

a marvel of energy and organization, a million of men, since proved to be as good soldiers as any in the world, were safely and swiftly transported over 3,000 miles of stormy and pirate-infested seas to meet the savage onslaught upon heroic France. They met and turned back the tide of invasion, and with our brave allies made the Marne "a river more fateful than the Rubicon," and gave us sure promise of abundant military glory yet to come.

But a greater honor lies beyond. When the war shall end and the roar of the great guns shall cease there is reserved the supreme distinction of all history for the nation which shall have the inspiration of vision and the greatness of soul to lead the other nations of the world out of the valley of the shadow of death of recurring wars into the haven of enduring peace. Pray God that nation may be ours!

CALLING OF THE ROLL.

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

The PRESIDING OFFICER (Mr. GAY in the chair). The Secretary will call the roll.

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

Bankhead	Hitchcock	Martin, Va.	Smith, Ga.
Beckham	Jones, Wash.	New	Smoot
Borah	Kellogg	Nugent	Spencer
Chamberlain	King	Overman	Sterling
Fletcher	Kirby	Page	Sutherland
France	Knox	Penrose	Thomas
Frelinghuysen	La Follette	Pittman	Trammell
Gay	Lenroot	Poindexter	Underwood
Gerry	Lewis	Pomerene	Walsh
Gronna	McKellar	Shafroth	Warren
Hale	McNary	Sheppard	Wolcott
Henderson	Martin, Ky.	Smith, Ariz.	

Mr. MCKELLAR. I wish to announce the absence of my colleague, the senior Senator from Tennessee [Mr. SHIELDS] on account of illness.

Mr. SUTHERLAND. My colleague, the senior Senator from West Virginia [Mr. GOFF] is absent on account of illness.

Mr. SHEPPARD. I wish to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Kansas [Mr. THOMPSON] are detained on official business.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names; there is not a quorum present.

Mr. CHAMBERLAIN. I suggest that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. POLLOCK, Mr. SAULSBURY, and Mr. SWANSON answered to their names when called.

Mr. CUMMINS, Mr. RANSDALE, Mr. FERNALD, Mr. NELSON, and Mr. KENYON entered the Chamber and answered to their names.

Mr. KENYON. I desire to announce the absence of the Senator from Nebraska [Mr. NORRIS] on official business.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present.

VALIDATION OF WAR CONTRACTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law.

Mr. THOMAS. Mr. President, the Hitchcock bill was considered by the Committee on Military Affairs, as has been stated, and reported by a majority of the committee and the unanimous vote of those present, and therefore took its place upon the calendar. The fact that the committee took such action, and afterwards the inconsistent one of favorably considering a bill largely different in its character and scope needs a word of passing explanation.

The Hitchcock bill was very carefully considered by the subcommittee; indeed, the senior Senator from Nebraska [Mr. HITCHCOCK] does his full duty upon every committee of which he is a member. The Senator gives his best thought and his best work to every task that is imposed upon him by his senatorial duties; and it is no reflection upon him that the bill now before the Senate was recommended in its place, but the attention of the committee was called to some of the operating features of the proposed measure, which convinced me that the bill which was offered as a substitute for the measure advocated by the Senator from Nebraska, and which the committee subsequently reported as a substitute for the House bill was, as an operating measure, not only a more effective but perhaps the only effective one of the two.

Mr. President, the subject matter of this bill is composed of a large number of items; that is to say, of different contracts—contracts executed improperly, contracts written but not executed, and oral contracts. It also embodies a geographical condition, these contracts being spread over a large portion of the United States, and involving a detail of production comprehending practically every element essential to the necessary prosecution of the war.

There is no question that these contracts should ordinarily have been signed, and signed in the manner required by the statutes. As an abstract proposition, no one can gainsay this. The statutes of the United States necessarily require care in the execution of contracts calling for an expenditure of public money and in accordance with formulas deemed by Congress to be essential to the public welfare and protection. These were not so executed, and I think for the best of reasons. When engaged in a great war, when in the midst of a great offensive, when conditions crowd upon each other with tremendous rapidity, and when emergencies arise requiring the utmost expedition to meet them, the department would have been false to the country and to itself if it had done otherwise than to act as the emergency required, notwithstanding the necessary disregard of statutory requirements. To have done otherwise might have involved the country in disaster; and I do not think it is fair to reflect upon the action of the department in the making of these contracts in view of these conditions.

