SENATE.

THURSDAY, *May 31, 1900.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Tuesday last, when, on request of Mr. CLAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

VESSEL SHIP CAROLINE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court, relating to the vessel ship *Caroline*, Charles Treadwell, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

SHIP CONCORD.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and the opinion of the court filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed finding by the court relating to the ship *Concord*, John Thompson, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented the petition of George Keenan, of Rochester, N. Y., praying for the adoption of an amendment to the general deficiency appropriation bill providing for the payment of overtime claims of letter carriers; which was referred to the Committee on Appropriations.

He also presented a petition of the Woman's Christian Temperance Union of East Syracuse, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and in any of the newly acquired island possessions of the United States; which was referred to the Committee on Military Affairs.

He also presented petitions of the Trades and Labor Assembly, American Federation of Labor of Syracuse, of the United Garment Workers of New York City, and of the Central Federation of Labor of Troy, all in the State of New York, praying for the enactment of legislation limiting the hours of daily service of laborers and mechanics upon the public works of the United States; which were referred to the Committee on Education and Labor.

Mr. BARD presented a petition of the congregation of the Baptist Church of Napa, Cal., and a petition of the Woman's Christian Temperance Union of Berryessa, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. FOSTER presented petitions of 257 citizens of Guy, of the Ministerial Alliance of Tacoma, and of the Independent Order of Good Templars of Dayton, all in the State of Washington, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. HOAR presented a petition of the congregation of the Baptist Church of West Springfield, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. McMILLAN presented a petition of the Woman's Christian Temperance Union of Chesaning, Mich., and a petition of the Woman's Christian Temperance Union of Bay City, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. QUARLES presented a petition of the Woman's Christian Temperance Union, the Fortnightly Club, the congregation of the Congregational Church, the Nineteenth Century Club, and the congregations of the First Baptist, the First Presbyterian, the Universalist, the First Methodist, and St. Mary's churches, all of La Crosse, in the State of Wisconsin, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. McBRIDE presented petitions of the Woman's Christian Temperance Union of La Grande, of the Baptist Congregation of Albany, and of the Woman's Christian Temperance Union of Klamath, all in the State of Oregon, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. HANSBROUGH presented a petition of 52 citizens of Walhalla, N. Dak., praying for the passage of the so-called pure food and drug bill; which was referred to the Committee on Agriculture and Forestry.

Mr. PETTIGREW presented a petition signed by 132 citizens of Rosendale, Ulster County, N. Y., praying for the public ownership of railways, telegraphs, and telephones, and for the passage of Senate bill No. 1770, relative to the acquisition, purchase, construction, and condemnation by the United States of railroads lying within the United States, the respective States, and the District of Columbia engaged in interstate commerce, etc., and remonstrating against the passage of Senate bill No. 1439, to amend the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

GOVERNMENT OWNERSHIP OF RAILROADS.

Mr. PETTIGREW. I ask unanimous consent that there be printed as a document the hearings taken before the Interstate Commerce Committee on Senate bill 1770, in regard to Government ownership of railroads.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. CHANDLER. Properly speaking, that should be reported from the committee; but, of course, I am perfectly willing that the Senator from South Dakota shall submit the motion.

Mr. PETTIGREW. I will state that but 50 copies of these hearings have been printed for the use of the committee, and I ask that this number be printed so as to give us an additional supply.

Mr. CHANDLER. My only point is that all of the testimony should be included in the order to print.

Mr. PETTIGREW. I simply offer the motion to print that which has already been printed by the committee. We have had 50 copies printed for the use of the committee.

Mr. CHANDLER. I ask that the order may include additional testimony, if there be any, taken by the committee on that subject.

The PRESIDENT pro tempore. Does the Senator accept the modification?

Mr. PETTIGREW. I accept the modification.

The PRESIDENT pro tempore. Does the Senate agree to the request of the Senator from South Dakota as modified? The Chair hears no objection, and the request is agreed to.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 4830) to correct the military record of Ira J. Paxton, reported it with an amendment, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 1992) for the payment of Porter, Harrison & Fishback for legal services, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1658) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3020) for the relief of Rev. William T. McElroy, reported it without amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the bill (S. 4906) providing for leaves of absence to certain employees of the Government, reported it without amendment.

Mr. MALLORY. I am requested by my colleague [Mr. TALIAFERRO] to report the following bills for him from the Committee on Pensions without amendment, with written reports thereon:

A bill (H. R. 4992) granting an increase of pension to Susan Bantin; and

A bill (H. R. 3252) granting an increase of pension to Sarah Somerville Lion.

The PRESIDENT pro tempore. The bills will be placed on the Calendar.

Mr. BURROWS, from the Committee on Military Affairs, to whom was referred the bill (S. 3288) to correct the military record of Daniel J. Coonan, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 6151) granting a pension to Zylpha J. Kelly, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Claims, to whom was referred the bill (S. 860) for the relief of Thomas J. Powell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

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joint resolution (S. R. 73) for the relief of Thomas Hoyne, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3343) granting an increase of pension to Keziah Fausler; and

A bill (S. 2037) granting a pension to George F. Burrage.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2810) granting a pension to Esther Dyer Hammond, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4859) granting an increase of pension to Emily A. Wentworth, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I report from the Committee on Commerce an amendment intended to be proposed to the sundry civil appropriation bill. I ask that it be read and referred to the Committee on Appropriations without printing.

The amendment was read, and referred to the Committee on Appropriations, as follows:

For salaries and expenses of a commission of five persons, to be appointed by the President, by and with the advice and consent of the Senate, to study the commercial and industrial conditions of China, Japan, and other Asiatic countries, $75,000, or so much thereof as may be necessary, to be immediately available.

Mr. MASON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1409) for the relief of Robert A. Ragan; and

A bill (H. R. 2357) for the relief of A. T. Hensley, survivor of Fulton and Hensley, doing business under the name of Lavaca Wharf Company.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 3805) for the relief of Sylvester S. Van Sickel, reported it without amendment, and submitted a report thereon.

Mr. PENROSE. I am directed by the Committee on Commerce, to whom was referred the amendment submitted by myself on the 27th instant, intended to be proposed to the sundry civil appropriation bill, to report it with an amendment.

Mr. HALE. Let the amendment be stated.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 90, after line 5, insert:

That the sum of $200,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to the Philadelphia museums for the purpose of completing the collection from foreign markets of samples of merchandise of the character in favor and demand therein, and of illustrating the manner in which merchandise for such markets should be prepared and packed.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Appropriations.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1871) for the relief of E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, of Tennessee, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 4681) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 4826) for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Military Affairs, to whom was referred the bill (S. 3565) to establish a quartermaster's depot at Omaha, Nebr., and for other purposes, reported it with amendments, and submitted a report thereon.

THOMAS HUNTINGTON.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 4858) for the relief of Thomas Huntington, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4858) entitled "For the relief of Thomas Huntington," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

GEORGE S. AYRE.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 4116) for the relief of George S. Ayre, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4116) entitled "A bill for the relief of George S. Ayre," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ROBERT W. DUNBAR.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 4011) for the relief of Robert W. Dunbar, and also the following resolution, submitted by Mr. PERKINS on the 5th of April, 1900, reported favorably on the resolution; and it was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4011) entitled "A bill for the relief of Robert W. Dunbar," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

MINERAL PRODUCTIONS OF MONTANA.

Mr. STEWART. From the Committee on Mines and Mining I report a paper on the mineral productions of Montana, prepared by Eugene B. Braden, assayer in charge United States assay office, Helena, Mont. I move that the paper be printed as a document.

The motion was agreed to.

PORTS OF CALAIS AND EASTPORT, ME.

Mr. CLAY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 11283) to establish Calais, in the State of Maine, as a subport of entry, and to extend the privileges of the act approved June 10, 1880, to the ports of Eastport and Calais, in the State of Maine, to report it without amendment, and by request of the committee I ask for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

STATUES OF BENTON AND BLAIR.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. COCKRELL on the 22d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the acceptance of the statues of the late Thomas H. Benton and Francis P. Blair, presented by the State of Missouri, 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for the use and distribution by the governor of Missouri; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statues to accompany said proceedings, said engravings to be paid for out of the appropriation for the Bureau of Engraving and Printing.

EULOGIES ON THE LATE REPRESENTATIVE BLAND.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. COCKRELL on the 22d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the eulogies upon the late Richard P. Bland, a Representative from the State of Missouri; of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

REPORTS ON COLUMBIAN EXPOSITION OF 1893.

Mr. PLATT of New York, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the Special Expert Reports as prepared under the direction of the Committee of Awards of the Columbian Exposition, held in Chicago in 1893, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives.

ROBERT SMALLS.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 6230) for the relief of Robert Smalls, to report it without amendment, and I ask for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The preamble recites that Robert Smalls, on the 13th day of May, 1862, captured the steamer *Planter*, with all the armament and ammunition for Fort Ripley, at the city of Charleston, taking her out and turning her over to the Federal blockading squadron off Charleston; and again, on the 1st day of December, 1863, while loaded with provisions for the Federal troops on Morris Island, and while a terrific fire was opened on her from Secessionville (she being deserted by her captain, Nicholson, Smalls being on board as a pilot), took charge of the steamer *Planter* and brought her through safe, for which act he was made captain by Gen. Q. A. Gillmore.

The bill proposes to pay to Robert Smalls, or his heirs at law, $5,000, deducting only the amount paid to Smalls under the act of May 13, 1862.

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

The preamble was agreed to.

HEIRS OF LEON FRANK AND OTHERS.

Mr. MASON, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 976) to relieve the heirs of Leon Frank, deceased, and to give the Court of Claims jurisdiction, and to remove the bar of statute of limitations;

A bill (S. 1025) for the relief of Alice Utz, heir and legatee of Joshua Wiley, and to give the Court of Claims jurisdiction, and to remove the bar of statute of limitations;

A bill (S. 1138) for the relief of Gertrude A. Leftwich, widow of John W. Leftwich;

A bill (S. 1531) for the relief of the estate of Charles Armelin, deceased;

A bill (S. 1583) for the relief of the heirs of A. Lawrence Foster;

A bill (S. 2239) for the relief of Mary J. Barrow;

A bill (S. 2240) for the relief of Mary E. Barrow;

A bill (S. 2718) for the relief of the estate of John G. Archer;

A bill (S. 3883) for the relief of the heirs of C. C. Moore, deceased;

A bill (S. 3884) for the relief of the heirs and legal representatives of Edwin E. Saunders, deceased;

A bill (S. 4278) for the relief of Antonia Q. Lovell and others;

A bill (S. 4317) for the relief of W. S. Atwood;

A bill (S. 4627) for the relief of Davidson County, in the State of Tennessee;

A bill (S. 4795) for the relief of F. A. Jones, administrator of R. S. Jones, deceased; and

A bill (S. 4835) for the relief of George Seymour and others,

Reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims represented by the following bills, to wit: S. 976, 1025, 1138, 1531, 1583, 2239, 2240, 2718, 3883, 3884, 4278, 4317, 4627, 4795, and 4835, for the relief of the heirs of Leon Frank; for the relief of Alice Utz, legatee of Joshua Wiley; for the relief of Gertrude A. Leftwich, widow of John W. Leftwich; for the relief of the estate of Charles Armelin; for the relief of the heirs of A. Lawrence Foster; for the relief of Mary J. Barrow; for the relief of Mary E. Barrow; for the relief of the estate of John G. Archer; for the relief of the heirs of C. C. Moore; for the relief of the heirs and legal representatives of Edwin E. Saunders; for the relief of Antonia Q. Lovell and others; for the relief of W. S. Atwood; for the relief of Davidson County, in the State of Tennessee; for the relief of F. A. Jones, administrator of R. S. Jones, deceased, and for the relief of George Seymour and others, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said Court of Claims shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

MISSISSIPPI RIVER BRIDGE AT ST. PAUL, MINN.

Mr. VEST. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 9679) to authorize the construction of a railroad bridge across the Mississippi River at St. Paul, Minn., to report it back favorably and to ask that the Senate bill on the Calendar (S. 4817) to authorize the construction of a railroad bridge across the Mississippi River at St. Paul, Minn., be indefinitely postponed. The Senators from Minnesota are very anxious to have this bill considered, and it is a matter of great business importance. I ask that it be disposed of now.

The PRESIDENT pro tempore. The bill will be read to the Senate in full for information.

Mr. ALLISON. I ask that the bill may be laid aside for the present. I shall object to its present consideration.

The PRESIDENT pro tempore. Objection is made. The Senator from Missouri asks that the House bill be placed on the Calendar to take the place of Senate bill 4817 and that the Senate bill be indefinitely postponed. Without objection, it is so ordered.

CAPITAL TRACTION AND ANACOSTIA RAILROADS.

Mr. CULLOM. I ask leave to call up a motion for the purpose of withdrawing it. A few days ago I entered a motion to reconsider the vote by which the Senate passed the bill (H. R. 2826) authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company of the District of Columbia. I did that at the request of some eminent citizens; but I understand the truth to be that a majority of the people on F street desire the railroad track to be built, and as time has been given as long as those who opposed the bill desired to have the motion pending, I ask leave now to withdraw the motion.

The PRESIDENT pro tempore. The Senator from Illinois withdraws the motion he entered to reconsider the vote by which the bill he has named was passed.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4908) for the relief of the legal representatives of Neafie & Levy; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4909) authorizing and directing the Secretary of the Treasury to adjust and pay certain claims of the State of Pennsylvania; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4910) granting an increase of pension to Samuel Stout; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR (by request) introduced a bill (S. 4911) for the relief of the heirs of Tilghman Weaver, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4912) for the relief of Mrs. Louisa M. Bennett, Miss Kate P. Bennett, Mrs. Mary Louisa Ogden, and Calvin S. Bennett;

A bill (S. 4913) for the relief of Peter B. Compton; and

A bill (S. 4914) for the relief of Evelyn Clark.

Mr. JONES of Arkansas introduced a bill (S. 4915) to provide for the determination of the relations of the Chickasaw freedmen to the Chickasaw Nation and the rights of such freedmen in the lands of the Choctaw and Chickasaw nations, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BEVERIDGE introduced a joint resolution (S. R. 128) authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900; which was read twice by its title.

Mr. HAWLEY. I am under the impression that action has been taken in this matter, and that the lady in question is on her way across the Atlantic.

The PRESIDENT pro tempore. It has.

Mr. HAWLEY. Is that true?

The PRESIDENT pro tempore. It is the law now.

Mr. HAWLEY. This bill may be indefinitely postponed, then.

Mr. BEVERIDGE. There are two societies of the Daughters of the Revolution, and one has been provided with a representative at Paris on the occasion of the unveiling of the Lafayette statue. This joint resolution provides for a representative of the other society.

The PRESIDENT pro tempore. The joint resolution will be referred to the Select Committee on Industrial Expositions.

Mr. HAWLEY introduced a joint resolution (S. R. 129) authorizing the President to appoint George W. Kirkman to be a captain in the Twenty-third Regiment of the United States Infantry and a major in the Forty-ninth Regiment of Infantry, United States Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 4778) to amend the Navy personnel bill, approved March 3, 1899, as to certain officers in the Navy, and for other purposes; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TURLEY submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment directing the issue of a duplicate of a lost check, drawn by William H. Comegys, major and paymaster, United States Army, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

NATIONAL GALLERIES OF ART.

Mr. GALLINGER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer shall print and bind 5,000 copies of Senate Document 209, Fifty-sixth Congress, first session, one-half in cloth and one-half in paper covers, the same to be delivered to the Superintendent of Public Documents for sale, under the provisions of section 61, of an act approved January 12, 1895, providing for the public printing, binding, and distribution of public documents. The Public Printer is also authorized to print and bind extra editions of not less than 1,000 copies at a time of said document on requisition of the Superintendent of Documents, when required for sale.

Mr. HOAR. I move also that a number of the volumes mentioned in the resolution just passed be printed for the use of the Senate, not to exceed in cost $500. I understand they cost about 40 cents apiece; so that will furnish about 1,500 for the use of the Senate.

The PRESIDENT pro tempore. The Senator from Massachusetts will please restate his motion.

Mr. HOAR. The copies of the document referred to in the resolution submitted by the Senator from New Hampshire [Mr. GALLINGER], which has been agreed to, are ready, I understand, to be stricken off, but they will not be printed probably until some time late in the vacation. I make a separate motion that a number

not to exceed $500 in cost shall be printed for the use of the Senate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

EULOGIES ON THE LATE SENATOR-ELECT HAYWARD.

Mr. THURSTON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the eulogies upon the late Monroe L. Hayward, Senator-elect from the State of Nebraska, of which 2,000 copies shall be for the use of the Senate and 4,000 copies shall be for the use of the House of Representatives.

ENOS H. KIRK.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the morning business is closed.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (H. R. 4118) granting an increase of pension to Enos H. Kirk.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Enos H. Kirk, late first lieutenant of Company E, Eightieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SUNDRY CIVIL APPPOPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 11212, being the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11212) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

Mr. DANIEL. I wish to ask the Senator if he will allow me to call up a bill, which I think the public interest requires should be passed, and it will be a saving of money to this Government. The bill provides——

Mr. ALLISON. I trust the Senator will not press that request.

Mr. DANIEL. I hope the Senator will allow me to state the case.

