz Vernaza;

Chile: Agustín Edwards, Manuel Rivas Vicuña, Carlos Aldunate Solar, Luis Barros Borgoño, Emilio Bello Codesido, Antonio Huneus, Alcibiades Roldán Guillermo, Subercaseaux, Alejandro del Río;

Guatemala: Eduardo Poirier, Máximo Soto Hall;

Nicaragua: Carlos Cuadra Pasos, Arturo Elizondo;

Costa Rica: Alejandro Alvarado Quirós;

United States of Brazil: Afranio de Mello Franco, Sylvino Gurgel do Amarel, J. de P. Rodríguez Alves, A. de Ipanema Moreira, Helio Lobo;

El Salvador: Cecilio Bustamante;

Colombia: Guillermo Valencia, Laureano Gómez, Carlos Uribe Echeverri;

Cuba: José C. Vidal Caro, Carlos García Vélez, Arístides Agüero, Manuel Márquez Sterling;

Paraguay: Manuel Gondra, Higinio Arbo;

Dominican Republic: Tulio M. Cestero;

Honduras: Benjamín Villaseca Mujica;

Argentine Republic: Manuel Augusto Montes de Oca, Fernando Saguier, Manuel E. Malbrán;

Hayti: Arthur Rameau.

Who, after having presented their credentials and the same having been found in due and proper form, have agreed upon the following convention:

ARTICLE I.

The high contracting parties agree to employ the Brussels nomenclature of 1913 in their statistics of international commerce, either exclusively or as a supplement to others systems.

ARTICLE II.

Any controversy which may arise between the high contracting parties regarding the interpretation or operation of this convention shall be settled by arbitration.

ARTICLE III.

The American States not represented at the Fifth International Conference may adhere to this convention by communicating their decision in due form to the Government of the Republic of Chile.

ARTICLE IV.

The deposit of ratifications shall be made in the city of Santiago, Chile. The Chilean Government shall communicate such ratifications to the other signatory States. This communication shall have the effect of an exchange of ratifications.

ARTICLE V.

This convention shall become effective for each signatory State on the date of the ratification thereof by such State. It shall remain in force without limitation of time, but each signatory State, upon notification of its intention to the Government of the Republic of Chile, may withdraw from said Convention upon the expiration of the period of one year counting the date of the notification of such intention.

In witness whereof, the delegates sign this convention in English, Spanish, Portuguese, and French and affix the seal of the Fifth International Conference of American States, in the city of Santiago, Chile, on the 3rd day of May, in the year one thousand nine hundred and twenty-three.

This convention shall be filed in the Ministry of Foreign Affairs of the Republic of Chile, in order that certified copies may be made and forwarded through appropriate diplomatic channels to each of the signatory States.

(Signed) for Venezuela: Pedro César Dominici, César Zumeta, José Austria; for Panama: Narciso Garay, J. E. Lefevre; for the United States of America: Henry P. Fletcher, Frank B. Kellogg, Atlee Pomerene, Willard Saulsbury, George E. Vincent, Frank C. Partridge, William Eric Fowler, Leo S. Rowe; for Uruguay: J. Antonio Buero, Justino Jiménez de Aréchaga, Eugenio Martínez Thedy; for Ecuador: Rafael M. Arízaga, José Rafael Bustamante, Alberto Muñoz Vernaza; for Chile: Agustín Edwards, Manuel Rivas Vicuña, Carlos Aldunate Solar, Luis Barros Borgoño, Emilio Bello Codesido, Antonio Huneus, Alcibiades Roldán, Guillermo Subercaseaux, Alejandro del Río; for Guatemala: Eduardo Poirier, Máximo Soto Hall; for Nicaragua: Carlos Cuadra Pasos, Arturo Elizondo; for Costa Rica: Alejandro Alvarado Quirós; for the United States of Brazil: Afranio de Mello Franco, Sylvino Gurgel do Amaral, J. de P. Rodríguez Alves, A. de Ipanema Moreira, Helio Lobo; for El Salvador: Cecilio Bustamante; for Colombia: Guillermo Valencia, Laureano Gómez, Carlos Uribe Echeverri; for Cuba: José C. Vidal Caro, Carlos García Vélez, Arístides Agüero, Manuel Márquez Sterling; for Paraguay: Manuel Gondra, Higinio Arbo; for the Dominican Republic: Tulio M. Cestero; for Honduras: Benjamín Villaseca Mujica; for the Argentine Republic: Manuel A. Montes de Oca, Fernando Saguier, Manuel E. Malbrán; and for Hayti: Arthur Rameau.