There are times, Mr. President, when to follow the law may mean disaster; there are times when to disregard it and take the chances is the highest form of patriotism; and I am satisfied that the course pursued by the War Department with regard to the great, the overwhelming majority of these contracts was the only one to take, and without which the country, indeed, the allies, might have suffered very seriously. And because, Mr. President, they shouldered this responsibility, we should applaud them.

On the other hand, the contractees, men and corporations, who took the chances and came to the help of the Government under these circumstances are entitled to our gratitude and to our thanks; and the least we can do is to save them from the loss with which they are now confronted, and to do it as expeditiously as possible. So that the situation is an unavoidable one. If anybody is to blame for it, it is the nation or the nations responsible for the war. It is not to be attributed to any lack of conscientiousness upon the part of public officials or to any disregard of the law, but to the necessity of the situation, which is said to know no law.

Nor, Mr. President, am I impressed with the idea that the War Department, in its transaction of the public business during the last two eventful years, should be subject to no general criticism of dishonesty or laxity in the performance of its public duties. This department has been intrusted with the expenditure of somewhere in the neighborhood of twenty or twenty-five billions of dollars, the largest sum of money ever intrusted to any department in this country or any other.

There may have been, and probably are, instances—it would be remarkable if it were not so—where men engaged in the public service have, directly or indirectly, profited by their positions. It may be—it would be singular indeed if, under the temptations everywhere surrounding them, in view of the enormous amounts of money at their disposal and the opportunities coming their way—some official here and there did not yield to the surrounding temptations and fall by the wayside. I do not know of any individual instance myself; but, as I say, I shall be immensely surprised if numbers of them are not developed as these contracts are considered and allowed or rejected.

Mr. President, I want to say as a general fact that in the management of this great enterprise, from its commencement to its successful termination, speaking broadly and generally, the War Department has administered the affairs of the Government with honesty, with efficiency, and with success. It is entitled to, and should receive, the warm thanks and gratitude of the people of the United States; and, because here and there a man is under suspicion, I do not think that the Secretary and his able assistants should be subject to a reflection resulting from these individual instances, however well founded they may be. In other words, I am willing to trust the War Department, which made these contracts, with the duty of adjusting them and making appropriate settlements. Indeed, I do not think any other department is so competent to do it, or any other commission which we may provide for or which the President may appoint.

The purpose of this bill is to provide for the settlement of contracts, not their adjudication. It is to provide for the setting aside of those statutory requirements, the nonobservance of which invalidates the contract. It is very much as though you and I were face to face with a contract which we had made and which for some reason was invalid, but which nevertheless we entered into in good faith in an emergency and which, therefore, should be recognized. Now, who are the best people to consider that situation if our minds run in the same direction? Who besides we, who are parties to the contract, should interfere, or can interfere, in the absence of controversy? I do not think, Mr. President, that there will be much controversy with

regard to the bona fides of these transactions. I do not see how there can be. If a man has a contract irregularly executed, or not executed at all, but upon which nevertheless he has acted, there is no ground for adjudication but for recognition and for action upon such recognition; and this brings me, Mr. President, to that feature of the Hitchcock bill which my better-informed judgment has forced me to reject. I refer to that provision of the bill which creates a commission and refers all these contracts to it for adjustment.

The idea is an excellent one, and if but half a dozen, or even a hundred or a thousand contracts were involved it might be the better one; but I am afraid, Mr. President, that in practical operation it will prove to be not only unsatisfactory but delusive, and that instead of granting a remedy it will virtually interpose an obstacle to the ultimate determination of these very insistent matters.

Now, let us see.

It was stated here yesterday afternoon by the Senator from New Jersey [Mr. FRELINGHUYSEN] that the Assistant Secretary of War had informed him yesterday morning that there were 6,000 of these contracts, involving \$1,766,000,000. The State of Colorado was admitted into the Union on the 1st of August, 1876, or 43 years ago. Its Federal district court has been one of the busiest in the land, and the amount of business it has transacted is enormous; yet I think its general docket numbers scarcely exceed 6,000 up to this time. The Supreme Court of the United States has been in existence since the Constitution was adopted. I think its general docket number is under 20,000, although it has been doing business for a century and a quarter. Six thousand contract cases, Mr. President, present to the mind a number the magnitude of which it does not fully comprehend, except upon reflection; and when these 6,000 contracts represent an average of \$294,333 apiece in amount, then the number of the contracts assumes additional dignity and importance because of the average amounts they involve. Of course, many of them involve far more and many far less than this average; but I undertake to say that it would be difficult to conceive of an aggregation of 6,000 controverted cases, the average of which are nearly \$300,000 apiece, except the one which we here are considering.