Mr. ALLISON. I will state that it is important that the sundry civil bill shall be completed to-day. I think it will not take a great while.

Mr. DANIEL. I hope the Senator will allow me to state the case before he decides. I have not yet stated what the bill is. It is a bill to provide the means to the Secretary of the Treasury to pay the Hawaiian debt, according to the terms of the treaty, or the terms of annexation of those islands. It has been called up several times in the Senate, and objection has been made to its consideration by Senators, but it has been explained to those Senators, and they have withdrawn their objection. On the 15th of June the obligation of the United States to pay interest on the Hawaiian bonds matures, and the interest thereafter must be provided for by us. The matter ought to be provided for before that time.

Mr. ALLISON. I call the attention of the Senate and of the Senator to the situation of the public business. I take it for granted that it is the general wish of the Senate that we shall adjourn at an early day. If so, it is important that the appropriation bills shall be disposed of in the Senate in order that they may be returned to the House for consideration there. The sundry civil appropriation bill, the general deficiency appropriation bill, which will not take a great while, and the Military Academy bill are the only three appropriation bills remaining undisposed of by the Senate. After they shall have been completed, there will be several days of opportunity for bills of this character.

Mr. DANIEL. The bill to which I refer will also have to be considered by the House.

Mr. ALLISON. It can easily be considered by the House. So I trust the Senator will not press that matter this morning. I agree that the bill referred to by him may be an important one.

The PRESIDENT pro tempore. When the sundry civil bill was last under consideration, the Senator from New Hampshire [Mr. GALLINGER] entered a motion to reconsider the vote by which the Senate inserted the provision for the Louisiana Purchase Exposition.

Mr. GALLINGER. Mr. President, I desire to be heard briefly on that motion.

Immediately before the adjournment of the Senate on Tuesday last I entered a motion to reconsider the vote whereby a provision was incorporated in the sundry civil bill appropriating $5,000,000 for the Louisiana Purchase Exposition. I did so after the chairman of the Committee on Appropriations had made a point of order against a proposed amendment submitted by myself appropriating $75,000 for the payment of the expenses of a commission to study the commercial and industrial conditions of China, Japan, and other Asiatic countries—a measure which passed the Senate some time ago—coming from the Committee on Commerce after mature consideration, and which had had some consideration in the other House, a favorable report having there been made on the bill.

This morning I desire very briefly (because I am very anxious that this bill shall pass) to call attention to the delightful piece of fiction that we have in our Manual, known as Rule XVI of this body. Had not the suggestion been made to me that the present able and courteous and always fair Presiding Officer of the Senate (the President pro tempore in the chair) had written that rule, I should have been tempted to believe that it was the product of some humorist like Eli Perkins or some idealist such as Jules Verne. It is a rule that is subject to all kinds of interpretations that lets matter into or excludes matter from appropriation bills, according to the humor or the caprice of this body. It is a rule that I believe is not understood by any member of this body, and probably never will be understood, and for this reason it ought in the near future to be revised, so as to make it subject to some kind of uniform interpretation.

In connection with the point of order made by the Senator from Iowa [Mr. ALLISON], I will not go back to the old appropriation bills of this body to show, notwithstanding the fact that that rule says general legislation shall not be incorporated in appropriation bills, that we do a very considerable part of the legislation of Congress on appropriation bills. It is sufficient for my purpose to turn over the pages of the present appropriation bill and show that a great deal of general legislation is found in this measure.

On page 18 there is a provision for "Relief light vessel for the Twelfth and Thirteenth light-house districts;" on page 19, the "Desdemona Sands, mouth of Columbia River, Oregon," are taken care of to the amount of $24,000. On the same page the "Slip Point light-house and fog signal, Washington," managed to get an appropriation of $12,500, under a provision that is general legislation and nothing else.

On page 20 I find "Joint light-house and fog-signal stations in Alaskan waters" are given $150,000—a provision that is general legislation and nothing else. On page 53, "For establishing a fish-hatching and fish-culture station" at "some suitable point in Idaho," $100,000 is appropriated; and I am glad they are going to have one there because we have one in New Hampshire; but it is general legislation on an appropriation bill. On page 65 we take care of the "Office of recorder of deeds, District of Columbia," increasing the salary of the recorder. On page 66 we establish and maintain a quarantine service in the Territory of Hawaii, and appropriate $100,000 for it. On page 67 there is quite a good deal of legislation regarding the Territory of Hawaii. On the same page we make a provision for the settlement of certain State claims—a very comprehensive provision, which is general legislation. On page 115 a provision is incorporated in reference to Arlington Cemetery—a wise provision, but it is general legislation beyond question.

On page 105 we have general legislation regarding the South Pass, Mississippi River, and we have a small sized river and harbor bill on this bill, which must be general legislation, if it is anything. We provide, on page 117, for pay of one superintendent and, I think, some other officers at Antietam. On page 120 we provide for the publication of additional editions of the Records of the Rebellion, and also for an investigation of claims against the United States for private property taken. On page 149 we provide for the payment of the salaries of a clerk and reporter of the United States district court for the Territory of Hawaii. On page 134 we have a provision regarding the Fort Sherman Military Reservation, in Kootenai County, Idaho, restoring it to the Interior Department.

These are only a few of the provisions of this bill by which general legislation is incorporated in an appropriation bill. If I had been here for the purpose of enforcing this very imperfectly understood Rule XVI, I should have been kept busy raising points of order, most of which I think would have been sustained by the Chair, because those provisions are beyond question obnoxious to that rule. But I have not felt it my duty, Mr. President, to proceed on the assumption that it was my special province to enforce this rule. The Committee on Appropriations, in their wisdom, violated the rule every time they put one of those provisions in this bill, and we have deferred to the judgment and good sense of that great committee, believing that they saw some sufficient reason for reporting these amendments and others to which I might allude.

On Tuesday last the Senator from Missouri [Mr. COCKRELL] reported an amendment from the Committee on Appropriations providing for an appropriation of $5,000,000 for a celebration which is to take place in the future, subject, I believe, to a popular vote of Missouri, for which the large amount of $5,000,000 is

appropriated. I knew perfectly well that the amendment was obnoxious to the rule, but I did not feel at liberty to raise the point of order, believing that the Committee on Appropriations were very likely acting wisely in the matter.

I knew, when the Senator from North Carolina [Mr. BUTLER] a day or two ago moved to increase the appropriation of $100,000 to $250,000 for measuring the streams and investigating artesian wells in certain parts of the country, that the amendment was in violation of Rule XVI, and the chairman of the Committee on Appropriations likewise knew it was in violation of that rule, but neither he nor I made a point of order against it.

Now, Mr. President, after all this matter had been incorporated into this bill, and these large appropriations had been made, it occurred to me that the commercial bodies of this country and the business men who have been petitioning and urging Congress to pass a bill appropriating $75,000 to pay the expense of a commission of five persons to study the industrial and commercial conditions of oriental countries with a view to enlarging the trade of the United States might well be heard. Desiring to carry out their wishes in that direction, after the Senate had already allowed numerous amendments in violation of Rule XVI to be incorporated in the bill, I submitted an amendment providing for the expenses of such commission, when lo and behold, the Senator from Iowa, with unusual alertness, made a point of order. He made the point of order in these words:

I make any point of order that I can make upon this amendment.

It was evident that the Senator from Iowa did not understand the rule, but he thought there might be a point of order somewhere occultly secreted in that rule that the Presiding Officer could invoke for the purpose of preventing the consideration of my amendment. The Senator did say:

I understand this to be new legislation.

We all knew that, just as we knew that forty other provisions in this bill are new legislation. So the point of order was made, and my amendment was ruled out. I ventured to say:

I observe that an appropriation of $5,000,000 was made a moment ago without a point of order being raised against it.

The Senator from Iowa said:

I observed the same thing.

So the Senator from Iowa was not laboring under any delusion when he allowed the amendment appropriating $5,000,000 to go in the bill. He knew it was new legislation. It was not because he had not observed it; it was not because it got in by inadvertence, because the Senator from Iowa had "observed the same thing." I confess I am a little at a loss to understand why the provisions of this rule should have been invoked against my amendment, which proposed to appropriate $75,000 for an object which certainly is of as much consequence to this country as any exposition can possibly be, while (the Senator "observing" it) an amendment which appropriated $5,000,000, contrary to the rule, was allowed to go in without protest from him. I did think that I had not been treated fairly in regard to this matter; and I think so now. For that reason I entered a motion to reconsider the vote by which the provision for the appropriation of $5,000,000 for the proposed exposition in the city of St. Louis had been agreed to.

But, Mr. President, I am always good-natured and always want to do the fair thing in matters of legislation. I do not really think that, as this great committee allowed this amendment to be reported, and the Senator from Iowa, with his wonderful watchfulness, immediately afterwards allowed it to go in having "observed it"—I do not think I ought to insist upon this motion; and for the reasons that I have stated I desire now to withdraw the motion which I made to reconsider the vote by which that amendment was agreed to.

Mr. MORGAN. Mr. President, I desire to inquire if the motion of the Senator from New Hampshire is withdrawn, whether this amendment can now be objected to with a view of having it acted upon in the Senate?

Mr. GALLINGER. Undoubtedly.

The PRESIDENT pro tempore. Separate votes can be demanded in the Senate on any amendment made as in Committee of the Whole.

Mr. MORGAN. I give notice now that I shall ask for a separate vote on this amendment.

Mr. GALLINGER. Having withdrawn my motion to reconsider the vote whereby the appropriation of $5,000,000 was incorporated in the bill, which the Senator from Iowa "observed," I desire to offer an amendment to this bill, acting under instructions from the Committee on Commerce at its meeting this morning, to which I desire to call the attention of the Senator from Iowa, in the hope that he will not feel it incumbent upon him to make the point of order, if a point of order will lie against the amendment. I submit the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. After line 2, on page 152, it is proposed to insert the following:

For salaries and expenses of a commission of five persons, to be appointed by the President, by and with the advice and consent of the Senate, to study the commercial and industrial conditions of China, Japan, and other Asiatic countries, $75,000, or so much thereof as may be necessary, to be immediately available.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from New Hampshire.

Mr. ALLISON. Mr. President, the Senator from New Hampshire having taken occasion to lecture me personally as to my conduct in this Chamber, I take the liberty of saying a few words respecting the statements made by that Senator regarding this bill.

The Senator says that this bill is full of legislative provisions, and in order to demonstrate that fact he cites a good many paragraphs in the bill which, with the exception of one or two, or perhaps three, if he will take the trouble to study the Book of Estimates he will find that every one of them is estimated for.

As to the light-house amendments, which he characterizes as legislative provisions, every one of them, so far as I know, is in order and is for the purpose of carrying out this great Light-House Service of ours, which is as much a public service and as much within the rules of this body, as to the maintenance of the public service under existing law, as are the appropriations for the White House or for the Treasury Department or any other Department of this Government. They are provisions that have uniformly been put upon this bill where they have been estimated for and where we have had the reports of the Light-House Board as to their imperative necessity.

As to the provisions relative to Hawaii, they are all inserted in pursuance of existing law. They have never been estimated for; but whether estimated for or not, it is the duty of the Committee on Appropriations to take note of the fact that those laws require appropriations. All the appropriations for the quarantine service and as to various public offices in Hawaii are in pursuance of a statute passed by Congress.

It is true that there are one or two small clauses in the nature of amendments, where the decision of the Comptroller has interfered with the payment of compensation supposed to be authorized by law, and an amendment is required in order that these people might receive the compensation they have been in the habit of receiving hitherto.

As to the river and harbor amendments on this bill, I will say that the Committee on Appropriations have a respect for and, so far as possible, desire to observe the recommendations of other committees of this body, and especially of the Committee on Commerce. I will state to the Senator from New Hampshire that, as I understand these appropriations, they come within rules of this body. As respects the Mississippi River, there are in this bill a large number of appropriations to carry out existing contracts. As I understand Rule XVI, and as it has been interpreted to me by very high authority, those amendments are in order.

It is true that the amendments respecting the settlement of the claims of Virginia, South Carolina, Nevada, California, and Oregon, because of some of the provisions contained in them, were out of order. I endeavored to explain to the Senate that the situation and condition respecting the two States of Virginia and South Carolina were such that I believe there ought to be unanimous consent of the Senate to deal with those subjects at this session.

So, Mr. President, whatever may be the shortcomings—and there are many—of the Committee on Appropriations, it has been their purpose and endeavor, so far as possible, to comply with the rules of the Senate respecting legislation upon appropriation bills.

In relation to the amendment of the Senator from New Hampshire, he did not state that he moved the amendment in pursuance of the request of any committee, and I did not happen to know that the amendment was in substance a bill which had been considered in this body and agreed to, because any bill that is considered in this body, for which an appropriation is required, should have proper consideration.

I knew and know now that there are amendments lying in various ways in our pathway that will swell this bill beyond what I think is wise and desirable at this session.

As to the amendment of the Senator from Missouri [Mr. COCKRELL] relating to the exposition to be held in 1903 at St. Louis——

Mr. GALLINGER. If the Senator will permit me, if he will turn to page 6751 of the RECORD he will notice that I said:

And that was unquestionably new legislation. This is a matter which has passed the Senate, has been reported favorably in the other branch of Congress, and ought to have some standing before the Senate.

Mr. ALLISON. I did not hear those words. If the Senator made that statement, I did not hear it, and I have not had time to read the RECORD this morning to note that fact. I thank him for the correction.

Mr. DANIEL. Will the Senator allow me?

Mr. ALLISON. Certainly.

Mr. DANIEL. Do I understand the Senator to say that if a bill has passed this body and is recommended by a committee he considers that it is relevant to this bill as an amendment?

Mr. ALLISON. I did not say that. I said it was entitled to full consideration, and if an appropriation was needed it would be a matter to be considered.

Mr. DANIEL. Does the Senator mean to say that he would not consider it amenable to a point of order?

Mr. ALLISON. I did not say that.

Mr. HALE. It is general legislation.

Mr. ALLISON. Of course that does not make general legislation in order. I was endeavoring to reply to the somewhat drastic and, I think, unnecessary criticism of the Senator from New Hampshire as respects the conduct of myself in particular and the Committee on Appropriations, and that is why I make these suggestions.

Every Senator on this floor has a right to make points of order if he chooses. The Senator from New Hampshire was sitting in his seat when this amendment was proposed by the Senator from Missouri, and he made no objection. If it was subject to the point of order, he had a right to make it as well as any other Senator upon the floor. But if the amendment proposed by the Senator from Missouri is examined carefully it will be discovered, I think, that there is an appropriation of $10,000 in it and not an appropriation of $5,000,000. It is true there is a proposal which may amount to a promise on the part of Congress that at some future day an appropriation shall be made. The Committee on Appropriations considered the amendment and a large majority of the committee favored it, and therefore, under the circumstances, being a member of the committee, I did not consider that it was my duty to raise the point of order upon it. The Senator may have thought it was.

Mr. President, respecting the amendment now proposed by the Senator from New Hampshire, I ask that it may lie over for the present and I will look at it, and later in the day I may consider that it is a proper amendment. The matter having been considered by the Committee on Commerce and having passed the Senate, I do not personally feel called upon to criticise it especially at this time.

Mr. GALLINGER rose.

Mr. PLATT of Connecticut. Before the matter goes over, I should like to say one word upon it.

Mr. GALLINGER. Certainly.

Mr. PLATT of Connecticut. I do not want to interfere with the Senator from New Hampshire, however.

Mr. GALLINGER. I yield.

Mr. PLATT of Connecticut. Mr. President, I think we ought to be pretty cautious about the matter of the appointment of commissions for every purpose in the world. I have heretofore on various occasions expressed my opinion about commissions. Commissions are necessary perhaps in some instances, but they have come to be pressed upon Congress very much as these expositions have. Promoters of expositions throughout the country, when one has been closed, immediately study where another can be started. It has become a regular business. It is worked up by the promoters until some new exposition is decided upon by them, and then all the local interest and all the local feeling which may cluster around an exposition to be held in a particular place are worked up by the promoters, and then comes an application to Congress for large or small appropriations of money, as the case may be. If they are small in the first instance, they are enlarged afterwards; and when that exposition is over with, another site is selected by the promoters, and the same process of working up public sentiment and an appeal to Congress and Senators not to object to it is gone through with.

It is so with a good many of these commissions. Senators have been pursued since this Congress assembled by people who desire positions on this commission to China, not only to favor the creation of such a commission, but to recommend them to be placed on the commission. I for one have become very tired of such solicitation. I do not know how much the Committee on Commerce may have considered the matter; I do not know to what extent they may think it desirable; but for myself, I think we could get along one year more without a commission to investigate the condition of trade with China. I think our people know a good deal about those conditions without any investigation. I know how easy it is to go to manufacturers and to manufacturers' associations and to get indorsements for anything of this sort.

Mr. President, this appropriation bill has already reached very large, proportions, and, as the chairman of the committee has said, if the amendments which are lying back and are to be presented are to be agreed to, because somebody has been importuned in the matter or because there may possibly be some slight advantage to trade or commerce to be derived from the adoption of such amendments, this bill will be swollen to a very much larger extent. I want an opportunity when the bill comes into the Senate—and I am very glad the Senator from Alabama gave the notice he did—to record my vote against this proposition to expend under any circumstances $5,000,000 for an exposition in this country. I think we ought to proceed with some idea of economy. I know that is rather an old-fashioned notion, but I am an old-fashioned man; and for one I do not feel like giving my support to this commission nor to the proposition in favor of the Louisiana Purchase Exposition.

