

So the motion to recommit was agreed to.  
The Clerk announced the following pairs:  
On this vote:

Mr. Frey of Pennsylvania (for) with Mr. Hobbs (against).  
Mr. Douglas (for) with Mr. Weaver (against).  
Mr. Champion (for) with Mr. White of Idaho (against).  
Mr. Wigglesworth (for) with Mr. Cartwright (against).  
Mr. Kennedy of New York (for) with Mr. Mitchell of Illinois (against).

General pairs:

Mr. Rankin with Mr. Fries of Illinois.  
Mr. Steagall with Mr. Colden.  
Mr. Sutphin with Mr. Deen.  
Mr. Drewry of Virginia with Mr. Owen.  
Mr. Mitchell of Tennessee with Mr. Walter.  
Mr. Caldwell with Mr. Hancock of North Carolina.  
Mr. Taylor of Colorado with Mr. McFarlane.  
Mr. Somers of New York with Mr. Allen of Louisiana.  
Mr. Boykin with Mr. O'Connor of Montana.

Mr. FARLEY. Mr. Speaker, I qualify and vote "nay."  
Mr. O'CONNOR of New York. Mr. Speaker, I insist that the Members qualify by stating they were present and listening and did not hear their names called.

The SPEAKER. The Chair will qualify under the rule all Members desiring to vote. Was the gentleman present and listening when his name was called?

Mr. FARLEY. I was present and listening, Mr. Speaker.

The SPEAKER. And failed to hear his name called?

Mr. FARLEY. Yes, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

Mr. PACE. Mr. Speaker, may I inquire how I am recorded?

The SPEAKER. The gentleman voted "nay."

Mr. O'CONNOR of New York. Mr. Speaker, I demand the announcement of the result.

The SPEAKER. The Chair will announce the result as soon as it is handed to the Chair by the Clerk.

Mr. MEAD. Mr. Speaker, how was my vote recorded?

Mr. O'CONNOR of New York. That is just an attempt to delay the decision, Mr. Speaker.

Mr. SNELL. Mr. Speaker, I demand the announcement of the vote.

The SPEAKER. The Chair does not desire one side or the other to have any advantage. We are merely following the usual routine.

Mr. MEAD. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman voted "nay."

Mr. MEAD. That is correct.

Mr. CANNON of Missouri rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. CANNON of Missouri. Mr. Speaker, in view of the closeness of the vote, I wondered if the Chair would not prefer to have a recapitulation. Of course, that would rest entirely with the Speaker, but if the vote were close, the Speaker would be justified in ordering a recapitulation.

The regular order was demanded.

Mr. O'CONNOR of New York. Mr. Speaker, the Chair must announce the vote before any request for a recapitulation.

The SPEAKER. The Chair will undertake to exercise fair discretion with reference to this matter, the Chair may state to the gentleman from New York.

In the opinion of the Chair, this vote is not close enough to justify a recapitulation. The Chair has the discretion upon a very close vote to request a recapitulation; that is, where there is a difference of only one or two or three or possibly four votes. The Chair, therefore, thinks that in view of the statement of the vote handed to him by the tally clerk, the Chair is not justified under the circumstances in requesting a recapitulation.

The result of the vote was announced as above recorded.

Mr. O'CONNOR of New York rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. O'CONNOR of New York. Mr. Speaker, I move to reconsider the vote by which the motion to recommit was agreed to and lay that motion on the table.

Mr. McCORMACK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCORMACK. Whether or not the motion of the gentleman from New York can be separated and a separate vote demanded on reconsideration and on laying the motion on the table?

The SPEAKER. In answer to the parliamentary inquiry of the gentleman from Massachusetts, the Chair may state that the motion in order would be to lay upon the table the motion to reconsider.

All in favor of the motion to reconsider—

Mr. SNELL. Mr. Speaker, I do not understand what motion the Chair is putting.

The SPEAKER. The gentleman from New York [Mr. O'CONNOR] moved to reconsider the vote by which the motion to recommit was agreed to and to lay that motion on the table. The question, therefore, is on the motion of the gentleman from New York to lay that motion on the table. The motion was agreed to.

Mr. CULLEN. Mr. Speaker, I want to announce that my colleague—

Mr. O'CONNOR of New York. Mr. Speaker, I object to the announcement of how any Member would have voted on this vote.

Mr. CULLEN. I do not know that the objection goes to this request. There is no rule against it.

The SPEAKER. The gentleman from New York [Mr. CULLEN] asks unanimous consent to make a statement with reference to one of his absent colleagues. Is there objection?

Mr. CHURCH. I object.

The SPEAKER. The gentleman from Illinois objects, and under the rules of the House the gentleman from New York would have to make his statement by unanimous consent.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—  
HOMESTEAD ENTRIES ON INDIAN RESERVATIONS (H. DOC. NO. 582)

The SPEAKER laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

I am returning herewith, without my approval, enrolled bill H. R. 5753, to authorize advance of the amounts due on delinquent homestead entries on certain Indian reservations.