Mr. President, how long would it take a commission doing its duty between the Government on the one side and the contractors on the other to dispose of these 6,000 cases? First, they must investigate the facts concerning the execution of the agreement—the manner, in other words, in which the contract was evolved—and the circumstances surrounding it; second, the amount of money to be allowed as a fair adjustment upon its recognition. How long will each case take? The average case of importance tried in the courts requires more than one day. There are 300 working days in a year; and if this commission were able to dispose of one case per day, or 300 cases per year, it would have to be in session for 20 years before the 6,000 contracts would be disposed of.

It is true that the Hitchcock bill provides for the appointment of regional boards of examiners; but these regional boards have not the power of determining upon the facts. They take testimony, and the board or the commission, in order to acquaint itself of the facts, must read that testimony, must digest it, and then pass upon it.

Suppose that the commission tried two cases a day; there is 10 years. Ten cases a day would take 2 years; 20 cases a day would require 12 months after the commission is appointed to dispose of these 6,000 cases, and of course that is an absolute impossibility.

To my mind, therefore, the creation of a tribunal of any sort to handle exigent matters of such tremendous scope, comprehending so many items and so much money, would be a practical denial of justice to the holders of these claims against the Government.

On the other hand, the War Department has its machinery already in operation, and only awaiting congressional action to go ahead with this important business and transact it as expeditiously as possible. Up to the time that the question of the validity of these contracts was raised and determined adversely, they were proceeding, and proceeding very expeditiously, to dispose of the matters. The Senator having charge of the bill yesterday inserted, at page 2289 of the CONGRESSIONAL RECORD and following, an outline of the staff of the commissions or boards, or whatever they may be called, which have already been provided for, and which, upon the enactment of this measure, can in their respective jurisdictions take hold and dispose of these claims.

I am willing to trust the Secretary of War, I am willing to trust the boards, the commissions, and the individuals that have been selected for the purpose of transacting this very impor-

tant business. I know that with the possible exceptions that may occur, the great body of these men are just as anxious to serve the Government and just as honest as you or I.

Mr. President, in a matter of this sort, time is of the utmost importance. As lawyers say, it is of the essence of the situation. Delays are expensive, not only to those having claims against the Government but to the Government itself. Every day that these claims remain undisposed of is an added expense of millions of dollars to the Government of the United States. In France alone there are claims involving over three-quarters of a billion of dollars—claims which, in my judgment, are not affected by the statutory requirements relating to the execution of contracts in the United States; claims needing adjustment there and here to save from bankruptcy men and corporations who have tried to help the Government, and have taken these chances; claims the settlement of which is necessary to the continued employment of labor in this country; claims the justice of which is beyond doubt in most cases; claims the settlement of which is essential to the welfare of the Government and to those who hold them.

That being so, let us give jurisdiction to that tribunal whose machinery will enable it to act upon these things at once, and have them all practically determined and disposed of within the next four or five months. That is beneficial to the Government. That, and that alone, Mr. President, is the extension of true and adequate justice to the men and the corporations who need this legislation so badly.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska.

Mr. HITCHCOCK. Mr. President, I shall ask for a roll call on the vote between the committee bill and that which bears my name. I should like to ask the chairman whether he has any objection to substituting my bill for the House bill without a record vote. If by consent it can be substituted for the House bill, then we will have only one record vote.

Mr. KIRBY. I should object to that. It would be adopting the Hitchcock substitute.

Mr. FLETCHER. I think the question first comes on substituting the amendment of the Senator from Nebraska.

Mr. HITCHCOCK. No; my amendment is an amendment to the House bill; that is, it is perfecting the House bill; and after it is perfected the Senator from Oregon will move to substitute his bill for the House bill as perfected.

Mr. CHAMBERLAIN. I think probably the record vote had better come on the pending question.

Mr. HITCHCOCK. Yes; but I was just suggesting that we will avoid that by adopting my amendment as a substitute for the House bill at this time.

Mr. CHAMBERLAIN. I will say to the Senator that I think the record vote had probably better come on substituting his measure for the House bill.

The PRESIDING OFFICER. The Chair understands that the question is on the amendment offered by the Senator from Nebraska.