Mr. GALLINGER. Mr. President, the Senator from Connecticut talks about promoters. I desire to call his attention to the fact that the original promoter of this proposition is the present President of the United States. In his last two messages to Congress he has urged the creation of a commission such as is contemplated in the bill that has passed the Senate and in the amendment which I have just submitted. I presume there are gentlemen willing and very likely anxious to serve on this commission. There are men in New Hampshire willing to serve in the Senate of the United States or in the House of Representatives or in almost any other capacity that they can secure, and I think they are just as much entitled to have an ambition in that direction as the Senator from Connecticut or the Senators from New Hampshire have to a seat in this body. I do not think a valid objection will lie against a man because he desires to serve his country on an industrial commission any more than in any other capacity.

Mr. President, I did not mean to be discourteous or to transgress proper parliamentary procedure in the strictures I made upon the Committee on Appropriations or the distinguished chairman of that committee, the Senator from Iowa. I did call attention to a considerable number of amendments in this bill which I thought were general legislation, and I have no doubt that the Senator from Iowa is correct in saying that some of them have been estimated for. I glanced over this bill, and I can see at least six amendments which I did not name which were not estimated for and which are undoubtedly general legislation. I will not take the time to call attention to them. I will simply content myself by saying that I trust the Senator from Iowa will see the propriety of allowing this amendment to go into the bill, and I venture further to suggest that if he should make the point of order against it, I trust the presiding officer of the Senate will very carefully examine Rule XVI, with a view of fully satisfying himself that it is obnoxious to that rule.

The PRESIDENT pro tempore. The Chair desires to call the attention of Senators to this point: Senators occasionally say that an amendment offered changes existing law. It is not the Senate rule that an amendment shall not change existing law. That is the House rule, and in the House any amendment which changes existing law is out of order. That is not true under the Senate rules. The Senate rule is that "no amendment which proposes general legislation shall be received to any general appropriation bill." That no general legislation can not be cured by an act or resolution of the Senate passed at the same session, nor can it be cured by the action of a committee reporting favorably an amendment and sending it to the Appropriations Committee. It is absolute in its terms—"no amendment which proposes general legislation shall be received to any general appropriation bill."

One of the most difficult things in the world for a presiding officer is to determine what is and what is not general legislation. The Chair can simply say to the Senate that he certainly will be impartial in his rulings. He can not say to the Senate that he will not be mistaken.

Mr. PETTIGREW. Mr. President, it seems to me we have created commissions enough. We have commissions on every subject, commissions for almost every purpose, until we have multiplied offices almost indefinitely. I believe that this Congress will show a doubling up almost of the number of new offices created over that of any other session of Congress that has ever met, with extravagant appropriations in every branch of the public service. This commission, above all others, is not necessary, provided we will do that which every other nation does in this connection—that is, appoint the consuls of the United States from the ranks of people capable of gathering the information we desire.

Mr. GALLINGER. Will the Senator from South Dakota permit me?

Mr. PETTIGREW. I yield to a question.

Mr. GALLINGER. Yes; just to a question. Can the Senator point to a single commission created by Congress at the present session? And is the Senator not aware of the fact that England has sent two commissions to China, France one, and Germany one for the very purpose contemplated in this amendment?

Mr. PETTIGREW. This very bill continues or re-creates the Industrial Commission, which I think answers that question pretty thoroughly. And as for commissions appointed by the President, they are almost endless in number and cover a very large scope. Vast sums of money have been expended in connection with these commissions, in my opinion with little good to the public service. The Industrial Commission, according to the evidence and according to what we have heard in the last few days, has degenerated into a political machine, of no value whatever, absolutely

destroyed for any purpose except it may be to advance the interests of some political party.

As I said before, if we want this information and will appoint men capable of gathering it as consuls to the ports of Asia, instead of appointing politicians to go there to serve four years and return home, giving their places to another set of politicians, it will be unnecessary to appoint a commission to visit Asia.

It seems to me we ought to call a halt; that this commission is unnecessary, and that the only purpose which can be promoted by the adoption of the amendment is to furnish places for five more people. I do not believe any other purpose can be accomplished. If we appoint consuls to those ports in China and Japan and all over Asia and keep them there continuously and have them continually gathering this information—that is what a consul is for; he is simply a trade agent—it will be unnecessary to appoint a commission. A junketing trip for five men can do no good for the commerce of this country. Five men who go over there as a commission, spending three or four months in the country or perhaps a year, can learn nothing of its trade relations, can gain no facts that are of value to the trade of this country; but our consuls can be of vast advantage; they can be of great benefit; and if we will fill those places with men capable of securing information we will have accomplished a great purpose. This amendment will accomplish nothing except to afford a fine trip for five men and furnish so much patronage for Senators or for the Administration. It will accomplish no other result.

Mr. GALLINGER. As this matter has gone over, I do not care to discuss it further than to say——

Mr. ALLISON. As it has been discussed now for some time, I suggest that we consider it now.

Mr. GALLINGER. I will speak to the bill.

Mr. ALLISON. I will not make the point of order. Let the matter proceed.

Mr. GALLINGER. I simply desire to make a remark, and that is, that according to my observation the consular service of the United States compares favorably with that of any other country in the world. In fact, complaint has been made in Great Britain and in Germany against their consular service; that their consuls are not so intelligent or progressive as the consuls of the United States, and that the reports made by our consuls are infinitely superior to those made by the consuls of the other great countries of the world. So I do not think the criticism which the Senator from South Dakota has made upon our consular service is well grounded.

Of course the Senator has a right to oppose the creation of this commission, but it is the only commission which at the present session of Congress it has been suggested shall be created. I do not think the fact that the President has appointed some commissions on his own responsibility militates against this proposed commission.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8366) to amend section 953 of the Revised Statutes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901, recedes from its disagreement to the amendment of the Senate No. 15, upon which the committee of conference were unable to agree, and agrees to the same.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes, recedes from its disagreement to the amendments of the Senate Nos. 9 and 58, and agrees to the same with amendments; in which it requested the concurrence of the Senate; further disagrees to the amendments Nos. 50, 51, 52, and 53, upon which the committee of conference were unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. CUMMINGS managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 255) to ratifiy an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas managers of the conference on the part of the House.

The message further announced that the House had passed with amendments the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1965) granting an increase of pension to John Lonergan;

A bill (H. R. 2392) granting a pension to Daniel Davis;

A bill (H. R. 2752) granting an increase of pension to Edmund P. Tierney;

A bill (H. R. 6424) granting a pension to Charles S. Devine;

A bill (H. R. 9308) granting an increase of pension to Joseph M. Shaw;

A bill (H. R. 9835) to establish a code of law for the District of Columbia;

A bill (H. R. 10261) granting a pension to Josiah H. Buckingham;

A bill (H. R. 10616) granting an increase of pension to Jonathan Mead; and

A bill (H. R. 10743) granting a pension to Augusta Ullman.

The message further announced that the House had passed the following bills:

A bill (S. 28) to remove the charge of desertion from the military record of James H. Waters;

A bill (S. 61) granting a pension to George Bunce;

A bill (S. 78) granting a pension to Samuel W. Childs;

A bill (S. 103) granting an increase of pension to Charles Critzer;

A bill (S. 163) granting an increase of pension to Dwight D. Wilber;

A bill (S. 169) granting a pension to George E. Tuttle;

A bill (S. 258) granting an increase of pension to Coryden Bevans;

A bill (S. 306) granting an increase of pension to Warren L. Eaton;

A bill (S. 314) granting a pension to Rosa L. Couch;

A bill (S. 410) granting an increase of pension to Harriet V. Gridley;

A bill (S. 539) granting an increase of pension to Fielding L. Rutherford;

A bill (S. 716) granting a pension to Susan Buck;

A bill (S. 756) granting a pension to Lydia F. Wiley;

A bill (S. 825) granting an increase of pension to Joseph B. Coons;

A bill (S. 847) granting an increase of pension to James B. Logan;

A bill (S. 1207) granting an increase of pension to Levi Chandler;

A bill (S. 1274) granting an increase of pension to Augustus C. Pyle;

A bill (S. 1364) granting an increase of pension to Henry H. Blockson;

A bill (S. 1441) granting an increase of pension to James G. Hartzell;

A bill (S. 1460) granting a pension to Charles A. Hutchings;

A bill (S. 1533) granting a pension to David Carroll;

A bill (S. 1548) granting an increase of pension to James Byrne;

A bill (S. 1551) granting a pension to John G. B. Masters;

A bill (S. 1552) granting an increase of pension to Helen L. Dent;

A bill (S. 1553) granting an increase of pension to Samantha Barnes;

A bill (S. 1569) granting a pension to Phebe E. C. Priestly;

A bill (S. 1608) granting a pension to Eleanor R. Sullivan;

A bill (S. 1734) granting a pension to Mary S. Belding;

A bill (S. 1758) granting an increase of pension to Farnham J. Eastman;

A bill (S. 1776) granting a pension to John Carr;

A bill (S. 1822) granting an increase of pension to Isaac M. Shup;

A bill (S. 1831) granting an increase of pension to Henry H. Lewis;

A bill (S. 1901) granting a pension to Elvira Hunter;

A bill (S. 1907) granting an increase of pension to Rebecca Paulding Meade;

A bill (S. 1919) granting an increase of pension Consolacion Victoria Kirkland;

A bill (S. 2008) granting a pension to Flavel H. Van Eaton;

A bill (S. 2020) granting a pension to Sarah E. Fortier;

A bill (S. 2101) granting an increase of pension to George E. Scott;

A bill (S. 2142) for the relief of Anna Whitney Tarbell;

A bill (S. 2203) granting an increase of pension to William Taylor;

A bill (S. 2215) granting an increase of pension to Robert J. Koonce;

A bill (S. 2276) granting an increase of pension to George W. Ragland;

A bill (S. 2280) granting a pension to Horatio N. Cornell;

A bill (S. 2286) granting an increase of pension to John W. Craig;

A bill (S. 2296) granting an increase of pension to John J. Sears;

A bill (S. 2451) granting a pension to Jennie P. Stover;
A bill (S. 2483) granting an increase of pension to Lewis C. Beard;
A bill (S. 2539) granting an increase of pension to Milton H. Daniels;
A bill (S. 2550) granting an increase of pension to Charles W. Hobart;
A bill (S. 2651) granting a pension to Henry Hill;
A bill (S. 2795) granting an increase of pension to Christina Noll;
A bill (S. 2900) granting a pension to Hannah G. Huff;
A bill (S. 2961) granting an increase of pension to Michael Lochard;
A bill (S. 2962) granting an increase of pension to William Blades;
A bill (S. 2977) granting an increase of pension to Jacob P. Fletcher;
A bill (S. 2993) granting an increase of pension to Edward Madden;
A bill (S. 3047) granting an increase of pension to William Mullevy;
A bill (S. 3058) granting an increase of pension to Harriet E. Meylert;
A bill (S. 3082) granting a pension to Elizabeth F. Wolfley;
A bill (S. 3154) granting an increase of pension to Kate Cadwell;
A bill (S. 3183) granting a pension to George W. Newell;
A bill (S. 3234) granting an increase of pension to Mary Yowell;
A bill (S. 3268) granting an increase of pension to Elisha F. Barton;
A bill (S. 3277) granting an increase of pension to Solon Cooper;
A bill (S. 3289) granting a pension to Isabella Underwood;
A bill (S. 3293) granting an increase of pension to Helen Harlow;
A bill (S. 3294) granting a pension to Louesa Moulton;
A bill (S. 3300) granting an increase of pension to Luke H. Monson;
A bill (S. 3314) granting a pension to Mary I. Bradbury;
A bill (S. 3329) granting an increase of pension to Kate B. Warren;
A bill (S. 3337) granting an increase of pension to Buren R. Sherman;
A bill (S. 3418) granting an increase of pension to Eliza Adelaide Ball;
A bill (S. 3467) granting a pension to Hellen Lang;
A bill (S. 3527) granting a pension to Edwin M. Farnham;
A bill (S. 3549) granting an increase of pension to William A. Keyes;
A bill (S. 3634) granting a pension to Mary P. Hunter;
A bill (S. 3708) granting a pension to John H. Harrison;
A bill (S. 3788) granting an increase of pension to James Williams;
A bill (S. 3899) granting a pension to James Cook;
A bill (S. 3900) granting a pension to Sarah Clark;
A bill (S. 4006) granting an increase of pension to Edward M. Tucker;
A bill (S. 4007) granting an increase of pension to Bernard Dunn;
A bill (S. 4040) granting an increase of pension to Mary C. Gage;
A bill (S. 4077) granting a pension to Frances Horton Force;
A bill (S. 4087) granting an increase of pension to Ellen M. Mansur;
A bill (S. 4215) granting a pension to Belle Bean;
A bill (S. 4421) granting an increase of pension to Albert Brown; and
A bill (S. 4716) granting an increase of pension to Robert G. Dyhrenfurth.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 3055) to ratify an agreement between the Commission to the Five Civilized Tribes and the Seminole tribe of Indians;
A bill (S. 3490) in relation to admissions to and dismissions from the Reform School of the District of Columbia;
A bill (H. R. 4367) granting an increase of pension to Mary La Tourrette Stotsenburg;
A bill (H. R. 6243) to amend the charter of the Capital Traction Company of the District of Columbia;
A bill (H. R. 6250) for the relief of the Colorado Cooperative Company, to permit second homesteads in certain cases, and for other purposes;
A bill (H. R. 7663) to establish a board of charities for the District of Columbia;
A bill (H. R. 7812) granting a pension to Lyda Strang;
A bill (H. R. 8498) to amend an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898;
A bill (H. R. 9083) to authorize the Commissioner of General Land Office to dispose of the Choctaw orphan Indian lands in Mississippi, and to make appropriation for executing act of Congress approved June 28, 1898;
A bill (H. R. 9884) authorizing the construction of a bridge across the Red River of the North;
A bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901;
A bill (H. R. 10812) authorizing the Secretary of the Interior to set aside certain described lands in San Juan County, Colo., as a legal subdivision or lot, and authorizing the mayor of Silverton to enter said land for cemetery purposes;
A bill (H. R. 10997) to amend section 4414, Title LII, Revised Statutes of the United States;
A bill (H. R. 11281) permitting building a dam across New River;
A bill (H. R. 11816) requiring the disbursing clerk of the Census Office to file additional bond, and for other purposes;
A joint resolution (S. R. 121) for the appointment of first lieutenants of volunteers in the Signal Corps of the Army;
A joint resolution (S. R. 127) to fill a vacancy in the Board of Regents of the Smithsonian Institution; and
A joint resolution (S. R. 238) authorizing the printing of additional copies of the annual report upon the improvement and care of public buildings and grounds.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the naval appropriation bill, in order that conferees for a further conference may be appointed.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution of the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 29, 1900.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9 to the bill H. R. 10450, "An act making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes," and agrees to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "Ocean surveys: For special ocean surveys and the publication thereof, and for the purchase of nautical books, charts, and sailing directions, and freight and express charges on the same, $30,000."

Further insists on its disagreement to the Senate amendments numbered 50, 51, 52, and 53, recedes from its disagreement to amendment numbered 58, and agrees to the same with an amendment as follows: Strike out all after "*Provided*," in line 10 of the Senate amendment, and in lieu thereof insert: "That the Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for any or all vessels above referred to, provided such contracts can be made at a price which in his judgment is reasonable and equitable; but in case he is unable to make contracts for armor under the above conditions, he is hereby authorized, in his discretion, to procure a sight for and to erect thereon a factory for the manufacture of armor, and the sum of $4,000,000 is hereby appropriated toward the erection of said factory." And asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. FOSS, Mr. DAYTON, and Mr. CUMMINGS be the managers of the conference on the part of the House.

Mr. HALE. I move that the Senate disagree to the amendments of the House of Representatives to the amendments of the Senate numbered 9 and 58, and that the Senate further insist upon its amendments numbered 50, 51, 52, and 53, upon which the committee of conference were unable to agree, and agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon.

Mr. PETTIGREW. Mr. President, I desire to ask some questions before the motion is agreed to. I want to know what is now in disagreement that we are insisting upon?

Mr. HALE. The same subjects-matter that were in disagreement before the conference—the provisions in relation to ocean surveys, in relation to the course of the students at Annapolis, and armor plate.

Mr. PETTIGREW. As the Senate has agreed that we shall pay $445 a ton for all armor plate and $545 a ton for enough to equip the three ships now being built, and the House insists upon the building of a plant unless the Secretary can buy armor plate at a reasonable price——

Mr. HALE. Yes; that is it exactly.

Mr. PETTIGREW. Does the Senator think the Senate should continue to insist upon its position?

Mr. HALE. I do not think the Senate is ready to recede and give the matter up. I do not think the Senate to-day, at any rate, will agree that the whole matter shall be left in the discretion of the Secretary, and the whole matter of armor plant discretionary with the Secretary. The proposition of the Senate was to fix a price, which is named, and that if the Secretary can not get a contract at that price, then he shall go on and build an armor-plate factory. The House provision leaves it all entirely discretionary with the Secretary.

