Mr. MANN. I ask unanimous consent for leave of absence for one hour and a half, and to return on the 20th of December [Mr. GRAHAM of Illinois] on account of illness. Is there objection?

There was no objection.

The SPEAKER. Under the rule the unfinished business is the contract bill.

Mr. DENT. Mr. Speaker, if necessary, I move that the House resolve itself into the Committee of the Whole House on the state of the Union.

The SPEAKER. That is not necessary. Under the rule the House resolves itself into the Committee of the Whole House on the state of the Union. I will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law, with Mr. Carse in the chair.

Mr. SHEPPARD. I ask that the unfinished business be laid again before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11834) to provide for the Fourteenth and subsequent decennial censuses.

Mr. MARTIN of Virginia. I move that the Senate adjourn until 12 o'clock meridian on Monday next.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, January 13, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 9, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Be graciously near, O God our heavenly Father, to our brave and gallant soldiers overseas. Their task having been accomplished, their hearts long for their beloved country and their predecessors in interest for 50 years. It is located in a thickly settled portion of Indiana, and the title has passed a number of times, and there is simply no record of any patent to it. It is one of those cases where, if a patent was ever issued, it was lost or not put on record; and the land has been for 50 years in private ownership. This is simply a piece of legislation to validate the title, and its passage is recommended by the Interior Department.

The bill has passed the House, and I send it to the desk and ask leave to make the report. I also ask unanimous consent for the immediate consideration of the bill.

Mr. ANTHONY. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5444) for the relief of Ira G. Kilpatrick and Guy D. Dill, which was read, as follows:

Mr. LAZARO, from the Committee on Enrolled Bills, reported the following bill, which I think, in view of the fact that we are soon to have railroad legislation, should be printed in the RECORD for the information of members of this House.

The SPEAKER. The gentleman asks unanimous consent to incorporate certain letters in the RECORD on the subject of railroad rates. Is there objection?

There was no objection.
department should have been listened to by the committee with anything like favor, would have demanded of that department a classification of these informal contracts to show what were entered into on the 11th day of November. My recollection is that we received the news of the armistice being signed before the opening hour of business on the 11th, and that they have not been used promptly the machinery that they had to make legal contracts after the order for goods or property had been given. It is true, it is individual, manifestly, how many errors may have been made. The officers, under the lash of criticism that they were moving too slowly and that red tape should be cut, were working at high speed. Also we must consider the fact that nearly 100 per cent of the contractors were patriotic and anxious to do what they could to help win the war; and inasmuch as it is common practice in business to take the word of both parties to a contract for their ability to start the work, it seems that there is some excuse at least for many of the difficulties that surround this question.

For my part, I fear that difficulties will arise in the adjustment where matters have not been properly adjusted. I am sure that many difficulties will arise if it is left to a commission to determine. It is certain that the War Department at this time must have more information with regard to these matters than anyone else could have, and it seems to me it must be admitted that very much of the business of the War Department has been satisfactorily handled.

But, as I said, informality is an unpardonable sin only in small contracts. We strain at gnats, and sometimes, as they said in olden times, swallow camels. But when I recall the fact that in this same department, if a soldier boy happened to in a detention camp, he would be sent overseas to serve months in the United States service and not given a dollar of pay due him, or five other men.

Mr. SNYDER. That would be better than to place it in the hands of one man the power to validate these contracts for nearly one and three-quarter billions of dollars. What does that mean? It means the settlement of claims which amount to more than a mile long, carrying 50,000 avoidiculo pounds of gold each, to pay it. It means the settling of claims amounting to a sum equal to one-half of all the assets of the Treasury of the United States, which the Treasurer of the United States sees fit to state to the public. The total assets of the Treasury of the United States, outside of one asset, which I intend to refer to in a moment, are about $1,500,000,000,000. It has been shown in a momentary glance to-day. This sum which they ask us to allow them to settle without a proper hearing, without a report that presents the salient and important facts, equals about half of all the assets of the Treasury outside the loans to foreign nations, that institution which we pay thousands of men every year to carefully guard.

But, as I said, informality is an unpardonable sin only in small contracts. We strain at gnats, and sometimes, as they said in olden times, swallow camels. But when I recall the fact that in this same department, if a soldier boy happened to in a detention camp, he would be sent overseas to serve months in the United States service and not given a dollar of pay due him.

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. BOBBINS].

Mr. BOBBINS. I want to say I am looking at this proposition from the standpoint of a manufacturer and a banker. I know of my own knowledge of a number of situations that are acute where adjustments must be made quickly or trouble will ensue.

Mr. GORDON. Will the gentleman yield?

Mr. SNYDER. I will.

Mr. GORDON. If the gentleman is looking at it from the standpoint of a manufacturer and a banker, of course it is important, because it imposes a penalty on every manufacturer and every citizen engaged in business in this country who does not comply with its provisions. I am not going to read all of it, but it provides, in section 120, among other things, as follows:

"The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to contract with any individual, firm, company, association, corporation, or organized manufacturing industry, for such produce or material as may be required, and which is of the nature and kind necessary for the operation of the Service or for the effective prosecution of the war. Compliance with all such orders and materials shall be obligatory and shall take precedence over all other orders and contracts; and so forth.

"And it winds up with this provision: Any individual, firm, company, association, corporation, or organized manufacturing industry that shall fail, contrary to any provision of this act, to fulfill the terms thereof, failing to comply with the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for not more than three years and a fine not exceeding $50,000.

We went into the war without making any preparations for the national defense practically, except in the Navy Depar-
Mr. ROBBINS. As if they were a band of harpies who came here to Washington to plunder the Government. I deny that; on the contrary they were patriotic. These men came here because they were summoned, in the first instance, to come here and help to prepare this Government to defend its very life, and in the second instance, because this statute, passed on June 3, 1916, compelled them to come here on the summons of a responsible officer of this Government and compelled them to turn their productive factories over to the War Department, to turn over and devote them to the manufacture of munitions of war. That is true, the question is, Who is to adjudicate these claims? That, I think, is the pivotal question arising here. I have heard one Member of Congress wants to put the United States Government in a position where it is not fair toward the men who have furnished the instruments, the accouterments, and equipment with which our soldiers were armed this war. We have a court especially called the Court of Claims, and I took up with the clerk of that court the question whether or not this court could adjudicate these cases. It is a court particularly constituted and established to adjudicate and determine the justness of claims against the Government of the United States. It is established here in Washington exclusively for that purpose. I have a letter from the clerk of that court dated December 28, and he seems to object that I even questioned him as to whether they were adjudicated by the United States District Court, the court that was occupied in wartime with cases growing out of the War of the Rebellion; the destruction of cotton and other things of that sort. I admit that if they are still working on cases growing out of the Civil War that they may have, but not the Court of Claims. The man who has been fighting for the protection of these claims that I want to have settled in this court said that he had 57 cases appealed to the Supreme Court of the United States, and 684 cases are awaiting disposition, and he said that the United States Government is not going to try and promptly disposed of in this court. I shall not take the time to read the letter at this time, but with the permission of the committee I herewith insert it as a part of my remarks:

UNITED STATES COURT OF CLAIMS, \nWashington, December 28, 1918.

Hon. EDWARD E. ROBBINS, \nChairman of the Committee on Claims, House of Representatives of the United States.

DEAR SIR: I am replying to your letter of December 23, in which you ask to be advised as to the condition of business in this court.

I am at a loss to know why this court is so frequently and continuously criticized for being slow in the transaction of its business. I think perhaps it is due to the fact that special acts of Congress from time to time have been given to the officers of this court for the purpose of making these cases expeditious and the courts have been criticized for not utilizing them to the fullest extent. As this court has been devoted to the business of the Court of Claims, I have thought it proper to give, as an answer to your inquiries, a brief statement of the condition of business in the Court of Claims, which so far as I know is the only court specially established, equipped, and authorized to try and promptly dispose of cases of a military and naval character during the war.

There are on the dockets of this court about a hundred cases filed before January 1, 1917. Of these about 30 are class or group cases, to be tried in one hearing and with the consent of the parties, and so it happens, gentlemen of the committee, that on the 11th of November, when Germany suddenly collapsed and when this armistice was quickly signed, there were 6,600 of these agreements to purchase war supplies that had not been reduced to the formality of written contracts.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ROBBINS. Mr. Chairman, I will ask the gentleman from Alabama [Mr. DENT] to grant me five minutes, which he promised to do.

Mr. DENT. Mr. Chairman, I did promise the gentleman five minutes, and I told the gentleman from California [Mr. KAHN] that he could use whatever time I had left, and in his absence I yield five minutes to the gentleman from Pennsylvania.

Mr. ROBBINS. Mr. Chairman, is it right, is it fair, to repudiate these informal contracts or obligations of the United States Government arising out of the circumstances;

Mr. McCULLOCH. Has anybody contended at any time or anywhere in this House or in any place that these contracts are not valid?

Mr. ROBBINS. No, not know whether by the gentleman or not.

Mr. McCULLOCH. Not by me or by anybody else that I heard.
Mr. SANFORD. Perhaps the gentleman could be assisted in his argument if he knew that the Senate committee has just withdrawn that bill, revised its judgment, abolished the commission created by the Senate, and it is necessary to pass this act and place the settlements of these claims in the hands of some tribunal, or refer them to some plan with authority to adjust and settle them.

The Secretary of War is the most competent official to take charge of this matter. He has the machinery. These contractors were summoned by his department to make the contracts for which claim is now made. The contracts were not formally executed, because the officials of his department were unable, for lack of time or information, to complete these contracts. It is a maxim of the law, "Where one of two innocent parties must suffer, he whose act caused the loss should bear it." In this case, certainly the contractors who furnished the materials, are not to blame. The Government is practically the final arbiter in all these cases, and where criminality or fraud is discovered criminal prosecutions are preserved against the malefactors.

I favor the passage of this bill because I believe it is just, and I believe that the Secretary of War will promptly carry out its provisions and pay these just claimants who have aided the Government at the time of its distress.

I hope, Mr. Chairman, that the bill will pass.

Mr. ANTHONY. Mr. Chairman, I yield seven minutes to the gentleman from New York [Mr. Dempsey].

Mr. DEMPSY. Mr. Chairman and gentlewomyn of the committee, the question involved here is a business one and not a political question, and it is a most important business question to contractors and the business community, and by discussing the political standpoint and criticizing either the Secretary of War or anyone else we jeopardize the interests of this great body in the community in which we are interested at this time, and let us see. The question is: What is the law and order of the case? In the first place, it is provided by the bill in the Senate, which will be offered as a substitute here, that in all cases where goods have been delivered the goods can be paid for by the Secretary of War, and there will be referred to the commission provided for in that bill only cases where damages are involved.

Mr. SANFORD. Will the gentleman yield?

Mr. DEMPSY. For a question.

Mr. SANFORD. Perhaps the gentleman could be assisted in his argument if he knew that the Senate committee has just withdrawn that bill, revised its judgment, abolished the commission.

Mr. DEMPSY. I did not yield for a speech.

Mr. SANFORD. That is the information I get.
Mr. DEMPSEY. I doubt the statement of the gentleman from New York. I heard the same report upon the floor yesterday, and I went over with the gentleman from Illinois and we inquired of Senator Harriman and found that it had not been withdrawn; that it had passed the Senate committee unanimously.

Mr. SANFORD. The gentleman had better go over again.

Mr. DEMPSEY. I beg not to be interrupted.

Mr. DENT. Will the gentleman yield?

Mr. DEMPSEY. I will yield after a moment. So that under this bill there is a very narrow question presented. It is simply a question of referring to a committee disputed claims which involve damages, claims which are in their nature judicial. I call the attention of the committee to the argument of the chairman. He was twofold. He said, first, we should refer these claims to the Secretary of War because the Secretary already has considered $15,000,000,000 of claims, and why not add a billion and a half more? Why, it seems to me you could not possibly present a better argument for withdrawing from the consideration of the Secretary this billion and a half of disputed claims. Is it an argument to say that because the Secretary is already overburdened and with work you should add to his shoulders that he clearly can not do? Now, I am not saying a word in the way of criticism at all. We all know the difficulties which the War Department had in prosecuting its ordinary work. We all know the difficulties which the insurance department had, and we all know the difficulties the allotment division had. It was a difficult question here on the floor, and one or three times when a bill introduced by Mr.桑德斯 of Virginia was under consideration. Do you know only two days ago the Secretary of War appeared before a committee and said he had added 3,000 clerks within a few weeks last past, and he was about to add a thousand more? Why should you add to his work?

Then the chairman of the committee said, second, we should refer these to the Secretary of War because the parties get together, and he said he could not understand the position of the gentleman from Ohio, that the question was not a judicial one, that he could not see why two business men should not get together. What is another business man to do when he has a dispute, and I know that the other business man is judge as well as party, that he can absolutely determine the question, that I have to submit to his determination. Is that a getting together? Is that a standing of the parties on an equality? Does not that involve a judicial determination and is not that a judicial determination by one of the parties to the controversy against the other party to the controversy? Is not that the real situation and not the situation presented by the chairman of the committee?

Mr. DENT. Will the gentleman allow an interruption?

Mr. DEMPSEY. I will.

Mr. DENT. Does the gentleman contend if this bill is passed by Congress that the contractor will be compelled to accept its benefits?

Mr. DEMPSEY. I contend if this bill is passed by the committee the procedure as laid down by the chairman is this: That in case of any dispute the matter is referred to a subordinate committee in the War Department, and some small employee who receives a small salary, and in case the committee finds against the chairman he can appeal to another committee of subordinate employees in the department from that decision. I contend this, that in no case is the class of employees the class of men who are fitted to pass upon questions of this kind which involve judicial discretion, which involve ability of a high order, which involve the making of a way of absolute incumbrance, which involves the part of the party, an ability to determine without being interested in any way; and instead of that if you refer it to one party who is interested by that proceeding the contractor may be apt not to get a fair, honest, judicial determination of this claim to which he is honestly and fairly entitled and which is what this House wants to give him.

Mr. DENT. Yes; but the gentleman has never yet answered my question, that if this bill becomes a law will the contractor be compelled to accept its benefits? If the Secretary of War does not give him what to which he thinks he is entitled he will still have recourse.

Mr. DEMPSEY. Whether he will have to accept it as an ultimate result of this bill, not, should he be compelled first to face the finding of facts by one of the parties and then to go to a court with an adverse finding of facts? He must face two trials instead of one, and should he face a second trial with a finding of facts which involve damages, he is impossible to reverse the finding of facts, while it may be easy to reverse the finding upon the law. In other words, under this bill you force upon him at the best two trials and you force him to go into an appellate court with a finding of facts against him.

Mr. DENT. That same thing applies to $15,000,000,000 worth of contracts.

Mr. DEMPSEY. The gentleman's argument is twofold. He says, first, because this man is overburdened with the consideration of $15,000,000,000 worth of contracts we should load him down with a billion and a half more. And he says, second, that I have not given him the answer to the charge that I have been making the charge that is two business men getting together. And I say that is not at all the situation. If you make one of two business men judge as well as party, you are not giving the other party that fair and just determination to which he is entitled.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from Ohio (Mr. McCulloch).

Mr. McCulloch. Mr. Chairman, the distinguished gentleman from Alabama (Mr. DIXY) yesterday, in making his adroit argument in favor of this bill, spent the major portion of his time dealing with a proposition about which there is not the slightest dispute in this House, and gave very scant consideration to the only question about which there is dispute.