MANUEL RIVAS VICUÑA,  
*Secretarie General,*

[Seal of the Fifth Pan American Conference.]  
Está conforme.

ALBERTO CRUCHAGA.

[Stamp of the Ministry of Foreign Affairs of Chile.]

NOMINATIONS.

Executive nominations received by the Senate February 18 (legislative day of February 16), 1924.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Henry P. Fletcher, of Pennsylvania, now ambassador extraordinary and plenipotentiary to Belgium and envoy extraordinary and minister plenipotentiary to Luxemburg, to be ambassador extraordinary and plenipotentiary of the United States of America to Italy.

## PROMOTIONS IN THE NAVY.

## MARINE CORPS.

Col. Ben H. Fuller to be a brigadier general in the Marine Corps from the 8th day of February, 1924.

Lieut. Col. Macker Babb to be a colonel in the Marine Corps from the 8th day of February, 1924.

## POSTMASTERS.

## COLORADO.

Edward F. Baldwin to be postmaster at Nucla, Colo., in place of W. A. Hopkins, resigned.

John C. Straub to be postmaster at Flagler, Colo., in place of E. K. Langcamp. Incumbent's commission expired February 18, 1924.

## FLORIDA.

Mary Conway to be postmaster at Green Cove Springs, Fla., in place of Mary Conway. Incumbent's commission expired February 14, 1924.

Arthur H. Fuller to be postmaster at Altamonte Springs, Fla., in place of A. H. Fuller. Incumbent's commission expired February 14, 1924.

## ILLINOIS.

Benjamin W. Landborg to be postmaster at Elgin, Ill., in place of J. C. Kohn, resigned.

## INDIANA.

William I. Ellison to be postmaster at Winona Lake, Ind., in place of G. W. Shively, resigned.

## KANSAS.

Andrew M. Ludvickson to be postmaster at Severy, Kans., in place of H. D. Burke. Incumbent's commission expired January 23, 1924.

Forrest L. Powers to be postmaster at Le Roy, Kans., in place of F. C. Herdman. Incumbent's commission expired January 23, 1924.

Harry Morris to be postmaster at Garnett, Kans., in place of S. C. Bybee. Incumbent's commission expired September 13, 1922.

## KENTUCKY.

Charlie H. Throckmorton to be postmaster at Mount Olivet, Ky., in place of J. M. Sims. Incumbent's commission expired February 11, 1924.

## MAINE.

George E. Sands to be postmaster at Wilton, Me., in place of F. R. Young. Incumbent's commission expired February 11, 1924.

Harry S. Bates to be postmaster at Phillips, Me., in place of H. S. Bates. Incumbent's commission expired February 11, 1924.

Grace M. Flint to be postmaster at Hartland, Me., in place of E. A. Webber. Incumbent's commission expired February 11, 1924.

William N. Dyer to be postmaster at Harrington, Me., in place of F. G. Coffin. Incumbent's commission expired February 11, 1924.

Hugh Hayward to be postmaster at Ashland, Me., in place of H. A. Greenwood. Incumbent's commission expired February 11, 1924.

## MINNESOTA.

Eva Cole to be postmaster at Delavan, Minn., in place of Eva Cole. Incumbent's commission expired February 18, 1924.

## NEW HAMPSHIRE.

Ruby E. Lyford to be postmaster at Belmont, N. H., in place of U. W. Chaplain. Office became third class October 1, 1923.