Mr. PETTIGREW. It seems to me when we fix the price so excessively and enormously high that there is a profit of seven millions in it, it is hardly to be expected that the armor-plate

manufacturers will decline to accept that gratuity or that donation.

Mr. HALE. Will the Senator vote for the House proposition, to leave the whole thing discretionary with the Secretary?

Mr. PETTIGREW. I think I would. I do not think he can possibly do worse than we have done.

Mr. TELLER. Will the Senator from South Dakota allow me to suggest to him that it is possible, if we agree to the House provision, there will be a profit of more than seven millions?

Mr. TILLMAN. If the Senator will permit me, it leaves the whole thing in the discretion of the Secretary, and he can pay seven hundred or a thousand dollars a ton under the proposed amendment of the House. After we have discussed the subject here ad nauseam for five years, and the Senate has repeatedly fixed the price at $300, and then the other day, by a narrow margin of 2 votes, an agreement was made that the price should be $445, and in the event that we could not get it at that price then we would build an armor plant, the House turns around and says, "Let us throw all that away; the Secretary knows more about it than the Senate or anybody else; we will let him fix the price according to his discretion and give him carte blanche to pay what he pleases."

Mr. PETTIGREW. It seems to me we have done about as bad as we can.

Mr. TILLMAN. Four hundred and forty-five dollars is not so bad as $545 or $645 or $1,000, and that is what this proposition means.

Mr. PETTIGREW. So far as that is concerned, it is $545 we are discussing. The armor plate, according to the testimony submitted from the Committee on Naval Affairs, will not cost more than $250, and they are selling it for that. Now, we put in this bill the price of $545. That is the item we are discussing, not $445, because the $445 item is for vessels to be built in the distant future, and that can be attended to at the next session of Congress. All we have done is to fix the price at $545, which is $300 more than it costs to make the armor plate, and for 9,000 tons that will be $2,700,000 profit.

Mr. TILLMAN. If the Senator will allow me to correct him, the House sent the bill over here with no provision in it at all for armor except for the three battle ships now on the stocks nearing completion. The House at that time did not agree to anything on this scheme of additional armor, but the Senate, as I said, by a narrow majority, inserted a provision authorizing $445, and in the event that they could not get it at that price then the Secretary was ordered to build an armor factory. The House now proposes that we shall strike that out and leave the Secretary footloose to do as he pleases and get the armor at the best price he can, and if not satisfactory, in his judgment, he can build an armor factory.

Mr. NELSON. May I ask the Senator from Maine a question?

Mr. HALE. Certainly. I should like to have a vote on my motion.

Mr. NELSON. I understand from the reading of this report that you have agreed to such an amendment.

Mr. TILLMAN. No.

Mr. NELSON. You have agreed to——

Mr. TILLMAN. Not about armor at all.

Mr. HALE. That is precisely the point in controversy to which the Senate conferees do not agree. The Senate maintains its position of $445 or an armor plant. If I were to talk an hour I could not make it any plainer.

Mr. NELSON. I thought you had agreed to that.

Mr. TILLMAN. No, sir.

Mr. HALE. I should be glad to have a vote on my proposition.

Mr. BUTLER. I should like to ask the Senator from Maine a question before the vote is taken. Did the House agree to the Senate amendment about the dry dock at Charleston?

Mr. HALE. That has already been settled—agreed to by both Houses. The Senator called it up the other day and we had a vote upon it, and the Senate settled it and the House accepted it. So that passes from consideration.

Mr. PENROSE. I should like to interrogate the chairman of the Committee on Naval Affairs. This matter is becoming perilous. It would be a frightful catastrophe if the Government should be again confronted, in this ambitious scheme to build up an American Navy, with an exhibition of utter inability upon the part of Congress to provide for the furnishing of armor plate. I had intended to offer an amendment to this report on the floor of the Senate, but I am informed that it would not be in order.

I should like, however, to ask the chairman of the committee whether he thinks there would be any chance of the acceptability of a suggestion that we should agree to the Vandiver amendment, which has been already indorsed by the Senate by a considerable majority, with a simple amendment striking out the word "including" and inserting the words "exclusive of;" so that the Government would pay the royalty to Krupp or to any other person hereafter, if any other process be invented or established which may be considered desirable, making, therefore, the limit of the price of armor plate $445, the Government paying the royalty, if any be due, or if any can be exacted?

Mr. HALE. Let me get at that. It is substantially a new proposition. Let me see what the Senator has in his mind. That the Senate proposition of $445 absolute, which has been passed, shall be modified so that in addition to that the Government shall deal with the question of royalty and pay it.

Mr. PENROSE. If any be due.

Mr. HALE. If any is due.

Mr. PENROSE. Yes.

Mr. HALE. I do not know. That, in a sense, is a new proposition. The conferees have not considered that proposition. At some future time I can not tell what may be done in conference. At present it is not, of course, as has been intimated to the Senator, in order, because the Senate conferees felt that they had made a square fight on their proposition of $445 or an armor plant, and that they could not agree to the House proposition, which was widely and diametrically opposed to it. It is no such suggestion as that made by the Senator from Pennsylvania, but a direct proposition leaving it entirely with the Secretary and leaving the discretion of building an armor plant with the Secretary. The Senate conferees felt that they could not agree to that, and therefore report an absolute disagreement.

What will be done in subsequent conferences I do not know; but I think the Senator had better put his amendment in some form so that it may be considered at some future time.

Mr. PENROSE. I hope the conferees will give careful consideration to my suggestion, because it is in line with the action which the Senate has already taken, and will doubtless satisfy the Senator from South Carolina and those Senators who claim that no royalty is properly due upon this improved process and none is necessary to be paid.

Mr. TILLMAN. Mr. President, if the Senator from Pennsylvania imagines that I am ever going, by my vote here, to consent to make a present of $7,000,000 to this armor trust, he is very much mistaken. The difference between what we have decided in the Senate over and over again to be a fair price for armor and the price demanded by the Carnegie people and the Bethlehem people involved in this contract for 32,000 tons, over and above what the Secretary of the Navy and the Naval Committee have declared to be the true cost of and a good profit on armor, is $7,000,000. Now, if the Senator thinks that I will ever consent to that, he is simply mistaken; that is all.

Mr. PENROSE. If the statement of the Senator from South Carolina were correct, I would not blame him for not agreeing to the proposition.

Mr. PETTIGREW. Mr. President, I do not know but that it is better for this matter to go back to conference, and I hope the conferees on the part of the Senate will consider this proposition that we build an armor plant and do it at once. Why should we be held up by these manufacturers? It is admitted that they are in collusion; that they are a trust; that they have combined for the purpose of dividing what? The work, not competing as to the price, but that whatever profit there is shall be shared between them. It is admitted that the profit on the first contract they got from the Government paid for their plant. So we have paid for the plants, and now the two companies whose plants we have paid for combine to plunder the Government, and we wrangle over that proposition.

It seems to me under the circumstances, in view of the fact that there is no competition, the day has come when we should build a plant and own it ourselves. We would save the cost of that plant almost every time we built a ship, even if we did not make a single armor plate, because with the threat that we would make it ourselves, if we did not want to make it ourselves there would be competition and a price fair and legitimate and honest could be made, and the Government after all saving the cost of its plant over and over again. We would not of necessity be compelled to make the armor plate. But there is no remedy if we do not build a plant. Therefore I hope the conferees will insist that the House shall make this concession to them, and that, without waiting for the discretion of the Secretary of the Navy, we shall build a plant, and built it at once.

Mr. HALE. I hope Senators will let this merely formal matter go through and get out of the way of the Senator from Iowa. When the conference which is now to be appointed reports it will then be a fair subject for discussion, but I hope Senators will not take any more time now, as it is only a formal matter. I ask that my motion be agreed to.

Mr. CHANDLER. Mr. President, I feel that I ought to say that I never shall be willing to vote to give an unlimited discretion to the Secretary of the Navy to put armor on the ships. It will be a $17,000,000 contract. I understand the difference of opinion is on the question whether we shall limit the price of armor or allow the Secretary to pay any sum he chooses to pay.

Now I say, Mr. President, if that is to be the end of all this fight about armor and our endeavor to secure a reasonable price for

armor out of two great combined concerns, and if we are to wind it up by giving authority to the Secretary of the Navy to pay $600 a ton if he sees fit to do so, it will be a most impotent and cowardly conclusion.

Mr. STEWART. I should like to make one remark before the subject passes from the consideration of the Senate. After all this controversy I think we ought to see the final liberation of the United States from this combine; and it being impossible to do otherwise, I would say, let the House have their way, and let the Secretary have his discretion until an armor plant can be built, and let us put in this bill a mandatory provision to commence work immediately. Then we will have the end of it at some time, but we never will live to see this controversy ended unless we build an armor plant.

That is not the House proposition, but I suggest to the conferees that they insist upon a provision for the building of an armor plant in the way I have suggested, and then we will see the end of it at some time.

Mr. TILLMAN. I will inform the Senator from Nevada that that is just what the combine will never agree to. They dread an armor factory worse than the devil does holy water, because they see in that a release from their monopoly.

Mr. CULLOM. Suppose they do not agree to it; let us go ahead anyhow.

Mr. TILLMAN. In the House there was only 15 majority on the last vote, with about 100 absentees; but if the House shall insist that we shall stand and deliver to these people and allow them to continue to rob the Government, we can have the bill fail, and that is the only way I can see by which we can get around it. I am ready to have the bill fail and have no appropriations for the Navy rather than submit to this monopoly.

Mr. PENROSE. I do not know whether the House amendment is the best possible provision. It may well be asked whether this business can be best transacted by one person instead of by 357 armor experts in the House and some 90 experts on this side of the Capitol, particularly when that one man is subject to the concentration of public attention and the publicity of the whole transaction, which would make any man distinguished enough to hold a Cabinet position do what was right for the Government and fair to the business interests contracting with him. I ask unanimous consent, however, to submit an amendment which I realize is out of order, but I will ask that it be printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. TILLMAN. How can the Senator ask unanimous consent to submit an amendment to a conference report?

Mr. PENROSE. I admit that it is not in order, but for the information of the Senate I ask unanimous consent that the amendment may be printed and lie on the table. I do not press it.

Mr. TILLMAN. If it is a mere matter of opinion of the Senator from Pennsylvania and expresses his views, I have no objection to its being printed.

Mr. PENROSE. I am aware that it is out of order.

Mr. CHANDLER. I ask that it be read. It is a statement by the Senator from Pennsylvania as to how he thinks this controversy might be adjusted.

Mr. TELLER. As a question of order the Senator has no right to offer an amendment, but he asks to have his suggestion printed, and that is another thing.

Mr. PENROSE. That is it.

Mr. TELLER. He can put it in in that way.

Mr. CHANDLER. That is all it is.

Mr. PENROSE. It is only a suggestion. This is an amendment to the Vandiver amendment, offered in the House and adopted by the Senate.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The Secretary read as follows:

On line 25, page 67, strike out the word "any" and insert the word "all."

On line 4, page 68, strike out the word "including" and insert the words "exclusive of."

On line 16, page 68, after the word "pounds" insert the words "exclusive of royalties."

On line 18, page 68, after the word "site" insert the words "in the District of Columbia."

The PRESIDENT pro tempore. The amendment will be printed and lie on the table. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

By unanimous consent the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. HALE, Mr. PERKINS, and Mr. TILLMAN were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1965) granting an increase of pension to John Lonergan;

A bill (H. R. 2392) granting a pension to Daniel Davis;

A bill (H. R. 2752) granting an increase of pension to Edmund P. Tierney;

A bill (H. R. 6424) granting a pension to Charles S. Devine;

A bill (H. R. 9308) granting an increase of pension to Joseph M. Shaw;

A bill (H. R. 10261) granting a pension to Josiah H. Buckingham;

A bill (H. R. 10616) granting an increase of pension to Jonathan Mead; and

A bill (H. R. 10743) granting a pension to Augusta Ullman.

The bill (H. R. 9835) to establish a code of law for the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I ask the Chair to lay before the Senate for the purpose of a motion, the amendments of the House of Representatives to Senate bill 3419.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

Mr. CARTER. I move that the bill with the accompanying amendments of the House be printed, and that the Senate disagree to the amendments of the House, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. SHOUP, Mr. CARTER, and Mr. BATE were appointed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 29th instant approved and signed the act (S. 2883) to change the characteristic of Cape Cod light, Massachusetts.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills, in which it requested the concurrence of the Senate:

A bill (S. 351) granting an increase of pension to Samuel S. White;

A bill (S. 1593) granting an increase of pension to Clara H. Inch;

A bill (S. 1975) granting a pension to Annie D. M. Wood;

A bill (S. 2938) granting an increase of pension to Joseph Longmire;

A bill (S. 2941) granting an increase of pension to Robert Gamble; and

A bill (S. 3662) granting an increase of pension to Louise D. Smith.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 269) granting a pension to Rosa G. Thompson, formerly Rosa G. Edwards;

A bill (H. R. 315) granting an increase of pension to Moses H. Taber;

A bill (H. R. 437) granting a pension to Mary E. Reynolds;

A bill (H. R. 504) granting an increase of pension to William T. Lowry;

A bill (H. R. 1204) granting a pension to Martha McSwain;

A bill (H. R. 1288) granting a pension to Cornelius W. Roberts;

A bill (H. R. 1734) granting a pension to Mary A. Whitmore;

A bill (H. R. 1803) granting a pension to Julia E. G. Lewis;

A bill (H. R. 1990) granting a pension to Julia A. Heath;

A bill (H. R. 2362) granting a pension to Bethuel H. Brasted;

A bill (H. R. 2398) granting a pension to Andrew Jackson;

A bill (H. R. 2849) granting a pension to Mary A. Hanson;

A bill (H. R. 3089) granting an increase of pension to Kate M. Pond;

A bill (H. R. 3767) granting an increase of pension to John W. Hartley;

A bill (H. R. 3861) granting an increase of pension to Jesse Millard;

A bill (H. R. 4069) granting a pension to Julia A. Kinkead;

A bill (H. R. 4650) granting a pension to Sarah Parrish;

A bill (H. R. 4679) granting a pension to Micager Philpot;

A bill (H. R. 4800) granting a pension to Joseph Crawford;

A bill (H. R. 4879) granting an increase of pension to D. Cyrus Holdridge;

A bill (H. R. 4986) granting an increase of pension to William P. Aylesworth;

A bill (H. R. 5007) granting an increase of pension to Smith Miner;

A bill (H. R. 5117) granting a pension to Roland Burnett;

A bill (H. R. 5120) granting an increase of pension to John S. Coggeshall;
A bill (H. R. 5150) granting a pension to William Love;
A bill (H. R. 5208) granting a pension to Mary E. Dickey;
A bill (H. R. 5444) granting an increase of pension to Albert W. Brush;
A bill (H. R. 5644) granting an increase of pension to Charles Alfred De Arnaud;
A bill (H. R. 5648) granting a pension to Mary B. Allen;
A bill (H. R. 5894) granting an increase of pension to Nathaniel Townsend;
A bill (H. R. 5944) granting an increase of pension to Jeremiah Everly;
A bill (H. R. 6096) granting an increase of pension to Samuel W. Kirkendall;
A bill (H. R. 6407) granting an increase of pension to Michael S. Brockett;
A bill (H. R. 6776) granting a pension to Annie Chamberlain;
A bill (H. R. 6854) granting an increase of pension to Frederick W. Kellogg;
A bill (H. R. 6902) granting a pension to Lydia A. Tryon;
A bill (H. R. 6947) granting an increase of pension to Alonzo C. Rembaugh;
A bill (H. R. 7012) granting an increase of pension to Emma C. Stephenson;
A bill (H. R. 7158) granting an increase of pension to Levi S. Parrott;
A bill (H. R. 7159) granting an increase of pension to Wesley C. Sawyer;
A bill (H. R. 7179) granting a pension to Clarence S. Hall;
A bill (H. R. 7190) granting an increase of pension to George O. Cole;
A bill (H. R. 7327) granting an increase of pension to Charles N. Paine;
A bill (H. R. 7328) granting an increase of pension to John Nicklin;
A bill (H. R. 7329) granting an increase of pension to Lewis Swenson;
A bill (H. R. 7553) granting an increase of pension to Fannie M. O'Linn;
A bill (H. R. 7600) granting an increase of pension to Charles Claussen;
A bill (H. R. 7621) granting a pension to William H. Chapman;
A bill (H. R. 7714) granting a pension to Sarah M. Leslie;
A bill (H. R. 8141) granting a pension to Sarah J. Peddycoart;
A bill (H. R. 8207) granting a pension to Joseph Quinn;
A bill (H. R. 8218) granting a pension to Mary E. Lacey;
A bill (H. R. 8254) granting an increase of pension to Marie L. Apgar;
A bill (H. R. 8540) granting a pension to Lydia J. De Silva;
A bill (H. R. 8689) granting an increase of pension to Isaac B. Hoyt;
A bill (H. R. 8735) granting an increase of pension to Annie B. Sharrard;
A bill (H. R. 9010) granting an increase of pension to Charles A. Westfield;
A bill (H. R. 9043) granting an increase of pension to David S. Snyder;
A bill (H. R. 9108) granting a pension to Maria H. Hixon;
A bill (H. R. 9176) granting a pension to Emily Haines Harrison;
A bill (H. R. 9378) granting a pension to Irving Johnson;
A bill (H. R. 9502) granting an increase of pension to Phebe A. La Mott;
A bill (H. R. 9555) granting an increase of pension to Nicholas Briggeman;
A bill (H. R. 9719) granting a pension to Amos W. Felker;
A bill (H. R. 9783) granting an increase of pension to Benjamin F. Dennis;
A bill (H. R. 9839) granting an increase of pension to Emily H. Wood;
A bill (H. R. 10029) granting a pension to Elizabeth Springer;
A bill (H. R. 10062) granting an increase of pension to Harriet Crotsenburg;
A bill (H. R. 10235) granting an increase of pension to George Friend;
A bill (H. R. 10381) granting an increase of pension to Gideon W. T. Ridlon;
A bill (H. R. 10524) granting an increase of pension to Lewis H. Riden;
A bill (H. R. 10607) granting an increase of pension to Nathan Disbrow;
A bill (H. R. 10618) granting an increase of pension to Martin O'Connor;
A bill (H. R. 10742) granting a pension to Wilburn W. Testerman;
A bill (H. R. 10749) granting a pension to Henry L. White;
A bill (H. R. 10750) granting a pension to James H. Rainey;
A bill (H. R. 10758) granting a pension to Sallie B. Wilson;
A bill (H. R. 10761) granting an increase of pension to Oliver H. Cram;
A bill (H. R. 10778) granting an increase of pension to Martin V. B. Winkler;
A bill (H. R. 10815) granting a pension to Lucius K. Smalling;
A bill (H. R. 10834) granting an increase of pension to Michael Dempsey;
A bill (H. R. 10847) granting an increase of pension to Betsey A. Summers;
A bill (H. R. 10856) granting an increase of pension to Sarah A. Robinson;
A bill (H. R. 10872) granting an increase of pension to Caroline Buehler;
A bill (H. R. 10873) granting an increase of pension to Ida J. Peixotto;
A bill (H. R. 10912) granting an increase of pension to John Whitmore;
A bill (H. R. 11010) granting an increase of pension to James H. Eastman; and
A bill (H. R. 11145) granting a pension to William C. Chandler.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11212) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

Mr. PENROSE. I offer an amendment to the pending bill.