No man who is honest will deny that every just claim against this Government, whether it be the claim of a contractor or anybody else, should be paid. Every man who is honest will admit that there is such delay. The question is, must there be no delay about it. Payment should be made just as quickly as it can be done equitably and justly to all concerned. But the only question in dispute here is who should settle the claims. Now, why is it that the claims aggregating $1,000,000,000 have not been paid? Why is it that the Comptroller of the Treasury is refused to pay them? He has refused to pay them because there were irregularities. Now, this Chairman of the committee would have the House believe that all the irregularities were trivial; but according to the charges and statements that have been made upon the floor of this House during the course of this debate all the irregularities are not trivial. They were not mere irregularities in procedure. It was charged here yesterday that there were irregularities which might, if pursued and carefully investigated, involve criminality. In view of the fact that the Comptroller of the Treasury has refused to pay these bills because of irregularities, and in view of the further fact that the charge has been made upon this floor that these irregularities were not mere irregularities but went deeper, is not enough to place the representatives of the people, who are charged with safeguarding the funds of the United States, upon guard and give them notice?

Is not that sufficient to make you men here, who are charged with this great responsibility under the Constitution, place the settlement of these claims every responsibility of the guard? Is it the part of good judgment or good business or is it common sense for you to say, "We will disregard all that; let the Secretary of War and the officers who are responsible for irregularities go ahead and settle them themselves"? And when you have covered, if you please, the fact that they failed to file the affidavit which would prove, or tend to prove, that they had no personal or pecuniary interest in the contract they were entering into for the Government, to my way of thinking, the safeguard that requires the filing of an affidavit that the officer has no interest in the contract he is making is most important, as are many other checks and balances provided by law, which it appears from this debate, have been either evaded or disregarded by officers. I do not want to see this Government permit its officers to enter into contracts with themselves or other employers without being called to account and the transaction carefully examined from all angles. I do not believe it is a good thing to be lax or indifferent about these matters. Therefore I believe that there should be some provision in this bill which will safeguard these settlements but not delay them.

I am in favor of the amendment that will be offered by the gentleman from Pennsylvania (Mr. Moore), which requires a committee to assist in the settlement of these contracts. I can not now give the language of the amendment, but it provides for a committee of the parties which shall have the power to resolve all claims. It does not take away from the Secretary of War any power, except that it supervises the settlement. It would not cause any delay, except as was said by Mr. Moore. It will be by June 30, 1919. There will be no delay about it; there will be no injustice about it. It simply means that the Congress is placing a safeguard around the settlement of these claims, which it is its plain duty to do.
simply permit the Government to do what any honest business and great structures are necessary immediately. the contractor conducting large operations, the other a man who would do under like circumstances. By this legislation we some of them proper and some of them in my judgment useless, the War Department is hampered in doing what a man would adjust the matter and go on with their business. Owing to the restrictions that I have mentioned, the Government can not do that. We propose to authorize the Secretary of War to do just that by this legislation.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Not now. Let us consider this legislation under three heads: First, what is for the best interest of the contractors. Perhaps 75 per cent of the claims are good, and he asks, "Why not pay 75 per cent o f the claims and let the other 25 per cent?"

The gentleman from New York [Mr. SNYDER] suggested that perhaps 75 per cent of the claims are good, and he asks, "Why not pay 75 per cent?" The trouble is that the 75 per cent of honest claims will amount to 75 per cent of the amount and the 25 per cent of dishonest claims will amount to 75 per cent of the amount. Therefore, I want to protect the Treasury against dishonest claims.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Good. Now, then, we come to the class of cases where the goods have not been delivered, and where the contractor has no absolute good faith and the claims are entitled to payment we are going to have a large number of claimants that will come in and try to seek profits which they would have gained if the war had continued, and for which they would adjust the matter and go on with their business. Owing to the restrictions that I have mentioned, the Government can not do that. We propose to authorize the Secretary of War to do just that by this legislation.
Mr. Snyder. Mr. Chairman, will the gentleman yield right there for a question?

Mr. LaGuardia. Yes. Mr. Snyder. I would like to know if the gentleman can point out any particular case that is so glaringly dishonest.

Mr. LaGuardia. Let us take the case of the railroads in New York, where, if we should follow the suggestion of the distinguished gentleman from Pennsylvania [Mr. Romanus] to have the Government inspector adjust these claims, we would have to go to the Federal Treasury in Atlanta to have this man pass upon the claim of the fraudulent manufacturer.

I introduced here on the first day of the Sixty-fifth Congress, and the first day in this House, a bill which would have sent that dishonest contractor and that dishonest inspector to the gallows, and not to jail; but you did not have courage enough to pass it upon. It is still sleeping in committee. What we want to do is to separate the dishonest claims from the honest claims.

Why let the Department of War pass upon it? You say this is purely a commercial proposition, in the cases of unliquidated claims, consider it a judicial proposition. Let the Secretary of Commerce pass upon it, and let the Attorney General look after the interests of the Government.

Mr. Montague. Mr. Chairman, will the gentleman yield there?

Mr. LaGuardia. Yes.

Mr. Montague. How would the gentleman’s bill send somebody to the gallows?

Mr. LaGuardia. I introduced a bill on the first day of the Sixty-fifth Congress providing death penalty for dishonest contractors, to anyone who defrauded the Government in contracts in time of war. That is the logical, decent thing to do. Hung the man who will defraud his own country in time of war, while his countrymen are dying for it.

Mr. Montague. You mean to send somebody to the gallows for a crime committed before or after the passage of the law?

Mr. LaGuardia. The gentleman knows you can not pass a criminal law which is ex post facto.

Mr. Montague. I asked the gentleman that question because I thought the gentleman intimated that we could.

Mr. LaGuardia. The gentleman could not possibly have misunderstood what I said.

Mr. Montague. The gentleman possibly did not express himself as clearly as he intended.

Mr. LaGuardia. That is a difference of opinion between us. I have given this subject considerable study, fifteen or more certain learned committees that had no experience and no information as to what they were trying to do, and refused to listen to others when they passed a very poor bill. I trust you have made yourself clear on that point. [Laughter.]

Now, if the Senate comes back with this bill as it now stands, and takes out the amendment providing for a reviewing commission, I shall support the amendment sent up by the gentleman from Pennsylvania [Mr. Moore]. Otherwise it is our duty to defeat this bill as it stands, and let the committee come in with a logical bill to look after the interests of the Government.

[Applause.]

The Chairman. The time of the gentleman from New York has expired.

Mr. Anthony. I yield five minutes to the gentleman from Illinois [Mr. Denison].

The Chairman. The gentleman from Illinois is recognized for five minutes.

Mr. Denison. Mr. Chairman, this bill contains 15 lines. There are 15 lines in the bill proper and 45 lines in the provisions. There are 8 provisions to the bill as it has been reported, and I understand it is the intention of the chairman of the committee to offer one more, so that when the bill is finally voted upon it will be a bill consisting of 15 lines itself and 50 or 60 lines of provisions, all of which shows, at least to my way of thinking, that we are trying to do something by this bill that we ought not to do at all. Any bill that contains only 15 lines and that has 50 or 60 lines of separate provisions is, to say the least, a rather unusual bill.

Mr. Dempsey. Provisions inserted after the bill was introduced?

Mr. Denison. Yes. All of these provisions were added by this committee after the bill was introduced.

Now, as a Member of this House, I am not going to vote for any bill that will authorize or empower any man who has been a party to an illegal contract to settle unliquidated damages. And it is just exactly what this bill does in its present form. There were a number of speeches made here yesterday which tried to leave the impression with the House that the only objection between the Senator from Ohio and myself is that I will not authorize the settlement under this bill and those that have been settled under legal contracts is a mere matter of informality.

I will say, that is misleading. That is sugar-coating the whole proposition. Let me tell you what this bill does. The War Department now has the authority to settle for any materials that the Government has actually received, I do not know in what manner, under an illegal contract. The War Department already has that power, and the Court of Claims has jurisdiction to settle every liquidated or unliquidated damage growing out of any legal contract; but the Court of Claims has no jurisdiction to settle any one of the claims covered by this bill; neither has the War Department jurisdiction to do so, because the claims that are to be settled under this bill are so-called equitable claims and are not legal claims growing out of any express or implied legal contracts. Now, if I have the time I want to call your attention to this provision in the act of Congress that was passed during the Civil War; and it has been said in committee that it is perfectly useless to see the members of the Military Affairs Committee of this House standing here and saying that this law was an obstruction to the War Department and that we ought to repeal it, although it is a valid existing law. That law provided that any officer in the War Department who signed a contract purchasing supplies for the Government should file with it his affidavit that he had no interest, direct or indirect, and that he should file with the department all bids, offers, and advertisements, and so forth, connected with the letting of the contract. Now, I would like to have some members of the Military Affairs Committee who have been belittling this law explain to the House what the purpose of it was. This law was passed by the Congress for good purposes, and if it is not a good law it ought to be repealed, and I do not believe in letting the department ignore it absolutely when it is a valid existing law passed to protect the people and the Government.

The chairman of the committee [Mr. Deney] stood here yesterday and said that there is no difference between the contracts to be settled under this bill and those that are valid except a mere inordinacy. Why, gentlemen of the House, if there has been any dishonesty in connection with the letting of war contracts—and I have heard a great deal of talk, and so have you, about graft and dishonesty in connection with the letting of some of these contracts—this bill will whitewash the whole thing.

The act of Congress under which these thousands of war contracts are absolutely void and illegal was passed in 1862, during the Civil War. It is a statute of frauds, as the Supreme Court has said, enacted for the purpose of protecting the Government against fraud and dishonesty on the part of Government officials. It provides that all contracts made with the Government must be signed by the officer who makes the contracts, and he must attach to the contract an affidavit to the effect that he has no interest, direct or indirect, in the contract. He must also file with the contract, and attached to it, all offers, bids, advertisements for bids, and all other papers connected with the letting of the contract.

Now, here are nearly 7,000 contracts that we already know of, involving several billion dollars, that everyone of them are illegal and worthless because they were not signed by the officers who made them, nor were the affidavits of such officers made and filed with them, nor were the bids and other data filed required by law. In other words, the whole proposition, enacted to protect the public Treasury, was entirely ignored and disregarded, and Members stand here and argue that this statute, enacted for the purpose of protecting the Government, is a mere inordinacy. If this bill is passed, all kinds of paid, fraudulent, and dishonest claims for damages, both actual and speculative and imaginary will be presented, and in my judgment they will aggregate twice as much as has been estimated by the War Department.

The idea that Congress should by law authorize the same officers of the War Department who have made these illegal contracts to settle the claims for damages that will be presented under them is preposterous to me. Now, I am in favor of paying every dollar that has been defrauded by the Government, and I want doing it as promptly as possible. None of us, I think, want to deny anyone a prompt settlement of his legitimate claim growing out of any expense he has incurred or liability he has contracted in helping the Government in the prosecution of the war.
orders have been made by the War Department with the district to do so. It has already been done. And I want to say that the claims which have arisen from formal contracts.

But there are a few things that have not been touched upon that I think ought to be brought to the attention of the House. In the first place, the same action that is proposed in this bill has been required of Congress, and the same duty has been performed by the Secretary of War, following the Civil War and the Spanish-American War. The chairman of the committee [Mr. DENT] read to the House yesterday the legislation similar to this enacted during the Civil War, and action exactly similar to that recommended at this time was taken by the Secretary of War in settling claims against the Government following the Spanish-American War; and the Spanish War claims were carried to the Supreme Court of the United States, and the action of the Secretary of War was declared valid by the highest court in the land. So we have warrant for what we are seeking to do.

Now, there is one thing particularly that I want to impress upon the House, because I think we have had an erroneous idea of it presented here, and that is that these claims are to be adjusted by the men who were responsible for making the contracts. That is not correct. On the contrary, 34 regional boards have already been constituted by the Secretary of War. They are civilian boards, made up of the representatives of business men from different communities in which they are acting. For instance, in the city of Chicago and for that region, John J. Mitchell, president of the great Illinois Trust and Savings Bank, is a member of these men are already appointed to serve. They are selected because of their high character and sound business judgment.

Mr. COOPER of Wisconsin. Where is there anything in the pending bill that will insure the appointment of a commission headed by John J. Mitchell, or of which he is a member?

Mr. SHALLENBERGER. This bill authorizes the Secretary of War to adjust these claims, and the Secretary of War has already constituted these boards, and Mr. Mitchell is a member of one of them.

Mr. COOPER of Wisconsin. Exactly; but this bill does not authorize the Secretary of War to appoint anybody.

Mr. SHALLENBERGER. These boards are already adjusting the claims which have arisen from formal contracts.

Mr. LITTLE. Will the gentleman yield the floor to me?

Mr. SHALLENBERGER. I want to get into the Record—

Mr. LITTLE. If what the gentleman has stated is true, why do we not pass a law to authorize the appointment of these commissions?

Mr. SHALLENBERGER. You are authorizing it when you pass this bill.

Mr. LITTLE. Why not say so in the law then?

Mr. SHALLENBERGER. The Secretary of War is authorized to do so. It has already been done. And I want to say further that I have here a statement showing that 650,572 contracts and purchasing orders were made by the War Department during this war. In other words, almost 700,000 contracts and purchasing orders have been made by the War Department with the different boards of this country. If it is 6,000 so am I uncommitted and at issue in this particular case and be settled under the terms of this bill.

Mr. DENT. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentlemen from Alabama.

Mr. DENT. In that connection a statement was made by the gentleman from New York [Mr. SANFORD] a little while ago, that the Senate Committee on Military Affairs had recalled the Hitchcock bill. That statement is absolutely correct. A member of the Senate Military Committee called me over the phone a little while ago and informed me that the Senate Military Committee had recalled the Hitchcock bill and abandoned the commission proposition.

Mr. KING. I would like to ask the gentleman this question, Mr. SHALLENBERGER. I will yield to the gentleman from Illinois.

Mr. KING. Can the gentleman give the House any light as to whether these 6,000 people are making these claims?

Mr. SHALLENBERGER. No. I will say that these boards have already been constituted and are now acting upon the claims which have arisen from formal contracts.

Mr. DENT. Does the gentleman think that Congress ought to know who composed the boards that the gentleman has referred to?

Mr. SHALLENBERGER. I will say that these boards have been appointed and are known and now acting upon the formal contract claims.

Mr. DOWELL. We have not that knowledge.

Mr. ANTHONY. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, I ask leave to extend and revise my remarks.
Mr. MOORE of Pennsylvania. I know the gentleman put his question in good faith, but in putting it he has made an argument which does not hold water. I think I can answer by saying that the House of Congress, no matter how busy, will refuse to serve the country in this regard without compensation, and that is just exactly what I propose. I propose to leave it to the Speaker to appoint four men, two Republicans and two Democrats, and to the President of the Senate to appoint one Republican and one Democrat, and I venture to say that no man named by either of those gentlemen will refuse to serve in this capacity without compensation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EAGLE. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. MOORE of Pennsylvania. All I wanted to do was to explain this amendment. It is a fair proposition and one which I think the House can very properly consider.

Mr. DENT. Mr. Chairman, I yield seven minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I am opposed to appointing commissions for the purpose of investigating claims of this sort. It means a divided responsibility and getting nowhere. Now, the suggestion which has just been made to the House by the gentleman from Pennsylvania [Mr. MOORE] of appointing a commission of Congressmen to act with and supervise the Secretary of War is wholly fallacious, it seems to me, so far as practical results are concerned. If this House had written to do what ought to be done, then what it desires to do is to pay every honest and just claim with as much speed as possible, but to submit every claim to proper investigation and to know that what is paid is done fairly and honestly. If this House had taken the time to do any thing answering the argument of those gentlemen here who say we ought to turn this thing over to a commission of bankers and manufacturers, who have these contracts, and let them decide themselves what they ought to have. I think it is a perfectly foolish or worse proposition for a Member of Congress to stand up and say, "I want Congress to appoint four men, two Republicans and two Democrats, and to have them decide what is fair and just with reference to these contracts." It is not necessary to indict these people for crime; it is not necessary to charge anybody with dishonesty. What we actually know is that there are 6,600 claims here, aggregating $1,000,000,000. Of course, we want them paid, but this House is here supposed to represent the public interest, and if it is necessary to take time and investigate these claims, that course should be pursued.

The CHAIRMAN. The time has been fixed by rule.