Mr. HITCHCOCK. As a preliminary, then, to a vote, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Bankhead	Johnson, Cal.	Nelson	Smoot
Beckham	Johnson, S. Dak.	New	Spencer
Chamberlain	Jones, N. Mex.	Nugent	Sterling
Culberson	Jones, Wash.	Page	Sutherland
Cummins	King	Penrose	Swanson
Fletcher	Kirby	Poindexter	Thomas
France	Knox	Pollock	Townsend
Frelinghuysen	La Follette	Reed	Trammell
Gay	Lenroot	Shafroth	Underwood
Hale	McKellar	Sheppard	Wadsworth
Hardwick	McNary	Simmons	Walsh
Henderson	Martin, Ky.	Smith, Ariz.	Weeks
Hitchcock	Moses	Smith, Ga.	Wolcott

Mr. SHEPPARD. I desire to announce that the Senator from Rhode Island [Mr. GERRY] and the Senator from Virginia [Mr. MARTIN] are detained on official business.

Mr. SIMMONS. I wish to announce the unavoidable absence of my colleague [Mr. OVERMAN] on official business.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Fifty-two Senators have answered to their names. There is a quorum present.

Mr. LENROOT. Mr. President, the principal difference now between the substitute amendment of the Senator from Nebraska [Mr. HITCHCOCK] and the committee bill is the original jurisdiction of the commission which is provided for in both bills to determine these claims, the Hitchcock amendment giving full and complete jurisdiction to the commission, with certain limi-

tations, which I shall refer to in a moment. The committee bill provides that the Secretary of War shall in the first instance adjust these claims and with the approval of a representative of the Department of Justice may pay them to the contractor, but the contractor, and in certain cases the Department of Justice, may appeal to the commission.

I think we are all in sympathy with the purpose the Senator from Nebraska desires to accomplish if it were practical, but even the Senator who proposes this amendment recognizes the fact that it is not practical to give original jurisdiction to this commission to investigate fully and determine all these claims, because to do so would involve months and months of delay and disaster to many, many industries in the country.

The Senator from Nebraska has sought to avoid that very serious difficulty by the provision in his amendment which provides that the Secretary of War shall file with the commission a statement of the award that he believes to be just and the amount which the claimant is entitled to. Then he provides that if the claimant shall file a statement with the commission "offering to accept the amount awarded by the War Department in full for said claim the commission shall, within 10 days, order the same paid in the absence of evidence that it is excessive."

Mr. President, to my mind this language, if it shall be adopted, will prevent the commission from examining the very cases that it ought to examine and investigate. It will deprive the commission of the jurisdiction where it will be beneficial to the Government and give it to the commission only where it is in the interest of the contractor. Why do I say that? Because with the very minimum number that has been suggested of 6,000 claims, and the Senator from Tennessee suggested it might run from 10,000 to 60,000 claims, with the War Department now prepared with a very large percentage of them to immediately make adjustments, what would happen if the amendment of the Senator from Nebraska is adopted? We would have immediately filed with this commission some thousands of claims. Supposing there were only 100 claims a day, every one of those claims under the Senator's amendment must be paid at the end of 10 days, unless there is evidence produced before the commission that the claim is excessive.

Mr. President, it would be a physical impossibility for this commission to get before it evidence that these claims were excessive within the period of 10 days. The commission would have no authority to retain jurisdiction of these claims longer than 10 days, unless after the filing of the claim it had proceeded upon investigation of that claim and had before it some evidence that the claim was excessive.

It may be said that it might call upon the War Department for all the files and testimony and records. I call attention to the fact that under the amendment of the Senator from Nebraska the War Department is not required to file any papers other than a statement of the amount awarded and the name of the contractor. But suppose the commission pursued that plan and asked the department for all the files and all the claims and all the testimony it had upon file before it, the commission certainly would not go upon the theory that some of the claims were excessive and permit payment of same, and take jurisdiction of others, because if it had only 100 claims a day for 10 days what would it mean? It would give the commission about six minutes for the investigation of a claim to find out whether, in its judgment, there was some evidence that the award was excessive—an absolute impossibility.

So the result would be, in my judgment, under the Senator's amendment, that, if there are awards that are excessive by the War Department, the contractor, of course, would immediately file his acceptance of that award, and the commission would have no opportunity within the 10 days to secure or produce evidence that it was excessive, and it would then become mandatory upon the commission to pay that excessive claim.