Mr. ALDRICH. What has become of the amendment of the Senator from New Hampshire [Mr. GALLINGER]?

The PRESIDENT pro tempore. It was laid by for the present.

Mr. ALDRICH. I understood the chairman of the committee to ask that it be disposed of now.

Mr. PENROSE. I have just offered an amendment which has not yet been read.

The PRESIDENT pro tempore. The Senator from New Hampshire offered an amendment which the Chair understood was laid aside.

Mr. ALDRICH. That is the amendment now pending, I understand.

Mr. ALLISON. That is the amendment pending.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

Mr. JONES of Arkansas. Mr. President, while we are discussing the propriety or the impropriety of appointing this commission and other commissions of the kind it seems to me not inappropriate that the attention of the Senate should be called to some legislation we have had heretofore.

In 1898 the Senate made an appropriation for an exposition at Paris, a proposition to call the attention of the world to the commercial advantages of the United States and to advance the commercial interests of the United States. We made a number of appropriations to carry out that purpose, and we had certain restrictions in the appropriations, to which I wish to call the attention of the Senate now. Among others there is this:

> It shall be the duty of the Commissioner-General to report to the President, for transmission to Congress at the beginning of each regular session, a detailed statement of the expenditures incurred hereunder during the twelve months preceding; and the Commissioner-General is hereby required, within four months after the close of said exposition, to make full report of the results thereof, as herein required, etc.

Now, it was the duty of the Commissioner-General, at the beginning of this session of Congress, under that law, to make a detailed statement of his expenditures during the twelve months preceding. I hold in my hand a paper transmitted by the President of the United States to the Senate, a message signed by the President of the United States, which is as follows:

To the Senate and House of Representatives:

I transmit herewith a copy of a letter from Mr. Ferdinand W. Peck, Commissioner-General of the United States to the Paris Exposition of 1900, dated November 17, 1899, submitting a detailed statement of the expenditures incurred under authority of law.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *Washington, April 2, 1900.*

This transmits a letter from Mr. Peck, in which he says in the beginning:

> In accordance with the act of Congress providing for the participation of the United States in the Paris Exposition of 1900, I submit herewith for transmission to Congress "A detailed statement of the expenditures incurred" under said act during the last twelve months.

On the next page but one appears the statement. This "detailed statement" consists of eleven items, and I wish to call the attention of the Senate to it:

Statement of expenditures made from appropriation for Paris Exposition of 1900 from November 15, 1898, to November 1, 1899, as submitted by Frederick Brackett, secretary and disbursing officer.

Salaries of experts	$72,045.14
Salaries of clerks	34,929.11
Officers' salaries	17,765.08
Salaries of employees	2,732.27
Traveling expenses	36,245.15
Buildings	38,647.91
Rent, Chicago, Paris, and New York	13,436.95
Furniture	7,252.69
Stationery and printing	5,403.75
Telegraph and cable	1,775.00
Miscellaneous	12,400.46
Total	240,633.51

Here is a proposed detailed statement of expenditures, amounting to $240,633.51, which consists of eleven items. When this report came to the Senate I felt that it was not a compliance with the law and I offered a resolution requiring this man, who was authorized by Congress to disburse public funds, to make a more detailed statement, and I have the response to that resolution. The resolution I offered was as follows:

Resolved, That the President be, and he is hereby, requested to transmit to the Senate for its information the detailed statement of expenditures of the Commissioner-General of the United States to the Paris Exposition of 1900, as provided for under the act of 1898 creating the office of "Commissioner-General to the Paris Exposition, and for other purposes."

Resolved further, That said detailed statement should, in the opinion of the Senate, state the number and names, places of residence, and salary paid to experts, clerks, officers, and employees, and should in like manner set out the details of other expenditures.

In reply to that the President sends a statement which brings the expenditures up to December 31, 1899. The expenditures under the first report were down to November 1, 1899. Now, the expenditures reported up to December 31, 1899, which runs two months longer than they had gone before, amount to $396,700.22. There seems, then, to have been expended in that two months $156,067.29. There was a balance over when this appropriation was first made of $1,286,000.24 that went to this exposition under the law. In the sundry civil act of July 1, 1898, there was appropriated for the international exposition $200,000; in the sundry civil act of March 3, 1899, for the international exposition, $750,000; in the sundry civil act of March 3, 1899, for buildings, $20,000, and by the same act for jurors, $60,000, and by the same act for the Lafayette monument, $50,000. Then, in this year, as Senators will see, the amount is somewhere in the neighborhood of $1,200,000.

Now, the report made by this officer, who was required to make a detailed statement of his expenditures, amounts to less than $400,000, accounted for up to the 1st of January last, and yet in the last urgent deficiency bill the Committee on Appropriations of this body brought in a deficiency of $169,500, and it was put in the bill and passed here. Where was the remainder of the million and a quarter of dollars that had been appropriated and which does not seem to have been accounted for by this official report coming to the Senate?

Mr. TELLER. I wish the Senator to state what would be the sum total of the appropriations.

Mr. JONES of Arkansas. The total amount of appropriations up to this time is $1,448,786.24, but that includes the $169,500 which was embraced in the urgent deficiency bill which we passed only two or three weeks ago. Leaving that out, there was about a million and a quarter dollars that had been appropriated; and on the 1st of January this detailed statement required by the law shows only an expenditure of less than $400,000. I ask the Senate and the Committee on Appropriations where is the balance of the $800,000? Where is the necessity for an urgent deficiency appropriation of $169,500?

It seems to me, Mr. President, that the Senate has gotten into a practice of allowing things to go at loose ends. There was a paragraph in the Post published in this city only a day or two ago to which I will call the attention of the Senate. How much truth there is in it I do not know, but this purports to be a telegram coming from Paris under date of May 29. It says:

The official career in Paris of Mr. Ferdinand W. Peck, Commissioner-General of the United States to the world's fair, is not a shining success. There has been friction in the commission for some time. The official family is not a happy one, but is split into cliques, and this condition has resulted in crimination and recrimination.

Stories of extravagance in the national building, of unwarranted traveling expenses, and excessive salary allowances have been rife for some time, and the scandalous charge is openly made that employees have profited from the sale of privileges in connection with the American exhibit. Complaints on the part of exhibitors have been very numerous.

HOW HE PRACTICES ECONOMY.

Commissioner Peck has recently been curtailing the salary list, because the Government at Washington demanded full details of expenditures. He has also refused to pay some bills, which he claims are exorbitant, but which have been urgently pressed.

From the Washington Post of May 29 I clipped the following:

Briefly summarized, the main charge is that certain officials of the American department of the Paris Exposition are allotting space to the highest bidders, and are applying this extra money to their personal use. The complaint is made in these words:

"The French Government gives the space free of cost to foreign exhibitors, but some of the representatives of our Government, having supervision of United States sections, make the exhibitor pay whatever can be extorted from him ($150 and upward) before he is allowed to exhibit. As there are 7,000 exhibitors and over, the field for operation is enormous. Some of the exhibitors refuse to be held up, while others submit for fear of being compelled to remove their exhibits.

It seems that the Senate did not act a day too soon in adopting a resolution requiring that this officer shall make a detailed statement, as he had been required by the law to do when the very first appropriation was made for this purpose, and which had been, it seems to me, absolutely disregarded by this officer.

We know what a detailed statement is, Mr. President. When we require the officers of this body to make a statement of the money that comes into their hands, they are expected to put every cent down, to what purpose it went, where it was used and how, giving the name of the individual who had the benefit of it and the date and the place. The items sometimes do not amount to 25 cents. Pages of the report are taken up in making these detailed statements. And yet when Mr. Ferdinand W. Peck comes to comply with the requirements of this statute and to make a detailed statement of his expenditures, telling us where he placed $240,000, he says: "Salaries of experts, $72,045.14."

When his attention is called to it by the State Department and he is made somewhat nervous and restless about it, he sends in another report, and I am not surprised that there should be talk in Paris about unnecessary extravagance and wasteful expenditures and an immense expense account. The first item given in this more detailed statement, coming down to the 1st of January, two months later than the other, is as follows:

Ferdinand W. Peck; title or official capacity, Commissioner-General; initial date of compensation, July 22, 1898; salary, $8,000 a year; total salary paid, $11,031.24; total expense for travel, $3,724.73, making a total of $14,755.97.

The next officer is the Assistant Commissioner-General, who has drawn $7,972.83 of salary and $4,079.46 for traveling expenses.

It seems to me, Mr. President, these expenditures may be all right. This traveling may have been done. It may have cost this great commissioner as much as $3,000 to make a trip from Paris out to the seacoast and back, or he may have had to come to the United States on several occasions; but it seems to me a man could have done a deal of traveling at any reasonable expense, such as an officer of a republic ought to incur, for this amount of $3,724.73 in a year's time.

I hope Senators will look at this detailed statement. There are some of these names that are striking. I have no idea what they stand for. I do not know what they mean. The next officer after the one I read is Mr. Frederick W. Brackett. He is the disbursing officer. He has drawn a salary of $6,163, and traveling expenses of $1,938.75.

Next after him appears the name of Mr. Paul Blackmar. He is "director of affairs," whatever that may be. He is in Chicago. What particular affairs he is directing in Chicago I have no idea, and there seems to be no report coming from the Government to show what particular affairs he may be directing. The next man is F. J. V. Skiff, director of mines. Where he is domiciled does not appear.

Mr. TELLER. In Paris.

Mr. JONES of Arkansas. I suppose perhaps he is. Then F. E. Drake, who is director of machinery and electricity, who has drawn $4,475.66 total salary paid and $3,587.75 traveling expenses. The traveling expenses are nearly as much as the salary, which is $3,600 a year. I suppose he is at Paris. It does not indicate where he is located. The next is Mr. A. S. Capehart, who is a director. I do not know what he is a director of. It does not say.

Then we have a consulting architect at Paris, and a director of exhibits, who, I presume, is at Paris. Mr. Charles Richards Dodge is the next who comes along. He is director of agriculture, and he is domiciled at Washington. He may have very important services to render in connection with the Paris Exposition to be a resident of Washington as a director of agriculture; I do not know; but it seems to me that there should be some sort of official reports to show something about what these gentlemen do. There is not very much agriculture to be directed in Washington, in my opinion, and I doubt whether the services of this gentleman have amounted to as much as his salary, which is $3,578, comes to. He has incurred traveling expenses to the amount of $1,015.07, from which I infer that he has not confined his time exclusively to Washington.

Mr. TELLER. May I interrupt the Senator to ask him if that report shows what these people get as annual salaries in each case?

Mr. JONES of Arkansas. Yes, sir; in each case, and the date of appointment.

Mr. TELLER. From the Commissioner down?

Mr. JONES of Arkansas. From the Commissioner down; each one.

Mr. TELLER. I wish the Senator would give it to us once more.

Mr. JONES of Arkansas. The Commissioner gets $8,000 a year.

The date of his appointment is July 22, 1898. The total salary he had received up to the 31st of December last was $11,031.24, and his traveling expenses at the same time were $3,724.73. The date of this man's appointment is put down here in compliance with the resolution. It seems that the requirement of law that there should be a detailed statement made of these expenditures was not sufficient to bring a statement of this kind from the Government until it was directly ordered by the Senate. When that was done, we learn by the papers that the result is that Mr. Peck, the Commissioner, has recently been curtailing the salary list because the Government at Washington demanded full details of the expenditures.

Mr. ALLEN. Are the salaries fixed by statute?

Mr. JONES of Arkansas. No; they are not.

Mr. ALLEN. How are they fixed?

Mr. JONES of Arkansas. They are fixed by Mr. Peck there.

Mr. ALLEN. At just whatever he pleases?

Mr. JONES of Arkansas. Just whatever he pleases. And in the report he made first, in reporting the details of the expenditures, he reported clerk hire, for instance, $72,000, without giving the name of any clerk or the number of clerks, without giving the expenses of a single human being, without saying what amount of salary was paid to any individual; and yet he sent it to the President of the United States and the President transmitted it to Congress, calling it a detailed statement of these expenditures.

Mr. President, it is time that things of that sort should cease. Now, while I am talking about this, it brings another matter to my mind, which I will interject right here.

Mr. HALE. Will the Senator let me, right here, refer to one matter?

Mr. JONES of Arkansas. Certainly.

Mr. HALE. I am afraid that the Paris Exposition in its management is a bad performance. I do not know that it is so, but I am afraid of it. However, as the Senator has referred to the urgent deficiency bill, reported by the Committee on Appropriations and passed in the Senate and in the House, so that it became a law, I want to explain to him that the large part of that deficiency was for additional buildings, which the papers and the statement which the committee had to take showed were necessary to the success of the exposition.

One hundred and sixty-nine thousand five hundred dollars, of which amount not exceeding $96,500 may be expended for buildings and appurtenances, including fire protection, pier landings, approaches, and other construction.

The committee thought that in the course of the life of the exposition there ought to be granted not exceeding $15,000 for the exhibit of negro education and industry; a new matter, very much urged by associations and proper influences in the direction of recognizing the colored element in the exposition. The committee gave that.

Not exceeding $15,000 may be expended for an exhibit of negro education and industry, and not exceeding $25,000 may be used for contingent expenses of the Commissioner and audited on his certificate.

That made up the large amount of the appropriation. I reported the bill from the committee. I do not remember whether any discussion was had or any question was raised at the time; but these are the reasons why the additional sum was given by the committee in that appropriation bill.

Mr. JONES of Arkansas. I am very much obliged to the Senator from Maine.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The Senator from Arkansas will please suspend for a moment. The Chair lays before the Senate the unfinished business, being the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. LODGE. I ask that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the unfinished business may be laid aside in order that the consideration of the pending bill may be proceeded with. Is there objection? The Chair hears none, and that order is made.

Mr. JONES of Arkansas. I am very much obliged to the Senator from Maine for his explanation as to the $169,000; but now what I desire to call to the attention of the Senate is this item in the appropriation bill of March 3, 1899, when there was appropriated for buildings $200,000; and in the report made in November last the expenditure reported for buildings was $38,647.91; which would leave over $150,000 of the $200,000 not expended, so far as any report made to Congress is concerned.

Mr. HALE. I suppose, like ordinary business transactions, at any given time it does not follow because no more money is needed that all the bills which had previously accrued had been paid. I presume from time to time these bills are paid; and it is ascertained at a given time, as in the case of the bill just referred to, that more money is needed for the completion of buildings, and there are probably bills out for thousands and tens of thousands of dollars that have not been paid.

Mr. JONES of Arkansas. Will the Senator state the amount appropriated for buildings?

Mr. HALE. Not more than $96,500.

Mr. JONES of Arkansas. The amount appropriated a year ago for these buildings was $200,000, and I presume that was considered at that time to be sufficient for the buildings for this exposition. Now, when only $38,000 of the $200,000 has been spent, the Commissioner comes to the Senate and gets an additional appropriation of $96,000 for the item of buildings.