Mr. EAGLE. All I wanted to do was to explain this bill and this talk about stopping the wheels of progress and ruining business is a fallacious sort of argument that is designed to prevent these claims being examined properly and fairly. There really is not a great deal of difficulty. Of course, it is not very strange that men come here and say that they need the money, but that is not a new thing with Congress. The time has come when the older Members who have been confronted with that right along. But the question for us to determine is what is our duty in this matter. I say that our duty is to require investigation of these things. I have never and I am not optimistic with regard to the man who would have to be an investigation amounting to a judicial inquiry. Of course, they say it will take time. Of course it will, but Congress is not going to vote any lump sums here to anybody without any knowledge of the facts unless provision is made for a possible tribunal for determining the question. Now, of course, the War Department is one of the executive departments of the Government. This bill is advocated here upon the ground that the man upon whom the authority is conferred will not exercise it. The gentleman from Nebraska [Mr. SHALENBERGER] said they had a commission appointed of a prominent banker in Chicago and somebody else and what they were going to do, but this bill does not confer any authority on any other man.

Mr. EAGLE. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. EAGLE. I would like to say to the gentleman that I should favor his amendment if I were convinced of one point, and, therefore, I ask in good faith to have his views on that point. It is in my own mind as a reason against the amendment, otherwise the amendment seems to me to be sound. I doubt if there is a single Member of the committee work, with his attendance here from noon until 6 o'clock each day, with his from 5 to 100 telegrams each day and from 5 to 150 letters each day and from 100 to 150 telegrams each day and from 5 to 100 letters each day and from 100 to 150. And when a committee will meet with the knowledge and responsibility which lack of time probably will not permit them to fulfill?
Mr. MADDEN. Will the gentleman yield?
Mr. GORDON. I will.
Mr. MADDEN. Suppose there are claims not yet presented?
Mr. GORDON. Oh, unquestionably. When we had this hearing there was a million dollars' worth there and before the hearing was printed it reached $1,600,000,000.
Mr. MADDEN. I understand there are $4,000,000,000 not yet presented—
Mr. GORDON. I do not know about that; it is big enough as it is; but these claims ought not to be paid and they ought not to be authorized to be paid until they have been properly investigated.
Mr. COOPER of Wisconsin. Will the gentleman yield?
Mr. GORDON. I will.
Mr. COOPER of Wisconsin. I see from the record the gentleman from Alabama said: Suppose that on the 15th day of October, if that was a week day, the Quartermaster's Department hired some manufacturer—
And so forth. And a little later he said: Suppose on the same day a representative of the Ordnance Department sent a telegraphic order—
And so forth. They did some of that, did they not, by telephone?
Mr. GORDON. That I do not know. Our committee has reported an amendment to this bill that will cut out the telephone conversations.
Mr. COOPER of Wisconsin. Were there any of these orders given by dollar-a-year men in the War Department or in any department anywhere?
Mr. GORDON. I am not prepared to answer that question. There have been orders given by different individuals. The gentleman from New York [Mr. LAGUARDIA] had a conversation with somebody, and he is now present—
Mr. LAGUARDIA. I wish to say that the aeroplanes were not accepted.
Mr. GORDON. You can not allow every Tom, Dick, and Harry to tell the people to make goods to win the war, and then present claims to the Government.
Mr. BLANTON. Will the gentleman yield?
Mr. GORDON. I will.
Mr. BLANTON. Suppose the gentleman's contentions were correct and were carried out, and one of these claims should come regularly before the Claims Committee; for instance, of the House; the Claims Committee submits that to the War Department, and that department reports favorably on it. Is there a single instance of that kind where the Claims Committee would not bring it before the House and ask the House to pass it?
Mr. GORDON. I think that is true, the only difference being in the aggregate amount. These amounts here aggregate over $1,600,000,000 up to date, and there are more than 6,600 claims.
Mr. BENSON. What remedy does the gentleman offer?
Mr. GORDON. Oh, no. It is not the man in the War Department that is going to do it. It is the man that is getting the money that is going to do the shady things. I am not charging anybody in the War Department with intent to defraud.
Mr. McKENZIE. Does not this bill also provide that if any gentleman does enter into this shady transaction we can pursue him?
Mr. GORDON. Of course, you can pursue him on a criminal indictment for felony if he conspires to defraud the Government.
Mr. LAGUARDIA. In France or England or Italy?
Mr. GORDON. In this country.
Mr. BENSON. Will the gentleman yield?
Mr. GORDON. I will.
Mr. BENSON. What remedy does the gentleman offer?
Mr. GORDON. I think the bill ought to be amended in two particular ways. I think it ought to be approved by the Attorney General of the United States. I think, furthermore, they ought to be compelled to make this affidavit. A majority of these claims, it was testified, were rejected because the man who made the contract did not sign it and make the affidavit provided by law. I believe before these claims are paid that an affidavit ought to be made by the man who made the contract to the effect that no one but the Government and the contractor had a hand in it and that the terms claimed were agreed upon. And an amendment ought to be adopted so that he would be rendered liable to the extent he would have had signed and sworn to the contract in the original instance.
Mr. ANTHONY. Mr. Chairman, I yield the remainder of my time to the gentleman from California.
Mr. COOPER of Wisconsin. Mr. Chairman, a parliamentary inquiry.
Mr. COOPER of Wisconsin. Is this general debate?
Mr. DENT. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. KAHN].
Mr. KAHN. Mr. Chairman, this legislation is asked for by the War Department because there are some 6,000 agreements to be settled under this bill in this country alone, and the amount involved in these agreements is $1,600,000,000. It is a very large amount, and these contracts or agreements had been formally executed according to law the War Department would not be put to the necessity of asking for this legislation.
On the 11th of November last year, when the news came that an armistice had been signed, the War Department did what any good business house would have done. It immediately notified the contractors of the country right there and then to stop the further making of supplies that were being turned out to win the war. Now, those gentlemen who had contracts that were properly executed in accordance with the provisions of the Revised Statutes have had no trouble at all in getting a settlement. There are local boards composed of men in the various departments who have been engaged in supervising the actual production prepared for or carried on and who know the nature of the contracts. They call to their assistance the officers and Government inspectors, who watch the making of the supplies for the Government and who have direct supervision thereof in the factories that are turning out the supplies. These inspectors and officers are there with their records to give assistance to the local boards that are investigating the matter. The Government, so far as I am informed, up to the present time has had excellent service at the hands of these inspectors. They have been a very efficient class of men. They have frequently overstepped the limits of their authority, as I think the department should. I want to say now that I think the country owes a debt of gratitude to the manufacturers and producers of the United States for their willingness to turn over to the Government all their supplies that it is necessary for the winning of the war. And the workmen in the factories who gave their best ability toward turning out these supplies deserve the thanks of the country.
There are about four classes of cases that are involved in this legislation. The first class comprises agreements made by the Ordnance Department, which should have been signed by the head of the department. Instead they were signed by one of his principal assistants. The Comptroller of the Treasury ruled that the signature of this assistant did not satisfy the statutory requirements for the execution of valid contracts. This legislation is required so as to enable the Government to settle all cases of this kind.
It often happened that the manufacturer was told that time was of the essence of the contract; that he ought to put all his energy into the task of supplying the Government rapidly, be-
cause upon the rapidity with which the supplies could be secured would depend the duration of the war. The manufacturers went ahead in good faith to turn out their products as speedily as possible.

"Now, when their claims were sent to the comptroller for his approval he called to the attention of the War Department the fact that the contracts had not been properly executed by the Government and refused to authorize the payment of those claims. Of course later on the War Department corrected anything of that kind. No such contracts or agreements were entered into later than the comptroller's decision, because the War Department realized that the contracts would be invalid, and the contractors could not be paid.

"Then there was a second class of cases. The Engineer Department for years had been in the habit of getting merchants to furnish them supplies, especially for river and harbor work, upon blank forms, the validity of which had never been questioned. Those forms were used in the early days of the war by the Engineer Department, and the supplies were furnished the Government. The forms specified in detail the character, amount, price, and time of delivery of the required articles. But the comptroller said: "That is invalid; you cannot do it," and therefore a large number of cases of that kind were held in suspense.

"A third class is that in which the War Department called manufacturers before it and informed them that the Government required a certain article. The manufacturer probably had never turned out that article, but the War Department knew that it could be adapted to the manufacture of that class of goods, and he said frankly to the Government: "I do not know what I can do in the manner of making that article, but if you will show me what will do will be this; I will turn over my factory to the manufacture of this commodity. You put in your official inspectors. We will open our books; we will show you what the cost will be, and then we will agree upon a price." There were no formal contracts entered into, because they could not enter into a formal contract under a condition of that kind.

"Then there were, finally, other cases where the Government contemplated taking over large tracts of land for the purpose of manufacturing trinitrotoluol, or TNT, as it is usually called. They went on tracts of farm land and told the men owning it, "We are going to commandeer this land," or "We are going to condemn it, because we need this land for the manufacture of those commodities that will help us to win the war." In many cases the farmers went elsewhere and entered into contracts for the purchase of land many miles away from where they had been formerly. But they were dispossessed. Then the armistice was signed. The Government had not paid these farmers anything for the land. Later the Government found it would not require the land.

"Now, those farmers, those men who gladly, in many instances, went off the land in order to win the war, are now notified that they could not do it. Mr. BANKHEAD. I would like to have the gentleman's consideration.

Mr. KAHN. His remedy would be to have a bill introduced by this gentleman who entered into agreements with the Government to turn out supplies for the winning of the war, or to do something that was going to help to bring about the settlement of their claims as those contractors who have duly executed contracts.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield for a question? I would like to have the gentleman's consideration.

Mr. KAHN. His remedy would be to have a bill introduced by this gentleman who entered into agreements with the Government to turn out supplies for the winning of the war.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield for a question?

Mr. KAHN. Yes; exactly. He could go to the Committee on Claims or the House or the Senate with his claim, but Members are aware how few claims of that kind are ever passed by Congress. Mr. BANKHEAD. There is a serious condition that confronts many of these men. They have their capital tied up in this work. Many of them have had to borrow from their banks in order to meet the requirements of this Government. They now are paying interest every day, because their banks are carrying them along. I am told that several of these concerns have already gone into
bankruptcy and that many others are threatened with bankruptcy. Do you know what that means? It means the closing of many of these concerns before they can adjust their business so as to return to a peace-time basis. It means the throwing out of employment of their mechanics and laborers and putting them upon the labor market of the country. I do not think the Members of this House want to see such a condition prevail. I imagine that the Members of this House feel that the Government ought to be just as honest as the citizens of the Republic; that every just claim ought to be paid, and that the men who, in the hour of the country's stress, came to the country's assistance should not be penalized because of some infirmity in the proper execution of their agreements with the Government.

Mr. EMERSON. This bill proceeds upon the theory that the War Department will deal fairly with these contractors. Now, perhaps it will. But should there not be some one—for instance, the President—to whom they could appeal in the event that they thought the War Department was unfair with them?

Mr. KAHN. The process of dealing with these claims is this: I should state, however, that the War Department officials are dealing with the claims arising under properly executed contracts every day. Before the gentleman was here I stated that the matter is first taken up by a local board composed of officers of the Army who are attached to the particular branch of the military service that negotiated the agreement. In other words, if it be an ordnance matter, ordnance officers pass upon the claim. If it be a quartermaster's matter, officers of the Quartermaster's Department pass upon it. They then pass upon the claim. Then later the claim is presented to a second board, which is here in Washington, and is composed of officers in the respective bureaus who are specially selected for this purpose of review. Then the claims are finally sent to the Board of Contract Adjustment in the War Department. They pass upon these claims. They go over the papers. They review the whole matter and finally reach a decision. This is the third board to pass upon the claim. In the process of adjustment it goes through three separate and distinct boards, until it finally gets to the Secretary of War for his approval.

Mr. DENISON. Do these boards have a definite personnel?

Mr. KAHN. Yes.

Mr. DENISON. Would the gentleman object to putting into the bill an amendment requiring these claims to go in that way?

Mr. KAHN. I certainly would not object, but I am told, or rather the committee were told by the War Department that that is the very course they are now following and that they propose to continue to follow. They propose to continue to follow the same course which they have followed in adjusting all the differences heretofore. I do not think it is necessary to put that in the proposed legislation, because that is the procedure that has been in vogue at the War Department since we have been in this trouble.

Mr. LEA of California. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. LEA of California. Can the gentleman tell me whether or not the Secretary of War has expressed any intention of so adjusting these claims as to protect the legitimate rights of subcontractors?

Mr. KAHN. Well, I do not know positively what it is their intention to do. I understand that it is the purpose of the War Department, before they make final settlement with the contractor, to see that he makes his settlements with his subcontractors, so as to fully protect them, before the War Department finally will pass upon his claim. I understand that is the department's purpose.

Mr. BLANTON. The gentleman has stated that these agreements should be treated with the same consideration as bona fide written contracts.

Mr. KAHN. Certain.

Mr. BLANTON. Could any honest contractor object to a requirement being placed in the bill that would provide that the officer who caused the goods to be ordered should make the customary affidavit?

Mr. KAHN. That officer may be dead now.

Mr. BLANTON. But where he is living. I take it that 99 per cent of them are living.

Mr. KAHN. Oh, no. In the early stages of the war they were shifted around very rapidly, and many of the officers were sent right over to France to carry on the work there.

Mr. BLANTON. But is there any objection to that where the officer is living and accessible?

Mr. KAHN. I do not think that would meet with the requirements of the Revised Statutes. In fact, we were told, Mr. BLANTON. Should not the officer make an affidavit that he had no interest in the contract?

Mr. KAHN. I rather think that ought to be the case, but that is a matter that could be investigated by the men who will be charged with the duty of passing upon these agreements.

Mr. BLANTON. Several of them have been dismissed from the Army and Navy for having an interest in the contracts that their officers did. Did the Government know that there was no such a condition when the Government knew that there was no such a condition when the Government knew of it?

Mr. KAHN. I do not know whether there were any dismissals. I know that in the Aircraft Board investigation it was brought to light that some of the Army officers had knowledge of matters that were going on, and they gave information to the concerns with which they had previously worked.

Mr. BLANTON. Have there not been courts-martial and convictions?

Mr. KAHN. I doubt whether there have been any convictions or court-martial. I believe, however there were some indictments.

Mr. DENT. Will the gentleman yield to me?

Mr. KAHN. Certainly.

Mr. DENT. As to the suggestion that we should require the officer who made the contract to file an affidavit, he may be dead; he may be inaccessible; it may be practically impossible, and it is not fair to the honest contractors to put the burden on the officer to say that that must be done before the contractor shall be paid.

Mr. KAHN. And, furthermore, the contracts were entered into so rapidly at the beginning of the war, the requirements of the War Department were so great that I doubt whether a single officer who in this way was representing the Government could recall all the facts connected with the making of the contracts or agreements. It would be almost a physical impossibility for him to remember all the details. Take the Members of this House, who get dozens of letters every day, and ask a single one of them what was in a certain letter that he received three or four months ago. Without refreshing his memory from the files of his office, he probably would not remember the incidents referred to in the letter. So it would be almost a physical impossibility for an officer to recall all the conditions surrounding or agreement that was entered into by him on behalf of the War Department.

The Secretary of War has specifically stated to the committee that time is the essence of this thing. Many men who have their money tied up in various manufacturing plants are very anxious to get back to a peace basis. They want to continue the manufacture of those goods or commodities that they were accustomed to manufacture before we got into this war. We should help them in every way possible. We should provide them with the method by which their proper claims can be paid so that they can begin peace-time affairs.

Mr. WINSLOW. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. WINSLOW. Does the gentleman think there was any good reason why the contracts could not have been executed concurrently with the execution of the orders themselves?