Now, contrast that with the provision in the committee bill. In my judgment, the phraseology is not happily worded, but I do not think there can be any question as to the construction. Under the committee bill the provision is as follows:

That within 30 days of the date when the Secretary of War tenders any contract or compensation as provided in this act, or refuses to tender such contract or compensation, the party to whom said contract or compensation is tendered or refused or the Government, by a duly authorized officer from the Department of Justice, may file with the chairman of the commission a notice of appeal: *Provided, however,* That if the representative of the Department of Justice agrees with the action of the War Department there shall be no appeal by the Government, but settlement can be made at once.

As I construe the committee bill, it is contemplated that representatives of the Department of Justice shall work with the War Department at all times, acting as counsel for the Government in the investigation of these claims; that when the Secretary of War shall make an award if counsel for the Government shall

be of the opinion that that award is or may be excessive he then has 30 days in which to further investigate that question and make an appeal. Then if he believes that it should be investigated by the commission he files his appeal.

In other words, under the committee proposition counsel for the Government sits in and is familiar, as counsel for a private party would be, with all the proceedings, and then when the award is made he still has 30 days within which to file his appeal, unless he is satisfied that justice is done to the Government and that the interests of the Government are protected.

As I said, I do not think that this provision is happily phrased. I do not think that the word "tenders" is a proper word to use in this connection. Certainly, it is not used here, I think, in the ordinary sense of a legal tender. The phraseology later on is absolutely contrary to any such idea, because to tender compensation ordinarily would mean that the party to whom compensation is tendered could immediately accept it. When it is said in the same paragraph that if the representatives of the Department of Justice agree with the War Department a settlement may be made at once, it seems to me that that negatives the idea that the word "tenders" is not used in its ordinary meaning. It does seem to me that that should be cleared up, and I think the word "offers" or "proposes" should be used.

Mr. KNOX. Where is that to be found?

Mr. LENROOT. On page 7.

Mr. MCKELLAR. In what line?

Mr. LENROOT. In line 20 of the reprint.

I wish to ask the chairman of the committee whether in his opinion I have given the interpretation to this language he thinks the committee intended to give to it?

Mr. CHAMBERLAIN. That was the intention of the committee.

Mr. LENROOT. Does not the chairman think that there should be some other word than the word "tenders" to express the purpose?

Mr. CHAMBERLAIN. If the Senator can suggest a word, I will be glad to accept such an amendment, because that was the purpose of the committee.

Mr. LENROOT. Will the Senator then agree to strike out the word "tenders" and insert the word "offers"?

Mr. CHAMBERLAIN. I have no objection.

Mr. LENROOT. I think that that would clear it up. I will then offer an amendment on page 7, line 20, to strike out the word "tenders" and insert the word "offers."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the original print, page 7, line 12, after the word "War," strike out the word "tenders" and insert the word "offers."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. LENROOT. My next amendment is to strike out the word "tender" and insert the word "offer" after the word "to" in the next line.

The SECRETARY. On page 7, line 13, before the word "to," strike out the word "tender" and insert the word "offer."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. LENROOT. I think it must be very clear that before payments can be made under the committee bill the counsel for the Government must agree that the payment is proper and the interest of the Government is protected. If he is not so satisfied, under the committee bill he has 30 days in which to further investigate, and either agree or appeal, while under the amendment of the Senator from Nebraska these things must be determined within 10 days, and in cases where an award is excessive the interests of the Government are not protected under his proposition.

For these reasons, Mr. President, I feel very clear that for the protection of the Government the bill as reported by the committee is preferable to the amendment offered by the Senator from Nebraska.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. Before the question is put, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Bankhead	Gay	Jones, N. Mex.	Lenroot
Beckham	Gore	Jones, Wash.	McKellar
Borah	Hale	Kenyon	Martin, Ky.
Chamberlain	Henderson	King	Moses
Culberson	Hitchcock	Kirby	Nelson
Cummins	Johnson, Cal.	Knox	Nugent
Frelinghuysen	Johnson, S. Dak.	La Follette	Page

Poindexter	Sheppard	Sutherland	Vardaman
Pomerene	Smith, Ariz.	Thomas	Walsh
Reed	Smoot	Townsend	Warren
Saulsbury	Spencer	Trammell	Weeks
Shafroth	Sterling	Underwood	Wolcott

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. LEWIS and Mr. SWANSON answered to their names when called.

Mr. FERNALD entered the Chamber and answered to his name.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. On that I ask for the yeas and nays.

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

Mr. SAULSBURY (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. COLT]. In his absence, I refrain from voting.

Mr. STERLING (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. In his absence, I withhold my vote.