Mr. ALLISON. Mr. President, the $200,000 appropriated for buildings appeared to be too small for the buildings that were actually constructed there, or in process of construction. It was stated to us, and I have no doubt it is true, that as to the agricultural building some $50,000 additional was needed. That the committee, at least, was satisfied ought to be constructed for the purpose of making the proper agricultural exhibits. So that adds to the item previously made $96,000, although there were some other small items. Those appropriations were not in lump, but they were for particular purposes. Therefore, although there was a large balance on hand when the urgent deficiency bill passed, that balance could not be used for the purpose of completing those buildings.

Mr. JONES of Arkansas. But the balance appropriated for buildings certainly may be used for that purpose.

Mr. ALLISON. Undoubtedly. The buildings were not completed until very near the time for the opening of the exposition. I do not remember when the urgent deficiency appropriation bill was passed, but it was represented to us, and I have no doubt properly, that those buildings had to be completed at least a month or two before the exposition opened, which was on the 1st of May. So the fact was that only $38,000 had been expended in November. Therefore, there was good reason why in the urgent deficiency appropriation bill we should provide for necessary additional expenses, all of which had to be met certainly by the 1st day of March.

Mr. JONES of Arkansas. I am obliged to the Senator from Iowa, and I agree with him fully that if the committee thought it was wise to increase the amount of the appropriations for buildings it was proper to put the provision in an appropriation bill and to increase the amount. But what I am criticising is the fact that these large amounts of money are in the hands of this commissioner and that they are not accounted for according to the law as written in the appropriation bill, which was reported by the Senator from Iowa and passed. I believe the law was as wisely framed as it could be framed. I think the man who executed the law was bound to see and know his duty, and if he had been inclined to make the detailed report that the law requires him to do all the facts would have been in the hands of the Senate and be fully understood.

I am not criticising the Committee on Appropriations, and I do not want to be understood as insinuating that they did not act wisely in making additional appropriations for buildings, if there was a necessity for doing so; but what seems to me strange is, when there was more than $150,000 which had been appropriated and had not been accounted for, that they should come here and ask for an increase of $100,000 without stating the facts fully, so as to show where the large part of this money had gone. No business man who was having a building constructed would allow the contractor who is building it to draw on him for a large additional amount without first showing what he had done with the money which had been already put in his hands.

Mr. STEWART. Does the Senator know what the business of this person was before his appointment as Commissioner? Was he a business man, or what was he doing?

Mr. JONES of Arkansas. I have no idea about that.

Mr. STEWART. If he was a business man, the course he has pursued would put him under suspicion of dishonesty; and if he is honest, it would show his ignorance.

Mr. JONES of Arkansas. I do not believe it is wise to allow a disbursement of public money by officers who do not account promptly for everything they handle. We did two years ago a thing which, while I do not understand the facts exactly, has ever since given me some trouble. I hope the Senator from Iowa can tell me whether there has ever been a published account of what use was made of the $50,000,000 which Congress, in its generosity, placed absolutely at the disposal of the President about the time of the beginning of the war against Spain.

I saw a statement that some of the money had gone to the War Department, some to the Navy Department, and certain other sums to other Departments. The air was full of rumors of the most extravagant and unreasonable expenditures which had been made out of that $50,000,000 for things here and there that were not worth one-half the sums paid for them; and, so far as I know, there has been no report yet made to Congress showing whether this $50,000,000 was wisely and judiciously used or not. I believe

the President of the United States is personally an honest and upright man, and I do not believe that he has ever permitted any misappropriation of public funds, if he knew it; but when the public have trusted him by an act of Congress with the absolute use of $50,000,000, which he was to use at his discretion and which he had unlimited power to disburse in any way he saw fit, after the war was over and after the excitement had subsided, there should be some report made by the different Departments showing where this money went and for what purposes it was used.

There are constant charges going around here. We all saw in the Post this morning a statement about the purchase of a yacht by the Government, managed through political influences in New York, that $80,000 was paid for a yacht which had cost $45,000 and which the Government almost immediately afterwards offered to sell for $25,000, and that certain politicians had gotten $25,000 for making that sale to the Government. I believe there ought to be such reports made by the War Department, the Navy Department, and the Treasury Department as would put all these slanderous statements, if they be slanderous, at rest, and show the falsity of these insinuations that are constantly being made that money is being used in this sort of way.

I refer, Mr. President, in what I have said to a paragraph, which I presume all Senators read, in the Washington Post of this morning. It is entitled "Yacht sold to Uncle Sam—Judge-elect Hazel helped to engineer the deal, with great profit." It is taken from a Buffalo special to the New York Tribune. Whether there is any truth in this story I know not. I hope there is not one word of truth in it. I call attention to it now simply as an illustration of what I mean when I say that there should have been a full and complete accounting, whether the law requires it or not, and the reports of the Government officials ought to show where every dollar of this $50,000,000 went. The people have a right to know what becomes of the public funds, and we ought to know what has become of the money we put in the hands of the President. This special to the New York Tribune says:

[Buffalo special to the New York Tribune.]

The Buffalo Express to-morrow morning will print some letters concerning the alleged activity of John R. Hazel, candidate for United States district judge, in selling a yacht belonging to a Democratic politician to the Government during the Spanish war, for a commission of $5,000, a work said to be his only experience with admiralty law.

It will also publish a detailed account of the interview between its reporter and Mr. Hazel, and the latter's refusal either to affirm or deny his share in the transaction. The reporter showed the letters to Mr. Hazel, and he read them in part, but declined to discuss them, though he was assured that any answer he had to make would be printed with the letters. The documents shown to Mr. Hazel were a letter from George E. Matthews, of the Express, to ex-Congressman Mahany and the latter's reply. They are as follows:

BUFFALO, N. Y., *May 24, 1900.*

MY DEAR MR. MAHANY: At this late day I am surprised to learn, on the best authority, that John R. Hazel denies that he told you that he had received $5,000 for his services in selling the yacht of Mr. Conners to the Government. The statement was made by you in a public speech at the Concert Hall on September 12 last; was reported in the Express, as shown in the annexed slip; was also reported in the same words in the Buffalo Evening News and the Buffalo Evening Times, and in substantially the same words in the Buffalo Review. It was not denied at that time, though the newspapers gave Mr. Hazel the opportunity usual in such cases. On the contrary, Mr. Hazel admitted to certain people that he had made the statement to you. Those people it is not convenient for me to summon. Therefore, to justify the Express for the publication, I have to ask you to restate the circumstances in the matter, and also, if you will, to let me know whether there were any other parties to the conversation.

Very sincerely, yours,

GEORGE E. MATTHEWS.

To the Hon. ROWLAND B. MAHANY.

BUFFALO, N. Y., *May 24, 1900.*

MY DEAR MR. MATTHEWS: Your letter of this morning is at hand, and I am astonished to learn that Mr. Hazel has denied to anyone his conversation with me regarding the sale of the Conners yacht. Shortly after the transaction I met Mr. Hazel, on my return from Washington, at the Iroquois Hotel, and among other matters we discussed, the question of the yacht deal came up. I taxed him with having taken advantage of his political position in selling a yacht to the Government for an exorbitant price—twice what the vessel was worth. He laughed and said that I took an extreme view of the matter; that he was in business, and it was all right for him to sell the yacht if he could, and that he had not gotten as much out of it as he ought to have received, all things considered. I answered that he got enough, according to popular report, and then asked him how much he really did get.

"Well," he replied, "there are so many stories about the matter that I suppose it is just as well to set them at rest by the truth in the case. My share was $5,000."

"What did the Government give for the yacht," I asked.

"Why, that is a matter of record at the Treasury," Mr. Hazel answered. "The purchase price was $80,000."

"What did Conners get," I continued.

"Sixty thousand dollars," was the answer.

"Where did the other $15,000 go," I inquired.

Mr. Hazel laughed, and said, "Oh, come, now; I can't tell all about it," or words to that effect.

"But you do acknowledge," I said, "that you personally received $5,000 as your share."

"Oh, yes," he said; "I was a fool not to have asked more, for I could easily have got it."

"Well," I said; "I don't take the same view of these things that you do."

"I suppose you don't; I guess we never will agree on anything," was his reply.

This is the conversation as it took place in the presence of at least one reputable witness, who will substantiate its accuracy, if necessary. I think there were also some other gentlemen present who remember the occurrence and the conversation.

Sincerely, yours,

ROWLAND B. MAHANY.

The Hon. GEORGE E. MATTHEWS,
Editor of the Express, Buffalo, N. Y.

Attached to the letter of Mr. Matthews shown to Mr. Hazel was an excerpt from a public speech made by R. B. Mahany, for several terms and up to last year the Republican Congressman from the Thirty-second district. The speech was delivered at the public mass meeting of citizens held in Concert Hall last September. It was printed word for word in the Buffalo News, a Republican evening paper; the Buffalo Times, a Democratic evening paper, and substantially in the Buffalo Review, a Republican morning paper, the day after the meeting. The excerpt is in part as follows:

"As a member of Congress, my duty was to serve the people, not to sell yachts for Democratic bosses. [Cheers.] Speaking of the yacht question, Mr. Conners's yacht, the *Enquirer*, cost him $45,000, I am informed. Through the influence of John R. Hazel and D. S. Alexander the yacht was sold to the Government for the enormous sum of $80,000. Mr. Conners received $60,000, according to a statement Mr. Hazel made to me personally, and Mr. Hazel said his rake-off was $5,000, and he was sorry he did not ask more, for he believed he could have got it. [Laughter.] History does not record where the other $15,000 went. The Government recently relisted the yacht for sale at the low figure of $25,000."

Mr. TILLMAN. I should like to ask the Senator who is responsible for the purchase of that yacht?

Mr. JONES of Arkansas. I presume it was done by the Navy Department, and I presume it was paid for out of the $50,000,000 about which I was talking just now.

Mr. TILLMAN. If these officers put the price at $80,000 when they were buying the yacht, why did they put it at such a low figure when they came to sell it?

Mr. JONES of Arkansas. That is one thing I should be glad to have explained.

This is not a singular case. There is not a man in the Senate who has not been told the name of boat after boat that has been bought under circumstances almost identical. Only yesterday I met a man in the corridors of this Capitol who told me he knew of three vessels, giving the names of one or two, which had been offered to the Navy Department for hire at a certain figure, when the Department refused to hire them, and subsequently the parties were admonished that if they would put the vessels that they wanted to hire in the hands of a gentleman who had relations with the Navy Department, he could probably manage to effect an arrangement; and that it was done at an expense twice as much as the first proposition. I do not know whether these things are true or not, but if these reports were made——

Mr. CHANDLER. Mr. President——

Mr. JONES of Arkansas. Let me finish this sentence.

If these reports were made, as I think they ought to be made, as to where this money has been spent, it would be an easy matter to disprove such charges and to furnish the proof that they are untrue, if they are untrue.

Mr. CHANDLER. I do not think I ought to ask the Senator the name of his informant, but I do think he ought to ascertain and state to the Senate what the transaction was, so that there can be some opportunity to ascertain whether the facts are so or not, and so that they may either be admitted or refuted.

Mr. JONES of Arkansas. I have given the name in one transaction.

Mr. CHANDLER. But no name has been given in this case.

Mr. JONES of Arkansas. No; but I will warrant that the Senator himself has heard charges of this kind. They are made all around; we hear them constantly. I do not know whether there is any truth in them or not, but, as I have already stated, if the Departments would submit reports as to what was done with this money, and those reports were made a matter of public record, it would be easy to disprove any false charges that might be made.

Mr. CHANDLER. I will say to the Senator that the Navy Department has made a report of all its purchases, and that the record is full and complete.

Mr. JONES of Arkansas. Of the expenditure of all this money?

Mr. CHANDLER. Of all the purchases the Department has made of ships which were necessary; but when they came to sell some of the vessels which had been bought in an emergency the prices had to go down.

Now, if the Senator will specify any one wrong which he wants to have investigated, anything which he alleges to be wrong or anybody tells him is wrong, he knows very well that I will vote with him to have it investigated.

Mr. JONES of Arkansas. I have no doubt of that. The Senator knows that if I knew there was anything wrong I would not wait for an assurance of that kind to turn daylight onto it. I should be glad to have it known at once.

Mr. CHANDLER. It would be better if the Senator, instead of railing and making accusations, had undertaken to specify. He says somebody has told him of some particular case, but he does not tell us who told him.

Mr. JONES of Arkansas. What accusation did I make? I should be glad to have the Senator specify as to that.

Mr. CHANDLER. The Senator said that boats had been offered

to the Navy Department for hire and had been refused, and after some manipulation or other means, by putting the business into the hands of some persons, the Navy Department finally bought the ships. He had a purpose in telling that; he meant that that was wrong. I say he ought to either tell who his informant was or what the name of the ship was.

Mr. JONES of Arkansas. If I had made the statement, that would be true, but I have not made that statement. I said I had been told no longer ago than yesterday, in the corridors of this Capitol, that such a thing was true. I do not know whether it is true or not. I simply used it to illustrate the fact that there ought to be a detailed statement, made accessible to the public everywhere, of what was done with that $50,000,000 which we put into the hands of the President for the purposes of the Spanish war.

Mr. CHANDLER. I understand that such an account has been printed.

Mr. JONES of Arkansas. If so, my attention has never been called to it, and I should be glad to have the Senator furnish it to me.

Mr. CHANDLER. Did the Senator know the name of the man?

Mr. JONES of Arkansas. I did.

Mr. CHANDLER. Did he know the name of the ship?

Mr. JONES of Arkansas. I did.

Mr. CHANDLER. Then, the Senator ought to tell the name of the ship.

Mr. JONES of Arkansas. If I succeed in finding out the facts from the man who told me on yesterday—and he is a reputable man, and he stated, according to my belief, what was the truth, and told me he thought he could find out the facts—I will be sure to tell every word, with the names, the dates, and everything else relating to the transaction. Many of these things come to a man that are not true. I know that I have heard plenty of charges that I was satisfied were not true. People get exaggerated ideas about these things. But the point I make is this—and I call the attention of the Senator from New Hampshire to it—that if a detailed statement of the expenditure of this money had been made, and if it was easily accessible, it would be an easy matter then to disprove stories of this kind if they are untrue, and are not well founded, by going to the records.

Mr. ALLISON. I will say to the Senator that there is a public document showing the number of ships bought by the Navy Department, and the prices paid, and also the names of the ships that were purchased.

Mr. CHANDLER. Is there not also a statement of the apportionment of the whole $50,000,000?

Mr. ALLISON. I think there is so far as the Navy Department is concerned, and I think that may be true also as to the War Department, but I am not sure of it. So far as that is concerned, it is the easiest thing in the world to get that information. I do not know, and have not inquired, but I have no doubt that every item of that fifty-million-dollar expenditure can be produced at any time if it is desired.

But so far as the matter is concerned on which the Senator from Arkansas is now speaking, all the information is accessible in a printed document, the number of which I have not at hand, which shows all the ships purchased, the prices paid, by whom paid; and all the ships that were chartered are included in another document by the War Department. So that, as respects these vessels which seem to be the subject of complaint, there is full and accurate information regarding the cost and use of all of them.

Mr. JONES of Arkansas. I am very glad to know that.

Mr. BURROWS. Will the Senator yield to me for a moment?

Mr. JONES of Arkansas. Certainly.

Mr. BURROWS. I hold in my hand Senate Document 110, being a letter from the Secretary of the Navy, transmitting, in response to resolution of the Senate of January 8, 1900, a statement from the Paymaster-General of the Navy, showing the allotments to the Navy Department from the $50,000,000 appropriated by Congress under the act approved March 9, 1898, entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years," etc.

This document contains a complete statement in detail of every vessel purchased and every dollar expended in the Navy Department out of the $50,000,000.

Mr. ALLISON. I think that is also true as to the War Department.

Mr. JONES of Arkansas. I am very glad the Senator from Michigan has that document, and I hope he will put it in the RECORD complete, because I have not seen that document.

Mr. ALLISON. It is Senate Document No. 110.

Mr. BURROWS. The Senator wants to put it in the RECORD.

Mr. TILLMAN. What is the aggregate?

Mr. ALLISON. Twenty-seven million three hundred and fifty-six thousand eight hundred and sixty-three dollars and sixty-eight cents.

Mr. TILLMAN. That leaves about $23,000,000 entirely unaccounted for. Let us have it all.

Mr. BURROWS. I will read the document:

NAVY DEPARTMENT, *Washington, January 24, 1900*

SIR: Replying to the resolution of the Senate, dated January 8, 1900, requesting the Secretary of the Navy to inform the Senate what portion of the $50,000,000 appropriated by Congress under the act approved March 9, 1898, entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes," was assigned to and expended by or under the direction of the Navy Department, I have the honor to transmit herewith a statement, prepared by the Paymaster-General of the Navy, showing the allotments to the Navy Department from the above-mentioned appropriation and the expenditures thereunder in detail. The Paymaster-General, in forwarding this statement to the Department, reports as follows:

"Of the $50,000,000 for national defense appropriated under the act of March 9, 1898, the President allotted $29,973,274.22 for the use of this Department. The expenditures to date aggregate $27,356,863.68, and obligations amounting to about $1,180,000 are still outstanding, which when paid will make the total expenditures by the Navy under this appropriation $28,536,863.68, leaving an unobligated balance of $1,436,410.54 to be ultimately turned back into the surplus fund of the Treasury."