Joseph P. Conner to be postmaster at Portsmouth, N. H., in place of J. P. Conner. Incumbent's commission expired February 18, 1924.

## NEW YORK.

Elmer Ketcham to be postmaster at Schoharie, N. Y., in place of T. L. Wright, resigned.

Harry A. Jeffords to be postmaster at Whitney Point, N. Y., in place of John MacKenzie. Incumbent's commission expired February 14, 1924.

Fred L. Seager to be postmaster at Randolph, N. Y., in place of F. L. Seager. Incumbent's commission expired August 5, 1923.

Clifton S. Haff to be postmaster at Northport, N. Y., in place of C. S. Haff. Incumbent's commission expired February 18, 1924.

Wallace Thurston to be postmaster at Floral Park, N. Y., in place of G. A. Hoffman. Incumbent's commission expires February 20, 1924.

John E. Duryea to be postmaster at Farmingdale, N. Y., in place of J. A. Hendrickson. Incumbent's commission expires February 20, 1924.

John G. McNicoll to be postmaster at Cedarhurst, N. Y., in place of J. J. Drumm. Incumbent's commission expires February 20, 1924.

## NORTH DAKOTA.

William H. Lenneville to be postmaster at Dickinson, N. Dak., in place of W. H. Lenneville. Incumbent's commission expired January 23, 1924.

## OHIO.

William S. Paisley to be postmaster at Toronto, Ohio, in place of James Connor, resigned.

Iris S. Bloir to be postmaster at Sherwood, Ohio, in place of Jacob Fraker. Incumbent's commission expires February 24, 1924.

Oliver Ferrell to be postmaster at Paulding, Ohio, in place of Frank Miller. Incumbent's commission expired August 5, 1923.

George B. Fulton to be postmaster at North Baltimore, Ohio, in place of C. K. Rockwell. Incumbent's commission expires February 24, 1924.

Ida H. Cline to be postmaster at Kings Mills, Ohio, in place of I. H. Cline. Incumbent's commission expires February 24, 1924.

Ben F. Robuck to be postmaster at West Union, Ohio, in place of Claude Tolle. Incumbent's commission expires February 24, 1924.

## OKLAHOMA.

Charles C. Chapell to be postmaster at Okmulgee, Okla., in place of W. B. Williamson. Incumbent's commission expired January 28, 1924.

## OREGON.

Elmer F. Merritt to be postmaster at Merrill, Oreg., in place of L. C. Ady. Incumbent's commission expired February 11, 1924.

William A. Morand to be postmaster at Boring, Oreg., in place of W. A. Morand. Incumbent's commission expired February 11, 1924.

## PENNSYLVANIA.

Ralph L. Snyder to be postmaster at New Tripoli, Pa., in place of R. L. Snyder. Office became third class January 1, 1924.

William E. Brooks to be postmaster at Ridley Park, Pa., in place of W. E. Brooks. Incumbent's commission expired February 18, 1924.

Winston J. Beglin to be postmaster at Midland, Pa., in place of T. P. Logan. Incumbent's commission expired September 26, 1922.

Michael A. Grubb to be postmaster at Liverpool, Pa., in place of G. J. Tharp. Incumbent's commission expired February 4, 1924.

George M. Johnson to be postmaster at Laceyville, Pa., in place of G. B. M. Ward. Incumbent's commission expired December 23, 1922.

## TEXAS.

Fannie Dawson to be postmaster at Wilson, Tex., in place of Fannie Dawson. Office became third class July 1, 1923.

Wright T. Pridgen to be postmaster at Grapeland, Tex., in place of F. W. Leaverton. Incumbent's commission expired September 5, 1922.

Silas J. White to be postmaster at Rising Star, Tex., in place of A. L. McDonald. Incumbent's commission expired January 31, 1924.

Theodor Reichert to be postmaster at Nordheim, Tex., in place of Theodor Reichert. Incumbent's commission expired January 31, 1924.