Mr. KAHN. Yes; I stated a little while ago that there was one line of claims where that was absolutely impossible. They were the claims of a concern that was called upon to manufacture a class of goods that had never been manufactured by them at any time. But they had machinery which could be converted to the use of manufacturing that class of goods. The manufacturer would say to the agent of the Government, "I will do this, I will turn over my facilities, but I cannot tell what the thing is going to cost the Government, because I have to find out what the cost is going to be to me. But I will let you put your inspectors into my factory, I will open the books, and you will have every facility for learning what it is going to cost, and then we will agree on the price and make the written contract."
in many different directions without having the cooperation of many new concerns that they induced to go into the manufacture of war materials for the purpose of turning out the needed quantities of those supplies. They went to the business concern frankly and stated the Government's case. The manufacturers just as frankly stated their case to the Government. The Government said: "We need the stuff; go ahead. This was done in innumerable cases all through the war. The manufacturer, as a patriotic citizen, relied upon the good faith of his Government that he would ultimately get his pay. And it would be bad faith, in my opinion, on the part of the Government now to refuse to pay these men for the settlement of which this law is now asked.

Mr. WINSLOW. I can agree to that; but the point I want to get at is whether or not the buying department was clothed with the proper commercial authority when they ordered manufacturers to produce articles when they could get the articles to meet the war necessities through the regular channels.

Mr. KAHN. Of course, every branch of the Navy War Department that could enter into contracts authorized the officers of these branches to enter into agreements for the furnishing of the required supplies. The gentleman from New York [Mr. LAGUARDIA] a while ago stated that anybody could issue orders for the manufacture of goods. The gentleman is entirely mistaken. The business of the country is not done quite as loosely as that. The department that had men whose duty it was to negotiate these contracts, and the men so designated were the only ones that could negotiate the contracts. But that is only one line of cases.

Mr. WINSLOW. A very small line.

Mr. KAHN. No; it is a considerable line, and a good deal of money is involved. There is another class of cases sought to be covered by the law. I stated a while ago that farmers in several parts of the country were told to quit their land; that the Government needed the land for erecting factories thereon that were to turn out munitions—gunpowder supplies—that were needed in the war.

The farmers got off the land. Their claims have not been paid. In some cases before the Government could get control of the entire tract of land that was needed for its purposes the armistice was signed. Those men have legitimate claims against the United States, as determined by said Secretary. Provided further, that this act shall not authorize payment to be made of any claim under such agreements after June 30, 1919: And provided further, that the Secretary of War shall report to Congress at the beginning of its next session following June 30, 1919, a detailed statement showing the nature, terms, and conditions of every such agreement and the payment or adjustment thereof: And provided further, that nothing in this act shall be construed to authorize any officer or agent of the United States to enter into an agreement with the Government upon any agreement of the character herein provided for: And provided further, that no settlement of any claim arising under any such agreement shall bar the United States Government through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right of recovery of any money paid by the Government to any party under any settlement entered into, or 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Mr. DENT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. MANN. Mr. Chairman, a parliamentary inquiry?

Mr. MANN. Under the rule which, I believe, provided for consideration of the amendment of the committee, is the committee amendment to be treated as original matter, so that an amendment to it is subject to an amendment?

The CHAIRMAN. Reading the section of the rule that the amendment reported by the committee shall be read and considered before the amendment is printed and transmitted to the House for consideration and printed in the Congressional Record, or in the Official Bulletin, or as a public document, 10 days before confirmation and payment is authorized contracts.

Mr. DENT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. MANN. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.
The amendment was agreed to. Mr. CALDWELL. The time of the gentleman has expired. Mr. DENT. Mr. Chairman, I would like to ask the gentleman from Alabama a question about this. Is there any knowledge as to the number of contracts that were entered into with foreign governments?

Mr. DENT. I do not have that definite information. Mr. MANN. Of course the War Department knows, but does not give us that information. Mr. DENT. I have put that in the Record yesterday, from a letter written to me by the Assistant Secretary of War, Mr. Crowell. In one portion of the letter he says: A recent cable states that the outstanding obligations of the American Expeditionary Forces on November 11 amounted to $1,183,130,000. The number of them he does not state.

Mr. MANN. What governments were they owing to? Mr. DENT. The French, the British, and the Italian. Mr. MANN. Does anyone know what the amounts were? Mr. DENT. I do not know. Mr. MANN. Of course the War Department knows, but does not give us that information. Mr. DENT. I have not that definite information. Mr. MANN. It would be a very easy matter, it seems to me, to divide the total and find out what each Government has owing to it if they wanted to give the information.

Mr. FOSTER. I think Mr. Stettinius was asked about that before the Committee on Rules, and he said he did not know the number of the contracts.

Mr. MANN. How can they reach the amount in dollars and cents without knowing?

Mr. FOSTER. I do not know, either. Mr. MANN. Well, the gentleman, my colleague, knows they can not do it without knowing, and if they know it would be very easy to give the information.

Mr. FOSTER. Mr. Stettinius had charge of the work over there.

Mr. DILLON. Will the gentleman yield for a question? Mr. DENT. I yield to the gentleman.

Mr. DILLON. Can the gentleman give any information as to the number of foreign governments, whether such foreign government was allowed to represent this Government and at the same time the foreign government represented itself?

Mr. DENT. I really would like the gentleman to restate that question.

Mr. DILLON. I wanted to know if such foreign government could represent its own Government at the same time it represented our Government, so that it occupied a dual position of dealing with both parties? Mr. DENT. Why, certainly not. Our Government would have its own representative, if that is what the gentleman means.

Mr. DILLON. Well, for instance, suppose that the Government now is binding our Government, could it sell something to this Government?

Mr. DENT. Oh, it can not do that. This simply adds to the burden, and makes it difficult to make settlement with foreign governments as well as contractors in this country.

Mr. DILLON. Have I been informed in some instances those foreign governments have represented our Government and at the same time sold goods to our Government, and I want to know whether there was any truth in that? Mr. DENT. I have no information upon it at all.

Mr. ALEXANDER. I read the hearings on that question and they are to this effect, that the foreign government had contracted with their nationals for certain supplies at certain prices, and our Government, our agents, through the foreign government, had their nation's furnish supplies at the same prices. That was the form of the negotiation.

Mr. DENT. I have no information upon it at all.
Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CALDWELL. I think I can not, my time has expired.

Mr. MOORE of Pennsylvania. I would like to call the gentleman's attention to the fact that I have read the hearings and am familiar with the late Secretary of War. The reason our factories were not equipped and were anxious to secure the orders, whereas we had the factories equipped and were anxious to secure the orders. (Applause.)

Mr. KAHN. Mr. Chairman, I have listened with a great deal of interest to what the gentleman from Pennsylvania [Mr. Moore] has said. In fact, I always like to listen to him. But the Secretary of War told me that the facilities which were required to equip the factories were being developed. We had the facilities which were required to equip the factories.

Mr. KAHN. Drury, Senator.

Mr. Fields. Mr. Chairman, the purpose of the bill under consideration is to confer upon the Secretary of War authority to settle a certain class of claims and to make certain payments to contractors and others who have not been paid for the furnishing of the necessary material to the Government.

Mr. KAHN. Mr. Chairman, referring to some of the objections that have been raised to the bill, and especially to the objection of my friend from Ohio [Mr. GORDON], that the bill confers judicial powers upon the War Department, I will say that the bill is not so designed and will not confer such powers. Its purpose is to provide certain limitations with respect to the powers which the Secretary of War may exercise in the settlement of claims and in the making of payments. The Secretary of War is authorized to make payments to contractors and others who have not been paid for the furnishing of the necessary material to the Government.

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gaged in the war? Were they not all operated to their maximum capacity? And since the Secretary of War and the British and French commissioners decided that the placing of these contracts with the French Government was to the best interest of the allied cause, should the gentleman from Kansas now criticize the American Secretary of War for so placing them? I maintain that he can not afford to do so.

It has been intimated that in the manufacture of guns by foreign Governments American manufacturers were not doing anything toward the preparation of these guns. Probably the public generally does not understand that the principal part of the work on 25,750 of these guns was completed by American manufacturers. In other words, they were furnished to the foreign Governments in the shape of forgings. The term "forgings" as applied to a gun would, if applied to a house, mean the completion of the house, all but the paint. The guns were completed in this country on through the forgings, and it was the finishing process which was completed by the foreign Government after the forgings were delivered to them; and the report of the War Department shows, as I have stated, that there were 25,750 of these forgings furnished by American manufacturers.

That should therefore relieve to a considerable extent the agonies of these gentlemen who have been registering such vicious complaints because these orders for guns were placed with French manufacturers.

The gentleman from Kansas alleged, if I heard him correctly, that the War Department had broken down, and that the American Secretary of War had shown his inability to meet the responsibilities imposed upon him, and as proof of his allegation he referred to the fact that dependents or beneficiaries of soldiers are not receiving their allotments, and so forth. I agree with him on that criticism. I believe that the men responsible for those delays should be criticized and even punished. But their failure to disburse allotments promptly does not prove that the War Department has broken down, and that the American Secretary of War has proven himself inefficient in the prosecution of the war, because those delinquencies, unfortunate and despicable as they are, are as nothing compared to the ocean when compared with the achievements of the department since we entered the war.

Mr. Chairman, I have just received from the War Department a report showing its achievements, which I will print for the information of the House and the country, and which is as follows:

<table>
<thead>
<tr>
<th>Cargo transported to the American Expeditionary Forces, April 2977, to Nov. 1, 1918, short tons, by Supply Service.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Quarterly report</strong></td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td><strong>1917</strong></td>
</tr>
<tr>
<td>June</td>
</tr>
<tr>
<td>July</td>
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<td>August</td>
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<td>September</td>
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<td>October</td>
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<td>November</td>
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<td>December</td>
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<tr>
<td><strong>1918</strong></td>
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<td>January</td>
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<td>February</td>
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<td>March</td>
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<td>April</td>
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<td>July</td>
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<td>August</td>
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<tr>
<td>September</td>
</tr>
<tr>
<td>October</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

*Production of munitions in the United States for the United States Army from April 6, 1917, to Nov. 11, 1918.*

| Artillery (complete units): | 75-millimeter gun | 75-millimeter gun | 75-millimeter gun | 76-mm and 75-millimeter A. A. and A. guns | 76-mm and 75-millimeter A. A. and A. guns | 4.7-inch guns | 4.7-inch guns | 155-millimeter 5-inch and 6-inch guns | 155-millimeter 5-inch and 6-inch guns | 155-millimeter howitzers | 155-millimeter howitzers | Railway artillery | Railway artillery | Heavy howitzers | Heavy howitzers | Total guns |
|-----------------------------|-------------------|-------------------|-------------------|-------------------------------------------|-------------------------------------------|--------------|--------------|-------------------------------|-------------------------------|----------------|----------------|-----------------|-----------------|----------------|-----------------|----------------|----------------|-----------|
|                             | 932               | 97                | 127               | 121                                        | 144                                        | 30           | 170           | 1,641                         | 1,641                         | 200            | 200            | 710              | 710              | 1,641          | 1,641          |

*Artillery ammunition (complete rounds):*

| 75-millimeter gun | 15,104 |
| 75-mm and 75-millimeter A. A. and A. gun | 6,000 |
| 4.7-inch guns | 242,000 |
| 4.7-inch guns | 242,000 |
| 3.95-inch and 4.7-inch howitzers | 110,000 |
| 76-mm and 75-millimeter A. A. and A. guns | 600 |
| 155-millimeter 5-inch and 6-inch guns | 66,000 |
| 155-millimeter 5-inch and 6-inch guns | 66,000 |
| 155-millimeter howitzers | 710,000 |
| 155-millimeter howitzers | 710,000 |
| Heavy howitzers | 1,641 |
| Heavy howitzers | 1,641 |
| Total rounds | 17,203,000 |
### Production of munitions in the United States, etc., Continued.

#### ARTILLERY AMMUNITION

<table>
<thead>
<tr>
<th>Artillery (complete units)</th>
<th>Pledged to Nov. 15</th>
<th>British and French delivered to Nov. 11</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>75-mm. caliber guns</td>
<td>147</td>
<td>1,788</td>
<td>2,021</td>
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<tr>
<td>4.7-inch howitzers</td>
<td>64</td>
<td>76</td>
<td>130</td>
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<tr>
<td>155-mm. caliber field guns</td>
<td>151</td>
<td>1,623</td>
<td>1,774</td>
</tr>
<tr>
<td>3-in. B.C. guns</td>
<td>26</td>
<td>25</td>
<td>51</td>
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<tr>
<td>2.75-in. B.C. guns</td>
<td>14</td>
<td>14</td>
<td>28</td>
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<tr>
<td>8-in. howitzers</td>
<td>114</td>
<td>140</td>
<td>254</td>
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<tr>
<td>37-mm. B.C. guns, railway mounts</td>
<td>3</td>
<td>3</td>
<td>6</td>
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<tr>
<td>120-mm. navy guns</td>
<td>6</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>75-mm. A.A. guns</td>
<td>28</td>
<td>34</td>
<td>62</td>
</tr>
<tr>
<td>155-mm. caliber howitzers</td>
<td>10</td>
<td>10</td>
<td>20</td>
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<tr>
<td>Total guns</td>
<td>454</td>
<td>5,061</td>
<td>5,515</td>
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<tr>
<td>Artillery ammunition (complete rounds)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>75-mm. caliber ammunition</td>
<td>8,560,000</td>
<td>2,611,000</td>
<td>11,171,000</td>
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<tr>
<td>4.7-inch howitzers</td>
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<td>2,185,000</td>
<td>2,185,000</td>
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<tr>
<td>155-mm. caliber field guns</td>
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<td>1,765,000</td>
<td>1,765,000</td>
</tr>
<tr>
<td>3-in. B.C. guns</td>
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<td>435,000</td>
<td>435,000</td>
</tr>
<tr>
<td>2.75-in. B.C. guns</td>
<td>117,000</td>
<td>117,000</td>
<td>117,000</td>
</tr>
<tr>
<td>8-in. howitzers</td>
<td>487,000</td>
<td>487,000</td>
<td>487,000</td>
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<td>37-mm. B.C. guns, railway mounts</td>
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<td>15</td>
<td>30</td>
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<tr>
<td>120-mm. navy guns</td>
<td>18,600</td>
<td>18,600</td>
<td>18,600</td>
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<tr>
<td>75-mm. A.A. guns</td>
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<td>155-mm. caliber howitzers</td>
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<td>2,185,000</td>
<td>2,185,000</td>
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<tr>
<td>Total rounds</td>
<td>9,066,420</td>
<td>4,194,120</td>
<td>13,260,540</td>
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<tr>
<td>Other ordnance:</td>
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<td>Rifles</td>
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<td>2,888,840</td>
<td>2,888,840</td>
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<tr>
<td>Pistols and revolvers</td>
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<tr>
<td>Machine guns</td>
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<td>2,888,840</td>
<td>2,888,840</td>
</tr>
<tr>
<td>Machine rifles</td>
<td>2,888,840</td>
<td>2,888,840</td>
<td>2,888,840</td>
</tr>
<tr>
<td>Rifles and revolvers</td>
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<td>2,888,840</td>
<td>2,888,840</td>
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<tr>
<td>Field and quick field guns</td>
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<td>2,888,840</td>
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<tr>
<td>5-in. howitzers</td>
<td>2,888,840</td>
<td>2,888,840</td>
<td>2,888,840</td>
</tr>
<tr>
<td>120-mm. caliber field guns</td>
<td>2,888,840</td>
<td>2,888,840</td>
<td>2,888,840</td>
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<td>2,888,840</td>
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<td>2,888,840</td>
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<tr>
<td>6-in. howitzers</td>
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<td>2,888,840</td>
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<tr>
<td>155-mm. caliber howitzers</td>
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<td>2,888,840</td>
<td>2,888,840</td>
</tr>
<tr>
<td>Total</td>
<td>2,888,840</td>
<td>2,888,840</td>
<td>2,888,840</td>
</tr>
<tr>
<td>Total rounds</td>
<td>19,888,840</td>
<td>9,066,420</td>
<td>28,955,260</td>
</tr>
</tbody>
</table>