This bill was passed by the House of Representatives on August 16, 1937, and subsequent thereto, but before passage by the Senate, there was passed by both Houses of Congress and submitted to me for approval H. R. 2888. I found myself unable to approve the latter bill because of the provisions of sections 3 and 4 thereof. The first two sections of the bill now under consideration are identical with sections 3 and 4 of H. R. 2888. I am compelled, therefore, to withhold approval of the bill H. R. 5753, for the same reasons that were set forth in my memorandum of disapproval, on August 31, 1937, of the bill H. R. 2888 (p. 9681, CONGRESSIONAL RECORD, August 21, 1937), namely:

I am unable to find any satisfactory basis for approving sections 3 and 4 of the bill. These two sections provide for the advance payment to the Indians from the general fund of the Treasury of the indebtedness of entrymen and purchasers of ceded Indian land. With the opening of these ceded Indian lands to entry, the United States accepted no responsibility to purchase or find purchasers for such lands, but acted only as a trustee to sell the lands and pay over the proceeds to the Indians. The delinquency that has occurred on the part of entrymen and purchasers in making their payments on these lands constitutes no justification for the proposed shifting from the Indians to the Government of the burden of waiting for the completion of the payments. The fact of the delinquency indicates, indeed, that this is simply the transfer of bad debts from one payee to another.

I would have no objection to the enactment of legislation that would provide for the cancellation of these entries and for the reversion of the lands to the Indians for their own use.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, April 8, 1938.

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. ROGERS of Oklahoma. Mr. Speaker, I move that the message of the President, together with the bill, be referred to the Committee on Indian Affairs.

The motion was agreed to.

#### ANNOUNCEMENT OF VOTE

Mr. CULLEN. Mr. Speaker, I renew my request to announce that my colleague the gentleman from New York, Mr. SOMERS, has been detained in New York. If he had been present, he would have voted in the negative on the motion to recommit this bill.

The SPEAKER. Is there objection?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. BOYLAN of New York. Mr. Speaker, I ask unanimous consent that on Wednesday next, April 13, the birthday of Thomas Jefferson, I may be permitted to address the House for 15 minutes on the life and times of Thomas Jefferson.

The SPEAKER. The gentleman from New York asks unanimous consent that on Wednesday next, at the conclusion of the legislative program of the day, he may be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. McFARLANE (at the request of Mr. LUTHER A. JOHNSON), on account of death in his family.

To Mr. KENNEDY of New York, indefinitely, on account of illness.

#### PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. Under the special order of the House heretofore made, the gentleman from New York [Mr. FISH] is entitled to recognition.

Mr. FISH. Mr. Speaker, I ask unanimous consent that the time given me today may be transferred to Monday next at the conclusion of the legislative program for the day and other special orders.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### EXTENSION OF REMARKS

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a communication received from Robert J. Caldwell, of New York.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BINDERUP asked and was given permission to extend his own remarks in the RECORD.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GRAY of Indiana. Mr. Speaker, it was an unfortunate coincidence that in speaking figuratively this morning to illustrate that Marriner S. Eccles was trying to play with this Congress and at the same time go along with the Federal Reserve bankers that he should emanate from a State where my illustration could be construed to cast any reflections.

I assure the House that any such meaning was my last purpose or intention. And I would rather suffer the loss of the use of my right arm or hand than to intentionally cast such reflection. This statement was made in the House in the heat of tense excitement and in an unguarded moment.

There is no State delegation in Congress for whom I have greater respect and consideration than the Members of the House and Senate from the great State of Utah. The Members of the House, ABE MURDOCK and J. W. ROBINSON,

are my favorites, and if it were not showing partiality I would say that I admire them above all others.

But this accidental, unguarded statement grieves me more than I can express as possible of construction to show ingratitude for great favors and hospitality shown me by the good people of the State of Utah when I was there sojourning with a sister suffering in the last stages of tuberculosis.

While there for a number of weeks the good and gracious people of that State endeared themselves to me in a way I will remember as long as I live, in furnishing our cottage free and refusing to take any pay whatsoever, for long automobile journeys, where in other localities we were overcharged.

But when we had returned to Indiana the unusual climate and hospitality of the people everywhere in that State was often recalled for pleasant reflections and will be recollected and called to memory where other States and localities visited will pass out of mind and be forgotten.

#### ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 7448. An act to provide for experimental air-mail services to further develop safety, efficiency, and economy, and for other purposes.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p. m.) the House, in accordance with its previous order, adjourned until Monday, April 11, 1938, at 12 o'clock noon.

## COMMITTEE HEARINGS

### COMMITTEE ON NAVAL AFFAIRS

There will be a meeting of the full open Committee, Naval Affairs, at 10 a. m. Saturday and Monday, April 9 and 11, 1938; continuation of consideration of H. R. 9315, to regulate the distribution, promotion, and retirement of officers of the line of the Navy, and for other purposes.

### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of Mr. EICHER's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Monday, April 11, 1938. Business to be considered: Hearings on S. 3255, a bill to regulate over-the-counter marketing.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 12, 1938. Business to be considered: Hearing on H. R. 9047—control of venereal diseases, and other kindred bills.

### COMMITTEE ON FLOOD CONTROL

Set forth below are dates, times of meetings, subjects of hearings, and parties to be heard with respect to a number of hearings scheduled before the Flood Control Committee.

The Committee on Flood Control will continue hearings on Saturday, April 9, 1938, at 10 a. m. Local representatives of other drainage-basin areas will be heard.

The Committee on Flood Control will continue hearings on Monday, April 11, 1938, at 10 a. m. Local representatives of the Red River and tributaries will be heard.

The Committee on Flood Control will continue hearings on Tuesday, April 12, 1938, at 10 a. m. Local representatives of the Arkansas River and tributaries will be heard.