## WASHINGTON.

George W. Adams to be postmaster at Lebam, Wash., in place of G. W. Adams. Office became third class January 1, 1924.

Elbert Wagoner to be postmaster at Delrio, Wash., in place of Elbert Wagoner. Office became third class October 1, 1923.

## WEST VIRGINIA.

Hugh B. Campbell to be postmaster at Northfork, W. Va., in place of F. A. Smith, resigned.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 18 (legislative day of February 16), 1924.*

Owen J. Roberts to be a special counsel to have charge and control of the prosecution of litigation in connection with certain leases of oil lands and incidental contracts as provided in Senate Joint Resolution 54, approved February 8, 1924.

## UNITED STATES DISTRICT JUDGE.

Lake Jones to be United States district judge, southern district of Florida.

## UNITED STATES ATTORNEY.

Joseph A. Tolbert to be United States attorney, western district of South Carolina.

## PROMOTIONS IN THE ARMY.

William Elmer Hunt to be colonel.  
Charles Greenough Mortimer to be lieutenant colonel.  
Herman Benkema to be major.  
Jesse Knox Freeman to be captain.  
Edward Marion George to be captain.  
Paul Hanford Cartter to be captain.  
Horace Joseph Brooks to be captain.  
Frederick Bradstreet Dodge, jr., to be first lieutenant.  
Clarkson Deweese McNary to be first lieutenant.  
Bernard Abert Byrne, jr., to be first lieutenant.  
Warren Wilson Christian to be first lieutenant.  
Robert Barrett Hutchins to be first lieutenant.  
Ralph Mundon Neal to be second lieutenant, Cavalry.

## POSTMASTERS.

## COLORADO.

J. Harry Mallott, Mount Harris.

## MAINE.

William Osborne, jr., Danforth.  
Harold A. Pennell, Topsham.

## MICHIGAN.

Elmer C. Clute, Harrison.

## NEBRASKA.

Byron I. Demaray, Alexandria.  
Hans George Lehn, Elba.

## NEW HAMPSHIRE.

Joseph P. Conner, Portsmouth.

## NEW YORK.

Harrison D. Fuller, Antwerp.  
Frederick J. Manchester, Clark Mills.  
Benjamin R. Erwin, East Rochester.  
Everett W. Pope, Hartwick.  
Elizabeth T. Witherel, Lilly Dale.

## OHIO.

Warren S. Myers, Dupont.  
Clyde E. Bennett, Tippecanoe City.

## PENNSYLVANIA.

Eugene H. Stahl, Friedens.  
Beatrice Davidson, Grindstone.  
Edna E. Snably, Hollsopple.  
Harry A. Miller, Rockwood.  
Newton E. Arnold, Roslyn.  
Cleo W. Callaway, Shawnee on Delaware.  
John W. Frease, Somerset.  
Hugh D. Shallenberger, Vanderbilt.  
Edmund W. Tomb, Youngwood.

## SOUTH CAROLINA.

Joseph H. Wright, Johnston.  
Sidney C. Taylor, Ridgeland.

## REJECTION.

*Executive nomination rejected by the Senate February 18 (legislative day of February 16), 1924.*

## COMPTROLLER OF CUSTOMS.

Walter L. Cohen to comptroller of customs at New Orleans, La.

## HOUSE OF REPRESENTATIVES.

MONDAY, February 18, 1924.

The House met at 11 o'clock a. m., and was called to order by the Speaker.

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

Our Heavenly Father, we can only speak to Thee with faltering lips because of our human frailties. In Thy gracious design take us and put us under Thy guidance and direction. Inspire us with the faith that conquers doubt and gives the calm conviction that this is God's world and underneath are the everlasting arms. Be Thou our refuge from all life's

illusions and adverse conditions. Help us to walk, while it is yet day, in the steps of Him who is the way, the truth, the life. In His holy name. Amen.

The Journal of the proceedings of Saturday, February 16, was read and approved.