#### Airplanes and engines produced and shipped to the American Expeditionary Forces, Apr. 6, 1917, to Nov. 11, 1918

<table>
<thead>
<tr>
<th>Type</th>
<th>Produced</th>
<th>Shipped overseas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combat—D.H. 4—Handley Page (parts)</td>
<td>15,227</td>
<td>1,465</td>
</tr>
<tr>
<td>Training—Elementary</td>
<td>5,246</td>
<td>100</td>
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<tr>
<td>Training—Advanced</td>
<td>1,474</td>
<td>23</td>
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<tr>
<td>Total</td>
<td>32,932</td>
<td>4,995</td>
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#### Engines

<table>
<thead>
<tr>
<th>Type</th>
<th>Produced</th>
<th>Shipped overseas</th>
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</thead>
<tbody>
<tr>
<td>Combat—Liberty</td>
<td>3,574</td>
<td>1,329</td>
</tr>
<tr>
<td>Combat—Raytheon (100)</td>
<td>10,210</td>
<td>125</td>
</tr>
<tr>
<td>Training—Elementary</td>
<td>5,246</td>
<td>23</td>
</tr>
<tr>
<td>Training—Advanced</td>
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<td>30</td>
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<tr>
<td>Total</td>
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<td>1,395</td>
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#### Planes

<table>
<thead>
<tr>
<th>Type</th>
<th>Produced</th>
<th>Shipped overseas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combat—Pursuit (100)</td>
<td>10,210</td>
<td>125</td>
</tr>
<tr>
<td>Combat—Raytheon (100)</td>
<td>5,246</td>
<td>23</td>
</tr>
<tr>
<td>Training—Elementary</td>
<td>1,222</td>
<td>30</td>
</tr>
<tr>
<td>Training—Advanced</td>
<td>1,222</td>
<td>30</td>
</tr>
<tr>
<td>Total</td>
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#### Clothing and equipage stocks overseas, Nov. 1, 1918

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<tr>
<th>Type</th>
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<tbody>
<tr>
<td>Standard gauge locomotives</td>
<td>5,061</td>
<td>7,255</td>
</tr>
<tr>
<td>Narrow gauge locomotives</td>
<td>1,366</td>
<td>1,366</td>
</tr>
<tr>
<td>Standard gauge cars</td>
<td>5,061</td>
<td>7,255</td>
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<tr>
<td>Narrow gauge cars</td>
<td>1,366</td>
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#### Automotive transportation

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<tr>
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<tr>
<td>Trucks, four-wheel drive</td>
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<tr>
<td>Motorcycles</td>
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#### Total

<table>
<thead>
<tr>
<th>Type</th>
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</thead>
<tbody>
<tr>
<td>Total</td>
<td>55,382</td>
<td>55,382</td>
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Mr. MADDEN. I would like to have the gentleman discuss the bill.

Mr. GREENE of Vermont. That is what I will do if I get the time.

Mr. MADDEN. And the importance of passing these clauses, and omit discussing how the war was fought.

Mr. GREENE of Vermont. That is exactly what I had in mind to do. It is not a question of reviewing the conduct of the War Department in this war, but the question of the conduct of the United States paying its just and lawful debts, whether anybody has a legalized scrap of memoranda of them or not. In my opinion it is the view and intent of the Congress in standing the necessary policy of the War Department in making tentative contracts, either orally or in the shape of memoranda in one form or another, in order that the work might commence immediately, and without waiting for some decision or the completion of some convenient detail, for a formal contract to be signed. We have sought to take into account all these conditions and perplexities attending the last few contracts that did not happen to be formally completed in writing as required by law when the clock struck 12 on this armistice.

For a year and six months and more we have gone on allow- ing the Department of War to do these various things, it started out with nothing but a telephone message over the wire directing somebody to go ahead and begin operations, say- tainly small and unpretentious as modern industrial plants go, and the Comptroller of the Treasury has allowed payment. That same process has gone on over and over again in thousands of cases all through the year and several months.

Then all at once the great war and wool of these numerous activities has been cut, because the clock struck at midnight on a certain day, the edge where the cutting took place becomes a selvage, and those people who are left on that selvage are suddenly suspected by some gentlemen as somehow being possible parties to a possible fraud, simply because their edge is not like the complete pattern that runs up to it. I can not understand why that should be.

Mr. GOOD. Will the gentleman yield?

Mr. GREENE of Vermont. I should be glad to yield, but I have not the time. The gentleman is experienced on the floor, and I know how difficult it is to make a statement like this in five minutes.

I can not understand why we should undertake to hold up the market on these last transactions and still permit the long succession of similar processes to stand because they had come to completion and to the formal signing of statutory contracts. I do not see why we should hold up the last ones and allow the others to pass unchallenged. I do not see why any man should be put to any greater burden in this matter than the others, so long as he has rendered his service and given what the country asked of him.

Neither can I understand another phase of it, which comes about in the practical operation of this thing. I have a case in mind which does not involve a great trust or one of these great munition monopolies that people seem to be so afraid of. It involves a typical case that probably is duplicated all up and down the land, where people owning a machine shop, comparatively small and unpretentious as modern industrial plants go, they have turned the floor of the War Department in this war, but the question of the Government in this war, is one of the most important lessons of this war.

Mr. GREENE of Vermont. That is the view and intent of the committee, notwithstanding the necessary policy of the War Department in making tentative contracts, either orally or in the shape of memoranda in one form or another, in order that the work might commence immediately, and without waiting for some decision or the completion of some convenient detail, for a formal contract to be signed. We have sought to take into account all these conditions and perplexities attending the last few contracts that did not happen to be formally completed in writing as required by law when the clock struck 12 on this armistice.

For a year and six months and more we have gone on allowing the Department of War to do these various things, it started out with nothing but a telephone message over the wire directing somebody to go ahead and begin operations, say-
and these contractors were going ahead with the utmost good faith; the patriotic manufacturer was doing the work and trusting in the good faith of the Government, and the Government relied upon the patriotism of the manufacturer to do it.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. GREENE of Vermont. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Vermont. We know what will happen. Those people will simply be wiped out of existence. And their case is duplicated all up and down this land from one end of it to the other end, where patriotic men were able to turn some little plant of one kind or another over to the service of the Government and were patriotic enough not to require the Government to give a bond to pay the bill before they went ahead to help the Government to fight the enemy in a war.

Now, here is another phase of this matter: We understand from a statement from Mr. Dorr, of the War Department, which has been put into the report, that certain of these transactions, having been made formal contracts and reduced to writing, and, as it was supposed, having been completed in accordance with the terms of the contracts, were missing in some technical detail or to be wrong in some technical detail. Nobody at the time suspected that there was any disagreement as to the terms, nor is there now. Nobody had any thought about the matter until the comptroller, whose business it is to see if he can find flies on barn doors, has found a fly on this barn door. He has found that some contract does not literally comply with the statute, and he has no right to comply with it in honest intention. So he says, "I cannot by authority of law pay you any money on that contract until it is amended."

Mr. HASTINGS. Give us some illustrations of that.

Mr. GREENE of Vermont. There are illustrations in these purchase orders of the Engineer Corps, and also in the Ordinance Department, where the words "purchase orders" signed the papers.

There is another phase of this thing which to my mind is a great deal more significant, perhaps, than any of the others. It is claimed by our friends who object to the present bill that somehow we are going to take care of these cases of informal contracts, that we are going to enjoin the War Department to have a court, and curiously enough we are going to allow one of them to speak at the bar of the court and to help the Government to fight the enemy in a war.

We have cases now where contracts have not got to the written stage, but where the cancellation clause may be said to have been enforced by the effect of the contract itself. The Secretary of War wants to do the same thing by these honest men that he did in instances—invoked his right to cancel the contract before the term of it had been completed, then there would have been left for the War Department to adjudicate precisely the same condition of affairs that arises under these other contracts that were not reduced to writing, contracts that had been made by the same method.

Under formal contracts men had begun to go into the process of manufacturing; they had purchased raw material; they had engaged labor and begun to expend money, when all of a sudden the Secretary of War invoked the right of cancellation. What happened? There were certain damages that had to be ascertained, there was the question of whether the War Department had the right or the authority to determine what would be left for the contractor and the War Department, and arrive at the damages under the contract. That has been going on through a year and six months, and the haste occasioned by it brought about the failure to start with formal contracts. And so time, unfortunately, swinging back on the return beat of the pendulum, has perhaps taken care of some of these cases that were not reduced to writing, contracts which were not legal in form, and perhaps have no doubt that some of the contracts that have been made have been used as means by which unscrupulous men have imposed upon the Government. I do not doubt that some bad contracts were made, filled, and settled by payment in the course of this year and a half of unparalleled war emergency. Perhaps some bad contracts are actually on the way to settlement now, because the haste occasioned by it has taken care of some of these contractors were honest, as I presume 90 per cent of our whole American society is, and we might wisely apply the spirit of the law to the spirit of patriotism, so that we can well afford to pay 10 dishonest men so that the 90 per cent of honest men will be done no wrong but will get what is due them.

[Applause.]

Mr. TOWNER rose.

Mr. DENT. Mr. Chairman, I have no desire to cut off debate, but I hope the gentleman will let me pass these other committee hearings.

Mr. TOWNER. I shall only take five minutes and perhaps not that. Mr. Chairman, I desire to correct what perhaps may be a wrong impression which the committee may have received from some remarks by the gentleman from New York [Mr. CALDWELL]. The gentleman from New York gave the impression, I am quite sure, that he himself was strongly in favor of this bill. I was surprised in reading the hearings, because I read this on page 7 of the hearings before the committee. Mr. CALDWELL, the gentleman from New York, was interrogating Mr. MOORE of Pennsylvania, and he made this statement:

Mr. CALDWELL. Here is the proposition: A law was on the statute books stating that these contracts should be paid for by the Government. Under this law all these contracts were made. Now they are asking Congress to say that what they, God's annointed, did shall be paid for with the people's money.

And then the gentleman from New York, doubtless with great emphasis, added:

And I will not vote for such a proposition as that.

[Laughter and applause.]

Mr. Chairman, the second proposition that I was surprised to ascertain from these hearings was this: I understood the gentleman from New York [Mr. CALDWELL] to say to the committee that Gen. Goethals was very strongly in favor of the propositions contained in this bill, and immediately following Mr. CALDWELL's statement I read the following from the hearings:

Gen. GOETHALS. That is all right. We are just telling you the conditions, and it is up to you to pass the bill or not, as you see fit. I am perfectly willing to tell the contractors that they have their recourse to the Court of Claims.

So it would hardly be proper or fair to Gen. Goethals to say that he himself was in favor of this method of settling these claims. He himself declares that he was satisfied if these gentlemen had their recourse in the Court of Claims.
Mr. TOWNER. I see the gentleman from New York about to rise, and I should be very glad to yield to him if he so desires. [Laughter.] I yield to the gentleman from Pennsylvania.

Mr. CALDWELL. I gladly give way to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I wanted to refer the gentleman to page 51 of the hearings, where the gentleman from New York [Mr. CALDWELL] is interrogating the comptroller, said: "Would there be any provision under this bill by which anyone could restrain the Secretary of War? Do you not say in this bill that the Secretary of War shall be final and conclusive?" Neither you nor I nor anybody else expects the Secretary of War himself to pass all these things.

Then, if the gentleman will permit, I would like to quote the gentleman from New York still further. Interrogating the comptroller he said:

When these contracts were made there was talk in the Halls of Congress and on the streets of our country to the effect that men formerly employed as contractors were the people who were giving the contractors all the contracts. Under this bill those men will be put on boards to pass on the question as to what their former bosses are doing. When the war is over we have there is no need of paying tribute for winning the war.

Mr. CALDWELL. Mr. Chairman, I think I am entitled to recognition.

Mr. CALDWELL and Mr. MADDEN rose.

The CHAIRMAN. The gentleman from Iowa has expired.

Mr. CALDWELL. Mr. Chairman, I think I am entitled to five minutes now.

Mr. MADDEN. But the gentleman just talked.

Mr. CALDWELL. I know; but the gentleman must understand that I am both a Democrat and a Republican.

Mr. MADDEN. I do not think the gentleman is either. [Laughter.]

Mr. CALDWELL. And now they have jumped on me as a Republican. [Laughter.]

Mr. MADDEN. I do not think the gentleman is either.

Mr. CALDWELL and Mr. MADDEN rose.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CALDWELL. Mr. Chairman, I think I am entitled to recognition.

Mr. MADDEN rose.

Mr. DENT. Mr. Chairman, I offer the following additional committee amendment.

The Clerk read as follows:

"Nothing in this act shall be construed to authorize payment to be made upon any agreement of a character not required to be reduced to some memorandum thereof was at the time reduced to writing by a duly authorized officer or agent of the Government."

Mr. TOWNER. Mr. Chairman, in reply to the gentleman's interrogatory, I will say that he himself has stated all that is necessary.

Mr. CALDWELL. Mr. Chairman, I say that to get results, it would not make any difference if you continued the war for the next 10 years. When the war was over the same condition would obtain that applies now. Unfinished contracts would be in existence, claims for damages would be justifiable, factories that were turned over to the Government would be where they had to be converted to civil use. These factories during the process of conversion to civil use will be idle, and claims, and proper claims, must be made against the Government.

Mr. MOORE of Pennsylvania. I wanted to refer the gentleman from New York [Mr. CALDWELL] to page 34 of the same hearings, in which the gentleman from New York said:

"Would there be any provision under this bill by which anyone could restrain the Secretary of War? Do you not say in this bill that the Secretary of War shall be final and conclusive?"

"Neither you nor I nor anybody else expects the Secretary of War himself to pass all these things."

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] was not there, and I was, and I will leave it to the Republican members of the Committee on Military Affairs if I have not properly interpreted the remarks.

Mr. KAHN. The chairman of the committee introduced the bill and he was requested to do so by the Democratic Secretary of Mr. CALDWELL. And he sent the Republican, Goethals, down there to follow it up.

Mr. LONGWORTH. He was the only able one they had.

Mr. DENT. Mr. Chairman, before the gentleman from Illinois uses his time, I ask unanimous consent that at the conclusion of his remarks all debate upon this amendment be concluded in five minutes. Is there objection?

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate upon the pending amendment be closed in five minutes. Is there objection?

Mr. MADDEN. Mr. Chairman, I was very much gratified to learn from the gentleman from New York [Mr. CALDWELL] that the Committee on Military Affairs had sense enough to provide checks and balances with which to pay these bills. [Laughter.] Of course, you could not provide the checks un-

less you had the balances, and now I am surprised to find that this very same committee, with all these wise men around, are coming before the House requiring the Treasury of the United States to furnish the department the checks. Seriously, however, the Government of the United States was compelled to enter into the contracts, and whether it entered into contracts with France or England or Italy or any European government, or with American corporations, for the settlement of this question any person is found to have done wrong we have our remedy in the law. [Applause.]

We can not afford to take the chances of creating panic, and whether the claims amount to $1,600,000,000 for American citizens and European governments, or $1,100,000,000 more for European governments, or whether those two figures measure the adjustment of the claims, the United States Government has its reputation at stake. It can not afford as a Government to do what an individual can not be permitted to do, and, as the representatives of the American people, can not afford to say that any man living within the confines of America patriotic enough to turn everything over to the Government to win the war must now be considered as its most unfortunate citizen. It is most unkind and unfair to say here that the Secretary of War, who had power to adjust a contract legally made, must not have the power to adjust a contract, whether legally made or not, if it was made in good faith. The time has come when somebody must be trusted. These adjustments must be made. Losses on the part of American citizens can not be tolerated by the Congress or by the Government.