Mr. JONES of Arkansas. I am very glad to get that document. Now, I should like to have my attention called to another document, showing what has become of the balance of the $50,000,000.

Mr. LODGE. Will the Senator from Arkansas allow me a moment?

Mr. JONES of Arkansas. Certainly.

Mr. LODGE. Every vessel bought under that emergency appropriation by the Navy Department was bought only after a board of naval officers had examined the ship and recommended the purchase, and it was bought at the price recommended by the board of naval officers who had examined the ship.

Mr. JONES of Arkansas. I should like to have some Senator refer me to the other document which will account for the other $20,000,000.

Mr. ALDRICH. I remember seeing a document which contained a statement of the expenditures made in our insular possessions, which were paid from that fund. I do not know the number of the document; but it is very easy for the Senator from Arkansas to write out a resolution, which he can do in a few minutes, asking the President of the United States for this information, and it will no doubt be very promptly furnished.

Mr. JONES of Arkansas. I hope that there have been reports made showing the expenditure of the whole of this $50,000,000. I have within the last two or three weeks asked a number of Senators, who know more about these things than I do, if there has been such a report made; and, I think, among others, I asked the Senator from Iowa [Mr. ALLISON], a gentleman to whom I usually go about things of that kind; and he told me there had been a report made as to the distribution of the $50,000,000, as I understood him, but that he did not know of any report made here as to the expenditure; and I do not know of it.

I was simply discussing the matter of the failure of this accounting officer at Paris to account promptly and in accordance with law for the moneys in his hand, and I mentioned this thing as an instance showing the reason why there should be a complete report made here of expenditures. I hope there are reports already made which will explain where every dollar of the $50,000,000 went, so that as to the exorbitant prices paid for vessels we can at least have a start, a beginning, in order to ascertain what was paid and so that proper inquiries may be instituted. I think there should be such a report, if it has not been made; and if it has been made, I shall endeavor to find it.

Mr. HALE. There is a report so far as the purchase of the ships for transport service in the Army and in the Navy are concerned. There is a report on file in each Department, giving a list of the ships, their size, classification, and the amount paid for them—a report made to either the House or the Senate, which has been printed, so that the documents cover that part of the case referred to by the Senator from Arkansas.

Mr. BURROWS. If the Senator will allow me, I will call his attention to a document, No. 145, which is a letter from the Secretary of War, in response to resolution of the Senate of January 8, 1900, as to what portion of the $50,000,000 appropriated by Congress under the urgent deficiency appropriation act approved March 8, 1898, for the purposes of national defense, was assigned to and expended by or under the direction of the War Department, which reads:

WAR DEPARTMENT, *Washington, February 3, 1900.*

SIR: In response to the resolution of the United States Senate dated January 8, 1900, requesting information as to what portion of the $50,000,000 appropriated by Congress under the urgent deficiency act approved March 8, 1898, for the purposes of national defense, was assigned to and expended by or under the direction of the War Department, I have the honor to transmit herewith a consolidated statement showing the net amounts allotted by the President to the Secretary of War and the several bureaus of the War Department, the net sums withdrawn from the Treasury by each, and the unexpended balances remaining to the credit of the War Department.

Mr. TILLMAN. What is the amount?

Mr. BURROWS. I will look and see.

Mr. ALLISON. Will the Senator allow me? Senate Document No. 250 is a communication from the Secretary of War relative to transport ships purchased and charter parties for the use of vessels; and Document No. 110——

Mr. JONES of Arkansas. I should like to have it go into the RECORD.

Mr. ALLISON. The whole document?

Mr. JONES of Arkansas. The list of vessels.

Mr. ALLISON. Very well.

Mr. JONES of Arkansas. If it is not very voluminous. If it is, I will not insist upon it.

The lists referred to are as follows:

A.—*List of vessels built or purchased by the Quartermaster's Department since March 4, 1897, exclusive of those purchased for the Army transport service for transportation incident to the war with Spain, showing their name, class, by whom built or from whom purchased, cost, amount expended for their repair, and where each vessel is employed.*

Name.	Class.	Built or purchased.	By or from whom.	Cost.	Repairs, amount expended.	Where employed.
General Hancock	Ferryboat	Built	Pusey & Jones	$31,165.00	$2,911.01	Governors Island, New York Harbor.
General Hunt	Steam tug	do	R. M. Spedden & Co	26,687.00		Fort McHenry, Md.
Magic	Steam launch	do	Fulton Engineering and Shipbuilding Works.	4,600.00	130.25	San Diego Barracks, Cal.
Capron	do	do	Gas Engine and Power Co. and Chas. L. Seabury Co., Consolidated.	3,225.50	235.00	Fort Dupont, Del.
Pleasonton	do	do	do	3,225.50	375.87	Washington, D. C.
M. G. Krayenbuhl	do	do	do	3,225.50	220.00	Fort Monroe, Va.
Not named	do	do	do	3,225.50	35.00	Fort Barrancas, Fla.
Do	do	do	do	3,275.00		Fort Preble, Me.
Bessie May	do	Purchased	R. A. Long	2,500.00	199.00	Fort Screven, Ga.
Martha	Steam tug	do	do	9,000.00	1,525.00	Charleston, S. C.
General Barry	do	do	W. P. & F. V. Drake, New York City	10,000.00	3,044.00	Fort Slocum, N. Y.
Lillie	Steam launch	do	Sanders & Haynes, Seattle, Wash	1,850.00	850.00	Alaska.
Duchesnay	do	do	E. J. Rathbone, agent	10,500.00		Do.
Total				112,479.00	9,525.13	

The only vessel sold by the Quartermaster's Department was the steam tug *Atlantic*, purchased October 15, 1878. She was condemned as old and worn-out and sold for $1,509 to McAllister Brothers, New York City, November 23, 1899.

B.—*List of vessels purchased by the Quartermaster's Department for the Army transport service during and since the termination of the war with Spain, showing the names of the vessels purchased, the new names given them, their class, from whom purchased, price paid for them, and cost of refitting and repairing them.*

Old name.	New name.	Class.	From whom purchased.	Purchase price.	Cost of refitting and repairs.	Remarks.
Mississippi	Buford	Army transport	Bernard N. Baker	$350,000.00	$67,821.50	
Rita	Burnside	do	Captured	125,000.00	130,460.30	
Roumanian	Crook	do	Austin, Baldwin & Co	240,000.00	105,728.75	
Mohawk	Grant	do	Bernard N. Baker	660,000.00	328,458.69	
Arizona	Hancock	do	Northern Pacific Railway Co	600,000.00	543,516.28	
Panama	Hooker	do	Captured	41,000.00	176,423.00	
Clearwater	Ingalls	do	Clearwater Steamship Co., of London	150,000.00	99,852.31	
Bessie	Kearny	do	Galveston Steamship and Lighter Co.	12,206.00	8,200.00	Acquired under terms of charter.
Michigan	Kilpatrick	do	Bernard N. Baker	350,000.00	115,764.88	
Manitoba	Logan	do	do	660,000.00	483,839.33	
Port Victor	McClellan	do	Irwin, McBride, Catherwood & Co	175,000.00	98,046.09	
Obdam	McPherson	do	Samuel D. Coykendall	250,000.00	116,299.70	
Berlin	Meade	do	International Navigation Co	400,000.00	374,009.52	
Chester	Sedgwick	do	do	200,000.00	265,329.48	
Massachusetts	Sheridan	do	Bernard N. Baker	660,000.00	339,169.38	
Mobile	Sherman	do	do	660,000.00	526,964.68	
Cassius	Sumner	do	United States Navy Department	160,594.00	250,000.00	Purchase price paid from appropriation for national defense.
Hartford	Terry	do	Hartford and New York Transportation Co.	150,000.00	48,827.48	
Minnewaska	Thomas	do	Bernard N. Baker	660,000.00	335,365.14	
Scandia	Warren	do	Hamburg-American Line	200,000.00	133,281.04	
Bay State	Wright	do	Henry L. Higginson, trustee	100,000.00	61,632.15	
Columbia	Rosecrans	do	North American Mail Steamship Co.	147,200.00		Purchased Mar. 10, 1900.
Missouri	Missouri	Hospital ship	Bernard N. Baker	200,000.00	230,612.95	
John Englis	Relief	do	Marine Steamship Co	450,000.00	265,591.53	
Ed Ward	Baker	Lighter	Patrick Ward	25,000.00	1,813.37	
Iron King	Canby	do	Collier Bros. Co	36,000.00	1,841.51	
Major McKinley	Gibbon	Tug	Frederick A. Verdon	13,000.00	3,357.63	
Sarah	Ord	do	Long Island Machine and Marine C. Co.	6,300.00		
Graselli	Poe	Lighter	Gustav A. Schwarz	39,500.00	1,500.00	
Britannia	Reno	Tug	Baker-Whiteley Coal Co	40,000.00	3,434.71	
J. C. Watson	Reynolds	do	John D. Dailey	14,000.00	4,381.10	
Harry	Richardson	do	George H. Hill	6,000.00	3,756.44	
Gypsum King	Slocum	do	J. B. King Transportation Co.	150,000.00	1,311.63	
Olympia	Weitzel	do	Frederick A. Verdon	12,000.00	2,482.44	
Adonis	Williams	Lighter	James Clark Co	26,000.00	2,500.00	
Sternberg	Baltimore	Launch	Chu Sit Hing Sternberg Too	7,821.00		
Ysidora	Boston	do	Too Coo	7,933.20		
Kwong Lee	Chicago	do	Chas. S. Robinson	7,821.00		
Yuen Hung	Columbus	do	A. Foo	6,936.00		
Lee Ping	Kansas City	Lighter	do	12,324.00		
Kwong Pak	Omaha	do	A. H. Rennie	12,588.90		
Amanda	St. Louis	Launch	Leung You	7,821.00		Purchased in Manila.
Seattle	Seattle	do	Chas. S. Robinson	4,553.00		
On Lee	Washington	do	Wing Guen & Co	8,295.00		
Sam Sui	Q. M. D. No. 1	Lighter	do	4,704.00		
P. and O. lighter	Q. M. D. No. 2	do	Shewan Tomes	8,413.50		
Do	Q. M. D. No. 3	do	do	8,413.50		
Retriever	Q. M. D. No. 4	do	J. W. Brown	4,704.00		
2 wooden lighters	2 wooden lighters	do	J. Blackhead & Co	3,318.00		
Total expenditures reported by chief quartermaster:						
Habana, Cuba					22,995.18	
San Juan, Porto Rico					8,239.66	
Manila, Philippine Islands					26,285.45	
Total				8,074,455.20	5,189,093.30	

C.—*List of vessels chartered for the Army transport service during and since the termination of the war with Spain, showing the names of vessels, their class, from whom chartered, date of charter, appraised value of each vessel as stated in the charter party, amount paid for services, and total cost of fitting the vessels for the service to December 31, 1899.*

ATLANTIC FLEET.

Name of vessel.	Class.	From whom chartered.	Date of charter.	Valuation as stated in charter party.	Amount paid for services.	Amount paid to restore to condition on discharge.
Olivette	Steamship	Plant Investment Co	Apr. 3, 1898	$350,000.00	$55,500.00	
Alfred W. Booth	Tug	Michael Moran	Apr. 15, 1898		3,282.50	
Adria	Steamship	Western Union Telegraph Co	Apr. 21, 1898	70,000.00	23,200.00	
Comal	do	New York and Texas Steamship Co	Apr. 29, 1898	400,000.00	104,425.00	$170.00
Comal (rechartered)	do	do	Nov. 29, 1898		67,500.00	
Alamo	do	do	Apr. 29, 1898	400,000.00	86,025.00	5,500.00
Allegheny	do	Merchants and Miners' Transportation Co	do	350,000.00	76,300.00	3,259.00
Berkshire	do	do	do	350,000.00	76,300.00	3,400.00
D. H. Miller	do	do	do	350,000.00	71,350.00	2,921.50
Gussie	do	Southern Pacific Co	Apr. 30, 1898	150,000.00	46,900.00	500.00
Whitney	do	do	do	150,000.00	43,750.00	500.00
Matteawan	do	Miami Steamship Co	May 1, 1898	310,000.00	63,000.00	12,500.00
Florida	do	Plant Investment Co	May 2, 1898	300,000.00	78,000.00	4,319.00
Florida (rechartered)	do	do	Mar. 17, 1899		33,500.00	
San Marcos	do	New York and Texas Steamship Co	May 10, 1898	300,000.00	60,500.00	5,000.00
Concho	do	do	do	450,000.00	74,800.00	6,500.00
Rio Grande	do	do	do	250,000.00	54,000.00	5,000.00
Leona	do	do	do	450,000.00	55,500.00	
Vigilancia	do	New York and Cuba Mail Steamship Co	do	500,000.00	78,600.00	3,806.20
Seguranca	do	do	do	500,000.00	85,800.00	5,786.67
Orizaba	do	do	do	400,000.00	65,000.00	5,700.60
Yucatan	do	do	do	400,000.00	71,500.00	5,519.00
Seneca	do	do	do	400,000.00	63,900.00	6,015.41
Saratoga	do	do	do	400,000.00	60,300.00	3,897.62
Santiago	do	do	do	300,000.00	52,200.00	5,411.21
City of Washington	do	do	do	400,000.00	57,600.00	4,533.43
Cherokee	do	Wm. P. Clyde & Co	May 11, 1898	300,000.00	51,500.00	5,875.00
Iroquois	do	do	do	400,000.00	59,400.00	1,766.00
Morgan	do	Southern Pacific Co	May 12, 1898	150,000.00	44,400.00	500.00
Aransas	do	do	do	225,000.00	45,600.00	500.00
Breakwater	do	New Orleans and Belize Royal Mail Steamship Co	do	175,000.00	41,140.00	
Miami	do	Miami Steamship Co	May 13, 1898	260,000.00	56,650.00	12,500.00
Anne E. Stevens	Schooner	W. S. Vanaman	do	10,000.00	8,650.00	
Barge S. O. No. 77, N. Y.		Standard Oil Company	May 14, 1898	25,000.00	8,500.00	
Maverick		do	May 16, 1898	225,000.00	54,500.00	
Stillwater	Steamship	New Orleans and Belize Royal Mail Steamship Co	do	125,000.00	55,250.00	
Laura	Lighter	Galveston Steamship and Lighterage Co	May 24, 1898	10,000.00	6,750.00	3,700.00
Manteo	Steamship	New York and Cuba Mail Steamship Co	May 28, 1898	75,000.00	57,000.00	1,212.60
Captain Sam	Tug	W. Chase Spotswood	May 31, 1898	25,000.00	2,925.00	
Cumberland	Steamship	Cumberland Steamship Co	June 1, 1898	20,000.00	10,200.00	
Kanawha	do	John A. Donald	June 3, 1898	60,000.00	21,350.00	
Comanche	do	Wm. P. Clyde & Co	do	500,000.00	58,240.00	3,598.00
Specialist	do	Angier Line	do	195,000.00	43,500.00	1,657.00
Knickerbocker	do	Cromwell Steamship Co	do	300,000.00	44,000.00	500.00
Louisiana	do	do	do	675,000.00	35,000.00	248.25
Hudson	do	do	do	300,000.00	35,600.00	
Clinton	do	Southern Pacific Co	June 5, 1898	150,000.00	39,200.00	500.00
Gate City	do	Ocean Steamship Co	June 6, 1898	300,000.00	36,500.00	8,500.00
City of Macon	do	do	do	300,000.00	40,500.00	8,500.00
Unionist	do	Angier Line	June 10, 1898	150,000.00	35,625.00	1,675.00
Catania	do	Tweedie Trading Co	June 13, 1898	300,000.00	55,200.00	5,738.38
Nueces	do	New York and Texas Steamship Co	do	400,000.00	61,750.00	3,500.00
Lampasas	do	do	do	400,000.00	39,650.00	9,440.55
Arkadia	do	New York and Puerto Rico Steamship Co	June 15, 1898	150,000.00	19,750.00	1,002.00
Nimrod	Tug	H. T. Hartwell	June 25, 1898	3,500.00	1,600.00	
Ora	do		do	2,000.00	70.00	
Wanderer	Steamship	New Orleans and Belize Royal Mail Steamship Co	July 5, 1898	35,000.00	14,740.00	200.00
La Grande Duchesse	do	Plant Investment Co	do	1,000,000.00	70,800.00	10,950.65
Underwriter	Tug	Louisiana Branch Pilots' Association	July 8, 1898	43,000.00	13,760.00	
Tarpon	Steamship	Plant Investment Co	July 10, 1898	150,000.00	21,000.00	1,577.20
Gladisfen	Tug	Wm. E. Meyer	July 11, 1898	30,000.00	5,670.00	
Gladisfen (rechartered)	do	do	Nov. 13, 1898			
Uto	do	H. P. Kirkham	July 20, 1898	250,000.00	9,240.00	500.00
James A. Lawrence	do	Alfred Dutch	Aug. 10, 1898	40,000.00	4,500.00	
Vigilant		John Delany	Aug. 11, 1898		5,225.00	1,200.00
Lewis Pulver		John Nichols	do		4,200.00	
Columbia		James P. McAllister	Aug. 15, 1898	18,000.00	3,015.00	
Shinnecock		Montauk Steamboat Co	Aug. 30, 1898	250,000.00	23,500.00	
Fanita	Steamship	James McKay			18,593.20	
Bratten	Tug	W. D. Munson	Nov. 11, 1898	100,000.00	2,205.00	
Gretchen	do	John E. Reyburn			663.33	
Chester A. Arthur	do	Starin Transportation Co			2,120.00	
Curry	do	do			2,120.00	
De Witt Ivins	do	Moran Towing Co				
Sunset	do	P. McGuire				
Transfer	do	do				
W. H. Vanderbilt					2,120.00	
Newkirk					50.00	
Baxter					30.00	
Total					2,882,284.03	175,580.27

PACIFIC FLEET.