## WOODROW WILSON.

Mr. HOWARD of Oklahoma. Mr. Speaker, under leave granted to extend my remarks I insert the following address:

SPEECH OF HON. LUTHER HARRISON, EDITOR AND STATESMAN, TO THE JOINT ASSEMBLY OF THE SENATE AND HOUSE OF REPRESENTATIVES ON THE OCCASION OF THE WOODROW WILSON MEMORIAL, FEBRUARY 6, 1924.

Mr. LUTHER HARRISON. Mr. Chairman, ladies, and gentlemen of the general assembly, sons and daughters of Oklahoma, the birthday of Woodrow Wilson comes in the calendar only three days later than the birthday of the Prince of Peace. That may largely explain why this assembly is here to-day, a small part of an assemblage that at this hour reaches entirely around the world. The Legislature of Oklahoma is only a very small unit in a day of world-wide mourning. There is not a people beneath the skies who do not bow their heads at this hour, and as we assemble in this stately hall to pay tribute to an American citizen, similar audiences are assembled around the world to pay tribute to the greatest apostle of peace that has lived in these 2,000 years.

Why is it, may I ask you, that not only Americans, but English and French and Scotch and Irish, the people from polar snows to tropic zones, are pausing at this moment to pay at least a tribute of silence to one who has gone down into the valley of the shadow? Why is it that the world stands with uncovered head and lifts a prayer of thanksgiving to the God of nations that Woodrow Wilson has lived on earth? You must find that answer in the yearning hearts of a stricken multitude. You must find it by the desolated fireside where the devastating heel of war has trod. You must find it in the far-spread cemeteries where the little white crosses look up so pitifully on this day of peace. You must find it in the gospel of the Nazarene, who more than 2,000 years ago preached the gospel of peace on earth and good will to men.

We have met to-day to commemorate the life and public service of an American President. Discarding the indiscriminate eulogy which has long since become the proverbial blemish of funeral orations, I desire to speak for a little while of Mr. Wilson as he really was, or at least as he seemed to me.

Noble were the words of Cicero when he told us that it is the first and fundamental law of history that it shall neither dare to say anything that is false nor fear to say anything that is true, nor give any just suspicion of favor or disaffection. No less high standard must be invoked when considering the life and public service of Woodrow Wilson. A great man of a great epoch, whose name is blended with the renown of American arms and the civic glories of the Cabinet and the Congress Hall. A son of the South who became the head of a Nation more populous and more extensive than was ever governed by a Caesar, and the Commander in Chief of armies many times greater than Napoleon ever led to war. No man was ever subjected to sterner ordeals of character or closer scrutiny of conduct. He was in public gaze for 20 years, and in the fate that at last overwhelmed him and overwhelmed his administration he stood erect and dauntless and as unshaken as a tower. He conquered himself and forgave his enemies, but he bent to none but God.

I could not, nor indeed would I, divest myself of those identities and partialities which makes me one of the people of whom he was the chief in the supreme struggle for civilization, but I desire to think for a moment of the greatest figure of his century, who came into the world when he was most sorely needed, and who has now finished his work and gone to the great beyond. Woodrow Wilson was born in Staunton, Va. He studied at Davidson College and Princeton. He practiced law for a little while in Atlanta. He studied government at Johns Hopkins. He was a teacher of government in many institutions. He finally became president of Princeton University, Governor of New Jersey, President of the United States, and the dominating figure of a world crisis. As a student in college, as a professor in the university, as president of a great institution, as governor of an imperial Commonwealth, as President of the greatest Republic in all the tides of time, and as the dominant figure in a world council he dedicated himself to the service of mankind.

On the 4th of March, 1913, when hundreds of thousands of people assembled at the National Capital to attend his first inauguration he had the moral courage and vision to say in the presence of office-seeking persons, "This is not a day of triumph; it is a day of dedication." Then and there, as in the past, he dedicated himself to the public service; he dedicated his office to the service of his people; he dedicated his Nation to the service of the world. Ruin, wounds, and death became his portion, and so it is to-day as he goes down to be claimed again by the clods of the valley, that every flag in Christendom is