We can not afford to take the chances of creating panic, and whether the claims amount to $1,600,000,000 for American citizens and European governments, or $1,100,000,000 more for European governments, or whether those two figures measure the adjustment of the claims, the United States Government has its reputation at stake. It can not afford as a Government to do what an individual can not be permitted to do, and, as the representatives of the American people, can not afford to say that any man living within the confines of America patriotic enough to turn everything over to the Government to win the war must now be considered as its most unfortunate citizen. It is most unkind and unfair to say here that the Secretary of War, who had power to adjust a contract legally made, must not have the power to adjust a contract, whether legally made or not, if it was made in good faith. The time has come when somebody must be trusted. These adjustments must be made. Losses on the part of American citizens can not be tolerated by the Congress or by the Government.

The question was taken, and the committee amendment was agreed to. Mr. DENT. Mr. Chairman, I offer the following additional committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

"Add as an additional proviso: On page 5, line 10, at the end of the following:

"Nothing in this act shall be construed to authorize payment to be made upon any agreement of a character not required to be reduced to some memorandum thereof was at the time reduced to writing by an authorized officer or agent of the Government.""

Mr. DENT. Mr. Chairman, I do not know but what that amendment might embarrass the department in the settlement of these contracts. This is a committee amendment which was agreed to in the committee, and it was agreed to because the Secretary of War stated before the Committee on Rules emphatically that practically all of these contracts had been reduced to some sort of written form in the War Department, and..."
Mr. DENT. I do not think so, in view of the fact that the amendment as originally offered by a member of the committee contained the language of the statute of frauds, and if I may, with respect to the ruling of the Chair that the gentleman from Illinois [Mr. McKENZIE] moved to amend so as not to make this apply.

Mr. ELSTON. If the gentleman will permit a moment, that of the gentleman from California [Mr. ELSTON] seeks to avoid? Is it not the purpose to have this come within the reach of the statute of frauds, and so to shut out all claims of speculative profits?

Mr. ELSTON. I had reference to the matter of time.

Mr. DENT. No; it is not the purpose.

Mr. LAGUARDIA. I was in hopes that it was.

Mr. DENT. It is not the purpose of this amendment to make the contract come within the provision of the statute of frauds. If it did, that would destroy the purpose of the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask that the amendment of the gentleman from Alabama may be read once more. There is confusion here as to just what it is.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was again reported.

Mr. COOPER of Wisconsin. Mr. Chairman, that amendment, since that has been made law and be enforced, would work a great hardship on some innocent people, for it would deprive them of any opportunity to have their claims settled. I can make this plain by presenting some of the principal facts of a case in which a number of my constituents are interested. These facts were told me at my home in Racine on November 19 last by three farmers, whose farms were all located a few miles north of Racine. These men said that in September last about the middle of the month, I believe—they represent themselves to be an agent of the United States Government to come to their homes and endorsed to secure 30-day options on their farms at the same time that the Government was going to buy 2,000 acres there of contiguous land, with a view to establishing a great T. N. T. plant. The farmers who called on me had some of the option blanks which the agent had left with them. These were not printed at all, being merely typewritten carbon copies, from which the words "the United States Government" or "the Government of the United States," customary in blanks used by or for the Government, were omitted. Blank spaces were left for these words. The agent went from farmer to farmer and said, "We want your land for the purposes of a T. N. T. plant. We want you to sign this option. Of course, it is the Government's intention to purchase your land, so in any event the Government of the United States will take your land." These farmers told me that when they asked for evidence of how they were to act for the Government and something out of his pocket and read it without showing it to them. They took it for granted that he had the authority. And I believe that he had. Although the Government had the authority to buy 2,000 acres of contiguous land, on which options had been given and land on which options had not been given, and put up all over it signs bearing the words "Property of the United States Government." The men who called on me had given no options. They said to the agent, "When are we going to get our money?" The reply was, "You will get it very soon. The Government will settle up with you." Thereupon all the farmers on the 2,000 acres moved away with their families. Some of them took options on homes in the city of Racine, and others on farm lands elsewhere.

They received nothing, as I have said, for their farms. This left some of them without means to pay for the property on which they themselves had taken options. Winter was coming on, and there they were.

Most, if not all, of this land was taken about the middle of October, when everybody knew that the Germans were defeated.

Now, we want these men to be paid. Their property was trespassed—dug up; railroad tracks were put down; buildings were razed; and all with paying even one penny to any of the owners of the farms thus seized.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.
Mr. COOPER of Wisconsin. Mr. Chairman, I would like to have three minutes more.

The CHAIRMAN. Is there objection to the gentleman’s request?

There was no objection.

Mr. DUPRIE. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. No; but I think they ought to be paid for the land, those who gave options and those who did not give options, the Government having taken over the property of all.

Mr. GORDON. Do you claim that would not be exercised under this authority if the bill is adopted?

Mr. COOPER of Wisconsin. There is no memorandum nor option in some cases. They took the land of some men who had given no option. And if this amendment should be adopted, then in cases where there is no memorandum or option the farmer could not have his claim settled.

Mr. GORDON. There is an implied contract on the part of the Government if it took it.

Mr. COOPER of Wisconsin. But does not the gentleman from Ohio see that there is no written memorandum?

Mr. GORDON. But there is an implied contract by the very act of the Government.

Mr. COOPER of Wisconsin. But this provision that I have read specifically provides that there shall be a memorandum, or otherwise there can be no adjustment or payment of the claim. There would have to be a suit.

Mr. GORDON. But this does not preclude payment by the Government for stuff that it has actually taken. Those claims are not covered by this bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I want three minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. In view of what has been said by gentlemen, I would like to ask the chairman of the Committee on Military Affairs if the contention of the gentleman from Ohio [Mr. GORDON] is correct. Under the amendment now pending, which would specifically prohibit the payment of any claim for which there is not a memorandum, if a man’s property has been taken without any option there being no written agreement signed by him at all nor by the Government, would he get any pay?

Mr. DENT. I will say to the gentleman very frankly that if this amendment is adopted it is my construction of it that unless the officer or the agent of the Government who handled the transaction did file some written memorandum as to the transaction, he could not get any pay.

Mr. COOPER of Wisconsin. That is as I understand it, and in the absence of anything of that kind these farmers in my district who commandeer this possession of their property, either real or personal—it is bound to pay the fair valuation of that property, regardless of whether there is a contract or not? That time would be absolutely barred.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. DUPRIE. Has the gentleman any doubt in his mind as to the authority of these men who came along and made these contracts? It seems to me it is a very dubious proposition.

Mr. COOPER of Wisconsin. Well, it looked dubious to me, Mr. Chairman, until I went up to the War Department and was informed that this agent had acted with the authority of the Government. In the office of the Assistant Secretary of War I dictated to a stenographer a statement of the facts of the Racine case. Two weeks after the transaction, if not longer, I think, I do not know who telephoned me from the War Department saying that the Racine case was one of great merit, and that it would receive prompt attention.

On November 10, after these farmers called on me, I telegraphed a statement of the facts to the Secretary of War and asked what the department was going to do about the matter. On December 6 I received a letter from the Assistant Secretary of War in reply to my telegram, in which he says:—

The situation which you mention seems to require immediate attention. I have therefore caused a special investigation to be instituted in this matter, and it will be expedited as rapidly as possible.

Yours, very truly,

BENEDICT CROWELL,
Assistant Secretary.

Over to the left and near the signature were the initials "C. W. H." I do not know who he is.

Now, as I say, those farmers ought to be paid. Some of the property is practically destroyed for agricultural purposes. They are bound by contracts into which they subsequently entered for the purchase of other real estate. They are subject to great hardships. The question is, Mr. Chairman, whether this bill, which would authorize the Secretary of War to settle and adjust these cases, would allow the Secretary of War to appoint for the adjustment of these claims or other claims outside of similar circumstances any of the men who authorized or conducted the negotiations or work on behalf of the Government. The farmers and other honest claimants ought to be paid promptly and in full. We ought to insist on knowing all about why there was such haste in attempting to establish a great T. N. T. plant to cover 2,000 miles in the Racine district whose property was taken without their having signed any option and without there being any written agreement by the Government to take their property or any memorandum made at that time would be absolutely barred.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. I think they would.

Mr. GOOD. Without that agreement they would not fall.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes; I yield to the gentleman from Illinois.

Mr. McKENZIE. I simply desire to ask the gentleman from Wisconsin if he does not understand it to be the law that where the Government of the United States takes property under the power of commandeer—where possession of any property, whether real or personal—it is bound to pay the fair valuation of that property, regardless of whether there is a contract or not?

Mr. COOPER of Wisconsin. That is very true.

Mr. FIELDS. They did not resort to commandeering proceedings there.

Mr. COOPER of Wisconsin. Very true; but if Congress should pass a law providing that no claim of that kind shall be adjusted, paid, or discharged unless there is a memorandum, then the gentleman has just created the situation which would have to be controlled. The last law passed by Congress would govern that transaction, and these farmers could not have their claims adjusted or paid through negotiation or mutual agreement. They would have to litigate.

Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by printing therein a letter which I wrote on the subject of this T. N. T. plant at Racine.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

The letter referred to is as follows:

WASHINGTON, D. C., December 6, 1918.

Mr. Vincent Novak,
Box 12, R. F. D. 1, Racine, Wis.

Dear Sir:—Referring to the subject of the proposed T. N. T. plant, North Racine, about which we had a conversation, I have to inform you that the letter from the department addressed to me at Racine was forwarded and received here. The letter is dated November 25, but did not reach me until yesterday. This is the first word to reply to my telegram to the War Department, sent November 19, that I have received.

After some preliminaries the letter, which is signed by the Assistant Secretary of War, concludes as follows:—

"The situation which you mention in your telegram seems to require immediate attention. I have therefore caused a special investigation to be instituted in this matter and it will be expedited as rapidly as possible.

Yours, very truly,

BENEDICT CROWELL,
Assistant Secretary of War."

The letter also contains the statement that the department is making every effort to determine as soon as possible all the questions involved in each of the problems which have arisen out of the sanitary condition of that area and that upon the determination of such questions in each case where the department has caused damage every law-
Mr. VENABLE. Of course I suppose it is generally conceded that if the Government takes the property of a citizen, the citizen has a right to go into court, vindicate his rights, and receive payment.

Mr. GORDON. Certainly. He could sue in the Court of Claims on that very thing.

Mr. VENABLE. But do you contend he could do it under this bill?

Mr. GORDON. No; not under this bill.

Mr. BLANTON. He would not be limited to the Court of Claims. He could go into the Federal court of his locality.

Mr. VENABLE. However, if this amendment is adopted, will it not be a prohibition upon the Secretary of War to prevent his paying any claim, however meritorious, unless there was some sufficient memorandum in writing?

Mr. GORDON. Not if the goods have been delivered; certainly not; and this statute is not intended to cover those cases at all.

Mr. VENABLE. When it specifically states that no claims shall be paid unless there was a memorandum?

Mr. GORDON. Certainly. The purpose of this legislation is to provide for the adjudication of contracts not executed. Now, in the case cited by the gentleman from Wisconsin [Mr. Cooper] the contracts were executed and possession of the property was taken. In two instances no agreement had been made and the Government did not take the property, anyway, and thereby, by operation of law, there arose a nuisance upon the part of the Government to pay the reasonable value of that property.

Mr. VENABLE. Is there anything in the bill which confines it to contracts that are not executed? Regardless of what you construe the intent to be, does it not prescribe a number of informal claims that were brought because they did not come up to the statutory requirement as to form?

Mr. GORDON. Yes; but the cases which the gentleman refers to do not come within this statute.

Mr. VENABLE. And then you say that none of these contracts shall be satisfied and the moral obligation discharged unless there is a sufficient memorandum.

Mr. GORDON. Yes, sir.

Mr. VENABLE. Would not the court construe that as prohibiting the payment by the Government in the case mentioned by the gentleman from Wisconsin [Mr. Cooper]?

Mr. GORDON. Certainly not; and I will tell you why.

Mr. VENABLE. I wish to understand why.

Mr. GORDON. These men to whom the gentleman from Wisconsin referred as not having given an option upon their land, but whose land was seized by the Government, can present a claim for the value of that land to the War Department. If the War Department refuses to pay it or they are unable to agree, they can sue in the Court of Claims against the United States for the recovery of it. Not a single one of the claims covered by this bill can be sued for in the Court of Claims without express authority of Congress.

Mr. DILLON. Will the gentleman yield?

Mr. GORDON. I will.

Mr. DILLON. Suppose the Government took possession of the homes, or took possession of the land, and held it a week or a day through the commandeering process, does the gentleman claim that the Government has got to buy the land or pay for the use?

Mr. GORDON. Of course, the Government has got to make some just settlement in the matter.

Mr. JOHNSON of Washington. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Washington. Is debate exhausted?

The CHAIRMAN. The Chair will read the rule:

When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon.

Mr. STEVENSON. Mr. Chairman, I offer an amendment to the committee amendment. I think it will not be objected to by the committee.

The Clerk read as follows:

Strike out of the proposed amendment the words “at the time,” and insert the words “on or before.”

Mr. STEVENSON. Mr. Chairman, I do not care to take up much time in the discussion of this proposed amendment. The term “at the time” is exceedingly indefinite. Certainly none of the contracts were executed by November.

Mr. VENABLE. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. STEVENSON. Mr. Chairman, I do not care to take up much time in the discussion of this proposed amendment. The term “at the time” is exceedingly indefinite. Certainly none of the contracts were executed by November.

Mr. VENABLE. Will the gentleman yield?

Mr. GORDON. Yes.
Mr. McKENZIE. Mr. Chairman, I offer the following amendment, to come at the end of the bill, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of the bill add the following: After the word "act", add the words: "or acts of Congress providing for the existing emergency is hereby repealed, and that any unfinished contracts for the acquiring of any real estate and hereby canceled. That hereafter the Secretary of War or his agents shall not be permitted to acquire title to any real estate, by purchase or otherwise, until specifically authorized so to do by Congress and the providing of an appropriation by Congress to pay for the same when such purchase is duly authorized.

Mr. DENT. Mr. Chairman, on that I reserve the point of order.

Mr. McKENZIE. Mr. Chairman, I am not going to take up the time of the committee to discuss this amendment at any length. I think you all understand the purpose of it. The purpose is to prevent the War Department from purchasing any more real estate. Under the war power and under the law passed by Congress they have been enabled to buy large tracts of land, and the testimony before our committee a few days ago on proposed artillery fields gave notice to the committee that they are going right along taking options and buying land, and while we are now involved in the discussion of this bill to make settlement for these hundreds of contracts that have been heretofore entered into, many of them irregular or informal, it seems to me time now, since we are at peace, to stop the further purchase of real estate unless it is specifically authorized by Congress and an appropriation made to pay for it.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. MAPES. The gentleman's amendment contains this language:

And that any unfinished contracts for the acquiring of real estate are hereby canceled.

Mr. McKENZIE. Yes.

Mr. MAPES. In my district there is a case somewhat similar to the situation in the district of the gentleman from Wisconsin [Mr. Cooper]. The Government established a picric-acid plant and took possession of the land of about 40 people. Options were given in most cases, but those options have now expired. The Government took possession of the land, but the owners have not yet received pay for the land, although they were obliged to get off the land and they lost not only the use of the land entirely. Substantial buildings were put up on the land and it is no longer suitable for the use of the original owners. What effect would the gentleman's amendment have on a situation like that?

Mr. McKENZIE. I would say to the gentleman from Michigan [Mr. Cooper] that under the bill now pending in the committee those gentlemen will get settlement through the War Department, and what I am aiming at is to cancel all unfinished contracts and prevent the War Department from entering into any more, in order that we may get a final settlement of this whole thing and know where we are at.

Mr. MAPES. Is not the language of the amendment so broad that it would cancel these proposed contracts and prevent those men from getting pay for their land?

Mr. McKENZIE. No; it would cancel the contract, but they would get their pay under the legislation now pending.

Mr. MAPES. Yes.