Mr. THOMAS (when his name was called). I transfer my general pair with the senior Senator from North Dakota [Mr. McCUMBER] to the senior Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. CHAMBERLAIN (when Mr. WILLIAMS's name was called). The senior Senator from Mississippi [Mr. WILLIAMS] is on his way here, but he has been unavoidably detained. He stated to me that he would vote "nay" on this question.

Mr. WOLCOTT (when his name was called). I transfer my general pair with the Senator from Indiana [Mr. WATSON] to the Senator from California [Mr. PHELAN] and vote "nay."

The roll call having been concluded,

Mr. UNDERWOOD. I have a general pair with the senior Senator from Ohio [Mr. HARDING], but I am authorized to vote on this question. I vote "nay."

Mr. PENROSE (after having voted in the negative). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. I know that that Senator has not voted, but in view of the statement of his attitude made by the chairman of the committee, I will permit my vote to stand.

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. McLEAN], which I transfer to the Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. LODGE. I desire to announce that the Senator from Kansas [Mr. CURTIS] is detained on official business.

Mr. SHEPPARD. I wish to announce that the Senator from Kansas [Mr. THOMPSON] is necessarily absent on official business. If present, he would vote "nay" on the passage of the bill.

Mr. POLLOCK. I desire to announce that my colleague, the senior Senator from South Carolina [Mr. SMITH], is detained on account of illness.

Mr. LODGE. I have been requested to announce the following pairs:

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GEBBY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from West Virginia [Mr. GOFF] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 8, nays 55, as follows:

YEAS—8.

Borah	Hitchcock	La Follette	Nugent
Gore	Jones, Wash.	McKellar	Reed

NAYS—55.

Bankhead	Johnson, S. Dak.	Overman	Smoot
Beckham	Jones, N. Mex.	Page	Spencer
Chamberlain	Kirby	Penrose	Sutherland
Culberson	Knox	Pittman	Swanson
Cummins	Lenroot	Poindexter	Thomas
Fernald	Lewis	Pollock	Townsend
Fletcher	Lodge	Pomerene	Trammell
France	McNary	Ransdell	Underwood
Frelinghuysen	Martin, Ky.	Shafroth	Wadsworth
Gay	Martin, Va.	Sheppard	Walsh
Hale	Moses	Sherman	Warren
Hardwick	Myers	Simmons	Weeks
Henderson	Nelson	Smith, Ariz.	Wolcott
Johnson, Cal.	New	Smith, Ga.	

NOT VOTING—33.

Ashurst	Goff	McLean	Smith, S. C.
Baird	Gronna	Norris	Sterling
Brandegee	Harding	Owen	Thompson
Calder	Hollis	Phelan	Vardaman
Colt	Kellogg	Robinson	Watson
Curtis	Kendrick	Saulsbury	Williams
Dillingham	Kenyon	Shields	
Fall	King	Smith, Md.	
Gerry	McCumber	Smith, Mich.	

So Mr. HITCHCOCK's amendment was rejected.

Mr. CHAMBERLAIN. I believe the vote now is on the committee amendment as amended.

The VICE PRESIDENT. The vote is on the committee amendment as amended.

The amendment as amended was agreed to.

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

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

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes."

POST-OFFICE APPROPRIATIONS.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 13308, known as the Post Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13308) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. BANKHEAD. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, the committee amendments to be first acted on.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

Mr. SMITH of Georgia. I ask the Senator from Alabama to consent to have his bill laid aside temporarily in order that I may secure the disposition of a conference report.

Mr. BANKHEAD. How long does the Senator think it will take?

Mr. SMITH of Georgia. About five minutes.

Mr. BANKHEAD. Very well. I ask unanimous consent that the Post Office appropriation bill may be temporarily laid aside for that purpose.

The VICE PRESIDENT. Without objection, the Post Office appropriation bill will be temporarily laid aside for the purpose indicated by the Senator from Georgia.

SALARIES OF JUDGES—CONFERENCE REPORT.

Mr. SMITH of Georgia. Mr. President, I ask unanimous consent that the conference report on House bill 12001 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the conference report referred to by the Senator from Georgia, which will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12001) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 9, 10, 11, 12, 13, 14, and 15, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 3. That the judges of the Supreme Court of the District of Columbia shall receive salaries the same as salaries provided by this act to be paid to judges of district courts of the United States, and such salaries shall be paid as now provided by law.

"The judges of the Court of Appeals of the District of Columbia shall receive salaries the same as the salaries provided by this act to be paid to judges of the Circuit Court of Appeals of