Mr. McKENZIE. It would not be, because in that case the title to the land had passed.

Mr. ELSTON. Oh, no; the title has not passed. I am speaking of an executory contract, where all payments have not been made and the deed, therefore, has not yet passed to the owner. I think the phrase "unfinished contracts" is rather dangerous to use for the object the gentleman wishes to accomplish, viz., to prevent the Secretary of War from making further contracts for the purchase of land.

Mr. SUMMERS. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.
Mr. SUMMERS. I would like to ask the gentleman how he construes his amendment as applied to this situation, where the Government has an option on real estate and has erected valuable improvements and contemplates acquiring itself the title to that property, that this bill shall authorize a valuable improvement upon land which it does not own, with no power to acquire title save through condemnation, and I am not sure that in a condemnation suit to determine the value of the improvements and to proceed to take advantage of the improvements that have been put upon the land.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENT. Mr. Chairman, I make the point of order much as I dislike to make the point of order on an amendment of this kind.

The CHAIRMAN. What is the gentleman's point of order?

Mr. DENT. That it is not germane to the purposes of the bill.

The CHAIRMAN. The Chair is ready to rule.

Mr. McKENZIE. I do not care to argue the question, because I think the Chair is familiar with parliamentary procedure.

The CHAIRMAN. The Chair has nothing to do with the merits or demerits of the proposition, but the Chair is called upon to rule upon the technical proposition as to whether or not the amendment is in order on this bill under the rules of the House. The Motion to strike out the provision in the bill is made as a substitute to provide relief where informal contracts have not been made in the manner required by law. The amendment offered, in the opinion of the gentleman, is not germane to the subject matter of this bill and sustains the motion.

Mr. MOORE of Pennsylvania offers the following amendment to the bill: "Strike out all after the word 'that,' on line 3, page 3, and insert:"

Mr. STAFFORD. Mr. Chairman, a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. I wish to offer an amendment to perfect the text.

The CHAIRMAN. The Chair will have to report the amendment.

Mr. STAFFORD. But the motion, as disclosed by the reading, is to strike out all and offer a substitute.

The CHAIRMAN. That is a new, it creates a substitute.

Mr. MOORE of Pennsylvania. That is not correct. I include the whole bill.

The Clerk reads as follows:

"There is hereby created a committee on war-contract expenditures, to consist of the Secretary of War, the Attorney General, two Senators, one a Democrat and one a Republican, to be appointed by the President of the Senate, and four Members of the House of Representatives, two Democrats and two Republicans, to be appointed by the Speaker of the House of Representatives.

"Sec. 2. That the Secretary of War, with the approval of the committee on war-contract expenditures, be, and he is hereby, authorized to adjust, pay, or discharge any agreement, express or implied, upon the basis of reasonable value but in no case greater than the agreed price that has been entered into, in good faith during the present emergency, and prior to November 12, 1918, by any officer or his agent or any person, firm, or corporation for the acquisition of lands, or the use thereof, or for any supplies, material, or equipment to be used in the prosecution of the war, when such agreement has been executed in whole or in part, or expenditures have been made or obligations incurred upon the faith of the same by any such government, person, firm, or corporation, and which agreement has not been executed in the manner prescribed by law: Provided, That such agreement shall not be adjusted or discharged, or any payment made thereon, unless and until such agreement shall be made valid under such agreements after June 30, 1919, and provided further, That the manner and form in which the Senate shall proceed at its next session following June 30, 1919, in examining the record of all such agreements shall be determined by the chair of such committee, and if any money paid by the Government to any party under any settlement entered into or payment made under the provisions of this act, if the Government has been defrauded, and the right of recovery in any such case shall extend to the executors, administrators, heirs, assigns, or any party or parties: And provided further, That nothing contained in this act shall be construed as creating a commission that shall be paid a salary of $10,000 per year, or any power or authority to make any such settlement, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right of recovery of any money paid by the Government to any party under any settlement made under the provisions of this act, except that such settlement, if found correct, shall be binding upon the parties thereto, and any party or parties.

"Sec. 3. That the names of such contractors and the amounts of such partial or final settlements shall be filed with the Clerk of the House for the information of Congress and printed in the House Journal, Record, or in the Official Bulletin, or as a public document, 10 days before confirmation and payment is authorized upon such contracts.

"Sec. 4. That there shall be created a commission that shall be paid a salary of $10,000 per year, or any power or authority to make any such settlement, settlement, nor the right of recovery

Mr. DENT. Mr. Chairman, I reserve a point of order.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Whether the gentleman is now in order to proceed to discuss his amendment and after he has had the floor whether it is in order to offer an amendment to perfect the text?

The CHAIRMAN. The Chair thinks so.

Mr. STAFFORD. I desire to offer an amendment to perfect the text.

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. MOORE of Pennsylvania. Mr. Chairman, the amendment before the committee now is the continuation to the House bill literally as printed, except that it includes the two amendments which were just passed by the committee as offered by the Committee on Military Affairs, and which have been inserted at the proper places, and a new provision, which is as follows:

"That there shall be created a committee on war-contract expenditures, to consist of the Secretary of War, the Attorney General, two Members of the Senate, one a Democrat and one a Republican, to be appointed by the President of the Senate, and four Members of the House of Representatives, two Democrats and two Republicans, to be appointed by the Speaker of the House of Representatives.

"Sec. 2. That the Secretary of War, with the approval of the committee on war-contract expenditures, be, and he is hereby, authorized to adjust, pay, or discharge any agreement, express or implied, upon the basis of reasonable value but in no case greater than the agreed price that has been entered into, in good faith during the present emergency, and prior to November 12, 1918, by any officer or his agent or any person, firm, or corporation for the acquisition of lands, or the use thereof, or for any supplies, material, or equipment to be used in the prosecution of the war, when such agreement has been executed in whole or in part, or expenditures have been made or obligations incurred upon the faith of the same by any such government, person, firm, or corporation, and which agreement has not been executed in the manner prescribed by law: Provided, That such agreement shall not be adjusted or discharged, or any payment made thereon, unless and until such agreement shall be made valid under such agreements after June 30, 1919, and provided further, That the manner and form in which the Senate shall proceed at its next session following June 30, 1919, in examining the record of all such agreements shall be determined by the chair of such committee, and if any money paid by the Government to any party under any settlement entered into or payment made under the provisions of this act, if the Government has been defrauded, and the right of recovery in any such case shall extend to the executors, administrators, heirs, assigns, or any party or parties: And provided further, That nothing contained in this act shall be construed as creating a commission that shall be paid a salary of $10,000 per year, or any power or authority to make any such settlement, settlement, nor the right of recovery of any money paid by the Government to any party under any settlement made under the provisions of this act, except that such settlement, if found correct, shall be binding upon the parties thereto, and any party or parties.

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proposition—that the Congress of the United States shall have oversight and supervision along with the Secretary of War as to contracts, both foreign and domestic, that we are informed will mount up to more than $2,700,000,000. How many I am unable to say. The Assistant Secretary of War has indicated in the hearings that the American contracts will number six hundred and odd. I am informed in view of the fact that most Members of Congress, perhaps I might say all of us, would have very little, if any, technical knowledge of the subject covered by those contracts.

Mr. MOORE of Pennsylvania. That is a fair question. It was asked by the gentleman from Texas [Mr. Eagle] a little while ago, and I attempted to answer it then. The answer was this: The public would be better satisfied and Congress would be better satisfied to know that Members appointed by the Vice President and the Speaker had satisfied themselves that the procedure at the War Department was regular. As to the matter of time and the excess of service that some of us think we perform, I stated then, and I repeat, that no Member appointed upon this committee by the Vice President or the Speaker would have any part in approving or disapproving contracts of the War Department to look over his lists. There are 435 Members of the House and 96 Members of the Senate—Mr. MOORE of Pennsylvania. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

There are 435 Members of the House and 96 Members of the Senate. And every one of them is in direct communication with the American public. More than 400,000 people do their official correspondence through and through these Members of the Senate and the House. We know, just as the gentleman from New York stated in the case that was brought to his attention a little while ago, when some one "read the hearings to him," that the Secretary of War personally can not attend to all the details of his department. We have multiplying evidence of that fact now, with respect to war-risk claims, contracts, and all sorts of business respecting the discharge of soldiers, and things of that kind.

If the Secretary of War relies upon his subordinates and those subordinates in the matter of contracts are men who have had some interest in the contracts or the awarding of contracts, what more reasonable than that he should welcome the cooperation of Members of Congress to look at his lists? There are six thousand six hundred and six members. Yes; it would take a great deal of time to look over that list. But I assume when the Secretary of War calls its first meeting and this Committee on Expenditures should assemble, he would have a list of at least a thousand contracts that he hopes to submit. Or, if they observed that contract No. 1, was made by a distinguished firm of builders, that it had been properly audited, that the amounts were accurately stated, it would not take that committee long to say, "Pass that," and "Pass No. 3; pass No. 4. But hold up No. 1102. I have a communication about that from one of my constituents. A gentleman has complained to me through the House or the Senate in respect to that contract. Lay that aside until we can make an investigation." And it might happen that there would be dozens of such contracts necessitating further examination and inspection for reasons not known to the Secretary.

Gentlemen, never in the history of the world have we entrusted to individuals such power and confidence as have been reposed by Congress in our public officials in this war. And they have done some extraordinary things. Give them credit for that. But we must not let them get into their heads that Congress does not still exercise its powers and its prerogatives. We are voting away, if we pass this bill, $2,700,000,000, and here you are spending, or proposing to spend, nearly one-half of the latter amount, about which as a tax proposition there is so much complaint.

I speak upon a single officer of the department with respect to this bill, except to say that sometimes they are over-confident and sometimes they have not welcomed that scrutiny which we, if we had been elected by the people, would have welcomed. If we had the power, we might have added to it a person who can devote all their time to this business and receive pay for it?

Mr. MOORE of Pennsylvania. My information is that they have all the expert accountants down in the War Department now that the country and the Government affords.

Mr. FURNELL. Well, then, say business men.

Mr. MOORE of Pennsylvania. I would like the gentleman to say whether he knows what the list is as yet, and if it be an itemized list, in the possession of any Member of this House as to the number of items, and what they consist of, and their amount?

Mr. MOORE of Pennsylvania. I read the hearings as carefully as I could, and I did not find that any officer of the War Department was prepared to give that list, and I have heard it stated that one of them said it would take as many as 200 clerks quite a long period of time to prepare the list, which seems to justify the suggestion that congressional oversight would do no harm.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SLOAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska, as the Chair understands, offers an amendment to perfect the text.

The Clerk will report the amendment.

Mr. SLOAN. My amendment is at the desk.

The Clerk read as follows:

Amendment offered by Mr. SLOAN: Page 3, line 8, strike out "twelfth" and insert "eleventh."
I want to say in passing at this time that I do not understand that there are many Members of this House who do not desire to pay every obligation honestly entered into by the Government, and say every dollar honestly due, regardless of the formality or informality of these contracts. But I think the American people would be better satisfied if the tribunal that determines their validity exercises the good faith of these contracts, and some other tribunal than the tribunal named in this bill, and for that reason I heartily agree with the proposition presented by the gentleman from Pennsylvania [Mr. Moore].

Mr. MANN. The amendment of the gentleman from Nebraska [Mr. DENT] is recognized. Is the gentleman opposed to the amendment?

Mr. MANN. I reserved a point of order on this amendment. I am under the impression that this amendment is not germane to the proposition involved here. But I am going to withdraw that reservation and leave it to the House to say whether or not at this particular stage of the game they are willing to say that the War Department shall not settle the contracts that happen not to have been formally and ceremoniously executed when they have the right to settle millions of dollars that are formally executed; and I ask unanimous consent that all debate on the amendment of the gentleman from Pennsylvania [Mr. Moore] and the amendment thereto be now concluded.

Mr. GARRETT of Tennessee. Does the gentleman withdraw his point of order?

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. MANN. I am very much disposed to renew the point of order. I make the point of order, Mr. Chairman, that the amendment of the gentleman from Pennsylvania is not germane.

Mr. MANN. It is clearly germane, and there is no use in wasting the time.

Mr. GARRETT of Tennessee. It goes entirely outside of the machinery of the bill.

Mr. MANN. It provides for the payment of the claims. To say that we can not affect the machinery for the payment of the same claims would put us in a very ridiculous attitude.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MANN. It is clearly germane, and there is no use in wasting the time.

Mr. GARRETT of Tennessee. It goes entirely outside of the machinery of the bill.

Mr. MANN. It provides for the payment of the claims. To say that we can not affect the machinery for the payment of the same claims would put us in a very ridiculous attitude.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee.

Mr. GARRETT of Tennessee. The point I make is that it is not germane to the purposes of the bill. It creates machinery that lies outside of the scope of the bill.

Mr. MANN. Temporarily I will object, because I want to make a statement.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. Mr. Speaker, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DENT. Mr. Chairman, I reserved a point of order on the amendment of the gentleman from Pennsylvania [Mr. Moore] to ask unanimous consent that the debate on this amendment of the gentleman from Pennsylvania [Mr. Moore] as a substitute and the amendment of the gentleman from Nebraska [Mr. Sloan] be now closed. Is there objection?

Mr. DENT. I oppose the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. DENT. I have an amendment to perfect the text. I would like to have five minutes upon that.

The CHAIRMAN. The Chair does not think the request submitted would preclude debate on other amendments.

Mr. MANN. It would not. The request was made to close the debate.

The CHAIRMAN. The CHAIRMAN. The Chairman understood the request was on the substitute of the gentleman from Pennsylvania and the amendment of the gentleman from Nebraska.
The question was taken, and the amendment to the amendment was rejected.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto be concluded at half past 5.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on the bill and all amendments thereto be concluded at 5.30. Is there objection?

Mr. BENSON. Mr. Chairman, I want to ask the gentleman whether I can get five minutes?

Mr. DENT. Then, Mr. Chairman, I move that debate on the bill and all amendments thereto be concluded at 5.30 o'clock.

Mr. KEARNS. Mr. Chairman, I have an amendment to offer to the motion.

The CHAIRMAN. The gentleman from Alabama moves that all debate on the bill and amendments thereto close at 5.30.

Mr. KEARNS. I move to amend that motion by substituting 5 o'clock for 5.30.

The CHAIRMAN. The vote will first be taken on the amendment to the motion offered by the gentleman from Ohio.

The question was taken, and the amendment to the motion was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Alabama, as amended, to close debate at 5 o'clock.

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

Mr. NEELY. Mr. Chairman, I offer the following amendment. The Clerk reads as follows:

"Page 5, line 10, after the word "adjust," strike out the period, insert a semicolon, and add the following: 

but that does not help Mr. Phillips, whose land has been seized and its value destroyed.

Mr. NEELY. But that does not help Mr. Phillips, whose land has been seized and its value destroyed.

Mr. GORDON. With whom did the gentleman talk in the War Department?

Mr. NEELY. With Capt. Dykema.

Mr. GORDON. Has he any authority to bind the War Department?

Mr. NEELY. As a matter of fact, Capt. Dykema very frankly admitted that he had no authority to pay Mr. Phillips for his land.

The CHAIRMAN. The time of the gentleman from West Virginia has expired. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken, and the amendment was rejected.

Mr. GREEN of Iowa. Mr. Chairman, I do not want to take up the time to discuss the amendment if it is not in order. It seems to me so clearly in order that I do not care to argue it.

The CHAIRMAN. The gentleman will state the point of order.

Mr. DENT. I will withdraw the point of order.

Mr. GREEN of Iowa. Mr. Chairman, I do not know how anyone who desires that only fair and honest claims shall be paid can object to this amendment. The gentleman from New York has explained that only fair and honest claims can be paid. That no payment shall be made on any claim made under this act until the claim has been filed, made by the officer or agent, if here, or on behalf of the War Department, made the agreement or arrangement whereon the claim is based, and said claim shall have been entered into or made without any interest or advantage to himself and be not interested directly or indirectly in whatever may be paid thereon.

Mr. DENT. Mr. Chairman, I reserve the point of order.

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The CHAIRMAN. The gentleman will state the point of order.

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Mr. DENT. Mr. Chairman, I reserve the point of order.
Mr. ELSTON. That it must appear affirmatively that he is not dead. Suppose he is crazy or that he has left the Government's employ and can not be located. They have to have that information before the money can be paid.

Mr. TILSON. Suppose he is in Siberia?

Mr. GREEN of Iowa. Yes; and suppose the sun does not rise to-morrow. The point is that the War Department knows whose men are who has made these contracts. I think the objection of the gentleman from California [Mr. Elsor] is purely fanciful. If gentlemen want contracts to go through where they know men have been making contracts with their former employers, without an affidavit saying that they are not interested in the contracts, let them say so fairly and squarely. Any Member who has been paying any attention to the letting of these contracts knows that this has been going on. Is it possible that Members care nothing about it?

Mr. MCKENZIE. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. MCKENZIE. On the point of the practicability of the gentleman's amendment, if an officer was crooked enough to take graft in one of these contracts, does the gentleman think he would hesitate to make an affidavit that he did not? Mr. GREEN of Iowa. Does not the gentleman know that his argument would apply against any restriction we have in the statute? We have a number of important restrictions in the law already. Would the gentleman repeal them? Has not the gentleman offered an affidavit that has been offered to get around parts of it. It is not necessary we should avoid that part of it. These claims can be paid without any interference upon these affidavits being made. There will be no difficulty in locating the agents nor, as far as the Army officers are concerned, in obtaining the affidavits, but how some of these men, who were still being paid their salary by their former employers, could make the affidavits is another question, in which the country is very much interested.

Mr. NORTON. Mr. Chairman —

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. NORTON. Yes.

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota until 5 o'clock.

Mr. NORTON. Mr. Chairman, this amendment provides that no contract or agreement shall be paid until an affidavit is made to the effect that the party who made the contract or entered into the agreement verbally or informally for the Government is not in any way interested personally in the payments to be made under the contract and is not to receive or be the beneficiary of any part of the sum paid by the Government on account of the contract.

Now, it seems to me that in this proposed legislation there should be a clear and well-defined provision for the careful examination and check made of all these informal and irregular contracts which we are providing for to be settled and paid. This careful examination and check should be made by disinterested persons who are in no way under obligations to the War Department and who have not been parties to any of the careless and extravagances of the War Department during the war.

The gentleman from Pennsylvania [Mr. Moon] proposes a disinterested check upon these contracts in his amendment now pending before this committee, which amendment provides that before payment shall be made on these irregular and hastily made contracts they shall be approved by a committee composed of the Secretary of War, the Attorney General, two Members of the Senate, and four Members of the House. Notwithstanding the fact that there is a general and widespread feeling throughout the country that many of these claims should be more carefully examined into and more carefully checked up than they are likely to be by the Secretary of War or his representatives, I fear the influence of several thousand war contractors, whose greed for big and easy war profits is yet unsatisfied, will result in having the settlement of these claims placed in the hands of those who will be likely to give the least attention and consideration to the interest of the Government in the settlements and payments to be made.

I have with great deal of interest to the very eloquent and pleasing argument made by the gentleman from Illinois [Mr. Mann], telling of the wonderful accomplishments of the big business interests of the country, and urging that the payment of these claims be left in the generous hands of the Secretary of War. An argument in favor of open-handed generosity and liberality always appeals strongly to expectant beneficiaries and their friends. Such an argument will always find ready response in the hearts of those who have war contracts with the Government.

While I agree entirely with what the gentleman from Illinois has said in regard to our unpreparedness at the time we entered the war, and what governmental red-tape rules and regulations must be and should be cut in war times, I do not believe that the urgent need of the Government in time of war for war supplies justifies administrative officers of the War Department in paying extravagant and exorbitant prices for supplies furnished or work done for the Government, nor do I believe such need justifies or excuses extravagances in expenditure of the Government's money and its wildly and hopelessly spending and wasting millions of the money of the taxpayers of the country on carelessly considered and impractical projects. I have not been able to learn from anyone acquainted with payments that have been made by the Government on its war contracts that the business interests that have performed these contracts have done so at any loss or at any great business sacrifice. On the contrary, the thing that I have invariably heard from those having these contracts was that there were large, fat, and easy profits in them. The unbridled extravagances in expenditure of the Government's money during the war and urging that the payment of these claims be left in the hands of the Secretary of War has allowed the money of the Government to be spent in regular and proper contracts as it should be spent, and I believe that there is a well-grounded general public feeling that if the settlement and payment of these claims growing out of irregular and informal contracts is left entirely with the Secretary of War, the result will be, and I trust that the time will come, when the executive and administrative officers responsible for allowing and sanctioning these wild and extravagant expenditures will be held to an accounting by the taxpayers of the country.

In the light of the liberality and abandon with which the Secretary of War has allowed the money of the Government to be spent in regular and proper contracts as it should be spent, it is surprising that there is a well-grounded general public feeling that if the settlement and payment of these claims growing out of irregular and informal contracts is left entirely with the Secretary of War, the result will be, and I trust that the time will come, when the executive and administrative officers responsible for allowing and sanctioning these wild and extravagant expenditures will be held to an accounting by the taxpayers of the country.

Now, it seems to me that the committee has before it a matter of vital importance, and I trust that such will be done before this measure is reported. I think it is well time to call a summary halt on the careless abandon with which administrative officials of the Government are permitting funds of the Government to be paid out in order to make of themselves good fellows with the trade and business interests of the country. If the House does not have the good sense and judgment to provide for a check outside of the War Department upon the settlement and payment of these claims, I trust that such will be done before this measure finally passes the other branch of the Congress.

The CHAIRMAN. Mr. Green of Iowa has expired; all time under order of the committee has expired. The question is on the amendment offered by the gentleman from Iowa [Mr. Green].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Under order of the committee no further debate is in order; amendments are in order. The Chair recognizes gentlemen amendments to perfect the text before a vote is taken on the substitute offered by the gentleman from Pennsylvania.

Mr. BENSON. Mr. Chairman, can we have the matter stricken out reported?

The CHAIRMAN. Without objection, the Clerk will report the part of the bill stricken out.

The Clerk reads as follows:

Amendment offered by Mr. Benson: Page 3, line 18, after the word "law," strike out the word "Provided," down to and including the word "Secretary," in line 26.

Mr. GORDON. Mr. Chairman, can we have the matter stricken out reported?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reads as follows:

Page 3, line 18, after the word "law," strike out the following:

"Provided, That payment under such agreement shall not exceed the fair value of the property transferred or delivered, or accepted payment shall be in excess of the actual cost incurred in preparation for performance, as such cost is determined by said Secretary."
Mr. CALDWELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reads as follows:

Amendment offered by Mr. CALDWELL: Page 5, line 10, after the word "to account" insert "and in addition a payment not in excess of the actual cost, as such cost is determined by the said Secretary, incurred in preparation for performance of said agreement and the actual outlay incident to cancellation and not included in the cost of aircraft production."

The question was taken, and the amendment was rejected.

Mr. FESS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reads as follows:

Amendment offered by Mr. FESS: Page 4, line 2, before the word "after" prefix the word "filed."

Mr. FESS. So it will read—

"Provided further, That this act shall not authorize payment to be made of any claim under such agreement filed after June 30, 1919."

The question was taken, and the amendment was rejected.

Mr. GARRETT of Tennessee. Mr. Chairman, I make a point of order on that. I do not care to insist on it. It was voted on only a few minutes ago. It was exactly the same thing.

Mr. CALDWELL. I mean now that the motion to substitute has been passed and voted on?

Mr. DILLON. Mr. Chairman, I offer a second amendment.

The CHAIRMAN. The gentleman from South Dakota offers another amendment, which the Clerk will report.

The Clerk reads as follows:

"Amendment offered by Mr. DILLON: Page 3, line 15, after the words "insert" and that an adjustment or payment shall include prospective or possible profits on any part of the contract beyond the goods and supplies received and actually delivered to the United States."

The question was taken, and the amendment was rejected.

Mr. SANDERS of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk reads as follows:

"Amendment offered by Mr. SANDERS of Indiana: Page 5, at the end of line 10, insert the following:"

"And provided further, That the act shall not authorize payment to be made of any claim under such agreements for aircraft production, including motors and aircraft supplies."

The question was taken, and the amendment was rejected.

Mr. Moore of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 60, noes 104.

So the amendment was rejected.

Mr. CALDWELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk reads as follows:

"Amendment offered by Mr. DILLON: Page 3, lines 10 and 11, after the word "corporation," insert "for the acquisition of lands," and substitute therefor the words "for the use of any kind."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. GARRETT of Tennessee. Mr. Chairman, I make a point of order on that. I do not care to insist on it. It was voted on only a few minutes ago. It was exactly the same thing.

Mr. FESS. The other one was affirmative and this is negative.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. SANDERS of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk reads as follows:

"Amendment offered by Mr. SANDERS of Indiana: Page 5, at the end of section 1, insert a new section, as follows:"

"Amendment offered by Mr. SANDERS of Indiana: Page 5, at the end of section 3, if the petitioner, or corporation to whom funds shall be payable under the terms of this act shall be bankrupt, in receivership, or an assignment shall have been made for the benefit of the creditors of such person, firm, or corporation, then in such event the
The question was taken, and the amendment was rejected.

Mr. MACAFFORD. Mr. Chairman, I move to strike out, on page 5, from the last proviso, the following phraseology, found in lines 7, 8, and 9, "and printed in the Congressional Record or in the Official Bulletin or as a public document," so that the language will read:

Provided further, That the names of such contractors and the amount of such partial or final settlements shall be filed with the Clerk of the House of Representatives, and such contracts shall not be validated unless the names shall be so filed within 10 days before confirmation and payment is authorized upon such contracts.

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

The CHAIRMAN. Under the order of the House providing for the consideration of this bill, the committee will now rise. And on the motion of the chairman and the Speaker having resumed the chair, Mr. Cuar, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken.

The CHAIRMAN. The Speaker will not have the Clerk again read it. The question is on agreeing to the amendments offered by the gentleman from Wisconsin.

The question was taken.

The CHAIRMAN. The question is on agreeing to the amendment as introduced and substituting therefor the committee amendment as amended.

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

The CHAIRMAN. The Speaker will rise and stand until the question is put. 

The SPEAKER. A roll call is demanded. The question is, Shall the bill pass?

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

The SPEAKER. The question is on agreeing to the amendment as ordered in the House.

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

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. KING. Mr. Speaker, I demand a roll call.

Mr. NORTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. KING. I raise the point of no quorum.

The CHAIRMAN. The question is, Shall the bill pass?

The question was taken, and there were—yeas 270, nays 30, answered "present" 3, not voting 127, as follows:

**YEAS—270.**

**NAYS—30.**

Mr. STEELE with Mr. BUTLER.

Mr. DOOLITTLE with Mr. AUSTIN.

Mr. RAGSDALE with Mr. TINKHAM.

Mr. CARAWAY with Mr. BROWNE.

Mr. BRUMBAUGH with Mr. COSTELLO.

Mr. SAUNDERS of Virginia with Mr. WALSH.

Mr. SIMS  with Mr. HAMILTON of New York.

Mr. SIMS with Mr. BUTLER.
Mr. BRAND with Mr. George W. Fairchild.  
Mr. FERRIS with Mr. Langley.  
Mr. Clark of Florida with Mr. Huston.  
Mr. McClinton with Mr. McCarthur.  
Mr. Park with Mr. Swift.  
Mr. Thomas F. Smith with Mr. Britten.  
Mr. DOOLEY with Mr. Garnland.  
Mr. Carew with Mr. Mason.  
Mr. Hamill with Mr. Hutchinson.  
Mr. Bonner of Michigan with Mr. Nichols of Michigan.  
Mr. Price with Mr. Dale.  
Mr. Eagan.  Speaker, my colleague, Mr. Soley, has announced to say that he was unavoidably absent, but if present he would vote for the bill.  
Mr. Siegel.  Speaker, my colleague, Mr. Gould, was called out of the city.  If present he would vote "aye."  
The result of the vote was announced as above recorded.  
On motion of Mr. Dent a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. Kitchin.  Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock to-morrow.

Mr. Speaker.  The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.  Is there objection?

Mr. Mann.  Will the consideration of the river and harbor bill be resumed?

Mr. Kitchin.  Yes.

Extension of Remarks.

Mr. Elston.  Speaker, I ask unanimous consent to extend my remarks in the Recom on the bill just passed.

The Speaker.  Is there objection to the request of the gentleman from California?

There was no objection.

Mr. Dent.  Speaker, I ask unanimous consent that all Members who have spoken on the bill have five legislative days in which to extend their remarks on the contract bill.

The Speaker.  The gentleman from Alabama asks unanimous consent that all those Members who have spoken on the bill have five legislative days in which to extend their remarks.  Is there objection?

Mr. Mann.  I object.

Adjournment.

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

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, January 10, 1919, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting a letter from the Chief of Engineers of the United States Army, submitting a statement showing the name of each civilian engineer employed between July 1, 1917, and June 30, 1918, in work of improving rivers and harbors (H. Doc. No. 1667), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. Gandy, from the Committee on the Public Lands, to which was referred the bill (S. 3797) validating certain applications for and entries of public lands, and for other purposes, reported the same with amendment, accompanied by a report (No. 904), which said bill and report were referred to the House Calendar.

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

By Mr. Gray of Alabama: A bill (H. R. 13885) authorizing the Secretary of War to donate to the county of Washington, Ala., two German cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 13885) authorizing the Secretary of War to donate to the county of Marengo, Ala., two German cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 13886) authorizing the Secretary of War to donate to the county of Choctaw, Ala., two German cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 13888) authorizing the Secretary of War to donate to the county of Monroe, Ala., two German cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 13889) authorizing the Secretary of War to donate to the city of Rockford, Ill., one German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. Cramton: A bill (H. R. 13890) authorizing the Secretary of War to donate to the city of Springfield, Ill., one German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. Benson: A bill (H. R. 13891) for the relief of commissioned officers and enlisted men of the Army recommended for promotion, to the Committee on Military Affairs.

By Mr. Fuller of Illinois: A bill (H. R. 13892) to amend and extend certain provisions of an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, and to better enforce the criminal laws of the United States, and for other purposes," approved June 12, 1917; the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13893) to repeal title 7 of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, and to better enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917; the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13895) authorizing the Secretary of War to donate to the city of Sandwich, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13896) authorizing the Secretary of War to donate to the city of Rockford, Ill., one German cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 13897) authorizing the Secretary of War to donate to the city of Hudson, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. Cantrell: A bill (H. R. 13898) authorizing the Secretary of War to donate to the city of Catlettsburg, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. Ward: A bill (H. R. 13899) authorizing the Secretary of War to donate to the city of Lomax, Va., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13900) authorizing the Secretary of War to donate to the city of Campbelltown, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. Johnson of Washington: A bill (H. R. 13901) to extend and make permanent the uniform laws of the United States for enforcing military service, to escape military service, have withdrawn their declaration of intention to become citizens; to the Committee on Immigration and Naturalization.

By Mr. Smith of Idaho: A bill (H. R. 13902) to provide for the erection of a Federal building at Blackfoot, Idaho; to the Committee on Public Buildings and Grounds.

By Mr. Gandy: A bill (H. R. 13903) of the Secretary of War to donate a captured German cannon gun to the cities of Boise, Twin Falls, Pocatello, Idaho Falls, Blackfoot, St. Anthony, Montpelier, Hailey, Buhl, and Burley, in the State of Idaho; to the Committee on Military Affairs.

By Mr. Pou: A bill (H. R. 13907) authorizing the Secretary of War to donate to the town of Smithfield, Johnson County,