City of Sydney	Steamship	Pacific Mail Steamship Co	May 10, 1898	$475,000.00	$226,500.00	$9,610.00
City of Sydney (rechartered).	do	do	Aug. 8, 1899			
Australia	do	Oceanic Steamship Co	May 10, 1898	300,000.00	72,666.67	4,000.00
Colon	do	Pacific Mail Steamship Co	May 27, 1898	350,000.00	77,250.00	3,156.97
China	do	do	do	900,000.00	177,000.00	8,836.61
Zealandia	do	Oceanic Steamship Co	do			
Zealandia (rechartered)	do	do	Mar. 22, 1899	250,000.00	313,266.66	8,500.00
Do	do	do	June 3, 1899			
Ohio	do	Empire Transportation Co	May 27, 1898	450,000.00	476,338.83	
Morgan City	do	Johnson-Locke Mercantile Co	June 7, 1898	275,000.00	98,340.00	2,519.36
Morgan City (rechartered).	do	Barneson & Chilcott	Jan. 5, 1899		143,400.00	
Indiana	do	Empire Transportation Co	June 8, 1898	450,000.00	469,166.66	
Senator	do	Pacific Coast Co	do	400,000.00	534,375.00	
Senator (rechartered)	do	do	Aug. 13, 1899			

C.—*List of vessels chartered for the Army transport service during and since the termination of the war with Spain, showing the names of vessels, their class, from whom chartered, date of charter, appraised value of each vessel as stated in the charter party, amount paid for services, etc.*—Continued.

PACIFIC FLEET—continued.

Name of vessel.	Class.	From whom chartered.	Date of charter.	Valuation as stated in charter party.	Amount paid for services.	Amount paid to restore to condition on discharge.
City of Para	Steamship	Pacific Mail Steamship Co	June 11, 1898	$500,000.00	$297,600.00	$5,096.30
City of Para (rechartered)	do	do	July 6, 1899			
Valencia	do	Pacific Steam Whaling Co	June 19, 1898	200,000.00	256,250.00	3,640.27
Valencia (rechartered)	do	do	Feb. 21, 1899			
Do	do	do	June 17, 1899			
Newport	do	Pacific Mail Steamship Co	June 20, 1898	500,000.00	470,000.00	5,808.85
City of Puebla	do	Pacific Coast Co	June 23, 1898	450,000.00	394,800.00	11,500.00
City of Puebla (rechartered).	do	do	Aug. 18, 1899			
Peru	do	Pacific Mail Steamship Co	June 25, 1898	750,000.00	122,000.00	5,465.38
City of Rio de Janeiro	do	do	July 7, 1898	750,000.00	197,250.00	11,017.92
City of Rio de Janeiro (rechartered).	do	do	Sept. 12, 1899			
Pennsylvania	do	Empire Transportation Co	July 7, 1898	450,000.00	440,833.33	
Tacoma	Sailing ship	Alaska Packers' Association	July 11, 1898	75,000.00	98,650.00	
St. Paul	Steamship	Alaska Commercial Co	July 19, 1898	375,000.00	367,400.00	7,500.00
St. Paul (rechartered)	do	do	Nov. 7, 1898			
Do	do	do	Aug. 3, 1899			
Centennial	do	Charles Nelson	Jan. 27, 1899	100,000.00	93,225.00	
Centennial (rechartered)	do	do	July 1, 1899			
Conemaugh	do	Empire Transportation Co	Feb. 14, 1899	275,000.00	202,800.00	
Roanoke	do	North American Transportation and Trading Co	Feb. 20, 1899	250,000.00	40,500.00	900.00
Portland	do	Alaska Commercial Co	Feb. 21, 1899	150,000.00	25,800.00	
Cleveland	do	Charles Nelson	Mar. 13, 1899	60,000.00	19,800.00	
Charles Nelson	do	do	Mar. 25, 1899	85,000.00	49,500.00	1,958.50
Charles Nelson (rechartered).	do	do	Sept. 23, 1899			
Leelanaw	do	Saginaw Steel Steamship Co	Apr. 14, 1899	200,000.00	142,800.00	
Wyefield	do	Harry J. Hart	June 12, 1899	250,000.00	130,650.00	
Tartar	do	do	July 4, 1899	450,000.00	230,650.00	
Garonne	do	Frank Waterhouse	July 21, 1899	175,000.00	114,625.00	
Athenian	do	Canadian Pacific Railway Co	July 22, 1889	375,000.00	129,800.00	
Port Albert	do	Frank Waterhouse	July 27, 1899	250,000.00	94,500.00	
Siam	do	Macondray & Co	Aug. 1, 1899	350,000.00	91,800.00	
Victoria	do	North American Mail Steamship Co	Aug. 3, 1899	250,000.00	120,400.00	
Columbia	do	do	Aug. 25, 1899	200,000.00	96,750.00	
Aztec	do	Pacific Mail Steamship Co	Aug. 28, 1899	225,000.00	100,800.00	
Sikh	do	John Rosenfeld's Sons	do	250,000.00	70,200.00	3,500.00
Belgian King	do	M. J. Brandenstein & Co	Sept. 1, 1899	400,000.00	59,500.00	
Tacoma	do	North American Mail Steamship Co	Sept. 4, 1899	250,000.00	57,200.00	4,825.00
George W. Elder	do	Oregon Railroad and Navigation Co	do	250,000.00	31,900.00	3,473.50
Glenogle	do	Fred Dodwell	Sept. 13, 1899	300,000.00	68,800.00	6,300.00
Manauense	do	Harry J. Hart	Sept. 27, 1899	140,000.00	48,000.00	
Lennox	do	Northern Pacific Steamship Co	Sept. 29, 1899	300,000.00	65,800.00	
Victoria	do	J. J. Moore & Co	Oct. 5, 1899	175,000.00	44,000.00	
Olympia	do	North American Mail Steamship Co	Oct. 9, 1899	200,000.00	67,200.00	
City of Peking	do	Pacific Mail Steamship Co	Oct. 13, 1899	650,000.00	80,000.00	
Westminster	do	Harry J. Hart	Oct. 16, 1899	300,000.00	50,050.00	
Benmohr	do	Macondray & Co	do	500,000.00	53,900.00	
Port Stephens	do	Frank Waterhouse	Oct. 21, 1899	250,000.00	53,781.25	
Pathan	do	Macondray & Co	Oct. 23, 1899	200,000.00	49,000.00	
Duke of Fife	do	John Rosenfeld's Sons	Nov. 1, 1899	400,000.00	54,900.00	
Flintshire	do	George W. McNear	Nov. 3, 1899	350,000.00	41,300.00	
Dalny Vostock	do	John Rosenfeld's Sons	Nov. 6, 1899	225,000.00	33,600.00	
Fearless	Tug	Spreckels Tug Boat Company	July 4, 1899		2,616.67	
Total					7,749,235.07	107,608.66

SUMMARY.

Atlantic fleet, as per above statement		2,882,284.03	175,580.27
Expenditures reported for fitting up chartered vessels for transportation of troops not included in above statement:			
New York	81,730.77		
Tampa, Fla	31,047.51		
Savannah, Charleston, and Tampa	80,568.32		
Mobile, Ala	14,412.70		
New Orleans, La	7,533.99		220,086.71
Charleston, S. C	700.00		
Fort Monroe, Va	65.22		
Habana, Santiago, Manzanillo, and Cienfuegos	4,028.20		
Pacific fleet, as per above statement		7,749,235.07	107,608.66
San Francisco, Cal	1,150,478.84		
Seattle, Wash	190,818.00		
Portland, Oreg	46,592.07		1,391,066.54
Manila, Philippine Islands	3,177.63		
Grand total		10,631,519.10	1,894,342.18

Mr. BURROWS. In answer to the Senator from South Carolina, I will state that I find this statement in the document:

Consolidated statement showing the net allotments to, the net expenditures from, and the unexpended balances in the Treasury to the credit of so much of the $50,000,000, appropriated under the act of March 9, 1898, as was assigned to the War Department under the title "National defense (war)."

	Net amount allotted by the President.	Net expenditure made through the War Department.	Balance remaining in Treasury subject to requisition to meet uncompleted contracts.
Total	$18,969,627.68	$16,525,564.92	$2,444,062.70

That is from Document 145.

Mr. TILLMAN. I suggest to the Senator from Arkansas, if he proposes to introduce any resolution of inquiry, that he ask what has become of the ships that were bought, and whether the same board of survey which the Senator from Massachusetts mentioned as having fixed their value when they were bought had the same view of their value when they were sold. I want to see the difference between the purchase price and the upset price of selling, and I want to locate the point of view, so to speak, of the board as to why or how the price differed so. I hope the Senator——

Mr. ALLISON. Will the Senator allow me to interrupt him for a moment more? I suggest that he insert the numbers of the documents.

Mr. JONES of Arkansas. Let the numbers go in the RECORD.

Mr. ALLISON. The document suggested by the Senator from Massachusetts is Senate Document No. 145, Fifty-sixth Congress, first session, being a letter from the Secretary of War in response to the resolution of the Senate of January 8, 1900.

Document No. 110 is a letter from the Secretary of the Navy, transmitting, in response to a resolution of the Senate of January 8, 1900, a statement from the Paymaster-General of the Navy,

showing the allotments to the Navy Department from the $50,000,000 appropriated by Congress.

Mr. JONES of Arkansas. This Congress or the last?

Mr. ALLISON. This Congress.

Mr. HALE. This session.

Mr. ALLISON. Fifty-sixth Congress, first session, and all made in response to resolutions.

Mr. CHANDLER. I hope the Senator from Arkansas, when he prints his speech, if he does not want to put all these in the body of it, will print them as appendixes to it, and then the people who read his speech can study those statements.

Mr. JONES of Arkansas. I will agree that the Senator from New Hampshire shall print them as appendixes to his speech.

The PRESIDENT pro tempore. What is the request of the Senator from Iowa?

Mr. JONES of Arkansas. He simply wanted the numbers of these documents to go into the RECORD, so that they may be easy of reference. He has given the numbers to the Reporter.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURROWS. Will the Senator allow me to call his attention to other documents which may throw some light on this and may narrow the investigation?

Mr. JONES of Arkansas. Certainly.

Mr. BURROWS. I hold in my hand Senate Documents Nos. 67 and 81. No. 67 is a report from the Attorney-General.

Mr. JONES of Arkansas. This Congress?

Mr. BURROWS. This Congress; and No. 81 is a report of the Secretary of Agriculture, in which they report to Congress that no portion of the $50,000,000 was assigned to either of their Departments, and therefore nothing has been expended by them.

Mr. JONES of Arkansas. Yes; that is valuable information. I am glad to get that.

Mr. President, I simply intended to illustrate the reason why I thought there should be an accounting required of these sums of money by my reference to the $50,000,000 and the complaints that are being made about its expenditure. I did not intend to make any charge. I know no facts upon which a charge can be made, except I do know that there are charges that outrageous prices were paid for these vessels, and I think the facts ought to be published as to the amounts paid. It seems that these reports, according to the statements of the gentlemen, show it. I had asked a number of Senators, the Senator from Iowa among others, as I just now stated, whether there had been any reports of this kind made, and was told by a number that they knew nothing of any such statements, and I knew of none; but I am glad to hear that there are such statements.

I was discussing this report of the Director of the Paris Exposition and the amounts of money paid to different individuals under his direction. It is unnecessary to go over the entire details. The total amount of expenditures reported and accounted for up to January 1 is less than $400,000. I think there ought to be a more complete report of those expenditures, and I do believe that while the law of 1898 requiring these expenditures, if carried out and enforced, will cover the purpose, I doubt whether it is sufficient. It has not been observed up to this time, and I am afraid it will not be in the future.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New Hampshire [Mr. GALLINGER].

Mr. PETTIGREW. I make the point of order against the amendment that it proposes general legislation, creates new offices, and defines the duties of the occupants thereof.

Mr. GALLINGER. On that point I desire to call the attention of the Chair to section 2 of Rule XVI, with which the Chair is doubtless familiar:

> All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

Technically a point of order would lie against this amendment on the ground that it was referred to-day to the Committee on Appropriations instead of yesterday, but I apprehend that will not be seriously contemplated in ruling on this question.

This is a new appropriation of $75,000 for the payment of certain salaries, and I think under that provision of Rule XVI the Chair could properly decide that it is in order.

Mr. ALDRICH. I suppose the objection which the Senator from South Dakota makes to the amendment is that it is obnoxious to the third section of Rule XVI, which provides that no amendment which proposes general legislation shall be received to any general appropriation bill.

Mr. PETTIGREW. Yes.

Mr. ALDRICH. All of the provisions in regard to the report of a committee and estimates do not apply to that paragraph.

Mr. GALLINGER. I was quite aware of that fact, and would not contest that position, of course. If it is decided that it is general legislation, I think it might well be decided that it is a new appropriation, and having been reported from a committee and referred to the Committee on Appropriations it can properly be admitted.

Mr. HALE. Mr. President, I think the statement which the Chair made this morning of the effect of this rule was as completely clear and explicit as could be made. The question is, What is general legislation? I have always contended that general legislation does not simply mean legislation applicable to all the country and to all subjects, but that general legislation is anything that is not special and private legislation. The appropriation of money with a limitation upon it is not general legislation. That is special legislation applicable to the appropriation. Legislation which applies to a claim is not general legislation. That is private legislation.

Now, the question is, when you come to great subjects that are confined to one particular purpose, Are those not general legislation? Suppose an amendment is proposed upon this bill to organize a new Territory. It applies to nothing but the Territory. It is not generally applicable to all the people. It is a single subject, and yet who would maintain that it is not general legislation? Almost as good a distinction as I could draw would be the body of laws that are issued at the end of every session. The private laws are in one part of the volume—those that are special and private. All the others are in the general legislation—for and selected as general legislation.

Therefore, I have always contended that although a subject-matter may be distinct and clear and applicable to but one thing, yet as it is public legislation it is general legislation. I hope that the ruling of the Chair will be in that direction; otherwise it will be claimed that the proposition for an exposition in a given town is not general legislation, but is private or special legislation, and that a proposition for the organization of a Territory or the creation of a new department is not general legislation; and I should say very clearly that that would not hold good as parliamentary law.

Mr. ALLEN. Mr. President——

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

Mr. HALE. Certainly.

Mr. ALLEN. I should like to ask the Senator from Maine if he has always held to the distinction between private or special legislation and general legislation which he now announces?

Mr. HALE. Yes; so far as I remember in any remarks I have ever submitted to the Senate; and I have sometimes talked upon this question until I thought the Senate was almost as tired of it as I am.

Mr. ALLEN. In justification of myself I will state that the doctrine which the Senator now advocates is the one which I have announced on many an occasion here, and I have been the victim on more than one occasion of a point of order made by the Senator from Maine, taking practically the reverse position from that which he now occupies.

Mr. HALE. I think the Senator will find it very difficult, if he will look up the record, to convict me of ever saying anything contrary to what I say now, because it has been perhaps almost a fad of mine that general legislation comprehends something more than all the subjects that pertain to the people.

Mr. ALLEN. I never supposed there could be any doubt about it, but there seems to have been a great deal of doubt heretofore.

Mr. GALLINGER. If the Senator will permit me, I am not going to controvert his position, but I am glad that he has called attention to the fact in his argument that if we go on in this way we will really permit an exposition to be held somewhere, under the provisions of an appropriation bill. The Senator sat in the Committee on Appropriations and permitted such a provision to go in the bill and to be passed upon by the Senate, and he forgot this contention which he has always made and which he so profoundly believes in. I am glad he is so consistent.

Mr. HALE. I will only say that I can not reveal the proceedings of the Committee on Appropriations, nor can I state what was my vote in the committee on the exposition amendment. I was not here when the matter came up, so that I am not in any way guilty of consenting thereto. Nobody made any point of order. I do not say that I should have made it if I had been here. But I was not here.

Mr. LODGE. Mr. President, in regard to the matter of the exposition, after what we have heard this morning from the Senator from Arkansas in regard to the Paris Exposition and the lack of itemized accounts, I think the Senate ought to hesitate before it appropriates $5,000,000 for an exposition without any protection whatever of which I am aware in the expenditure of that money, without any provision as to how it shall be spent or by whom. Unless something is done to cure that defect I shall make the point of order against it when it reaches the Senate.

Mr. ALDRICH. Mr. President, if the amendment offered by the Senator from New Hampshire is not general legislation, I do not know what can be called general legislation. If it is not, then

all of the legislation which is adopted at any session of Congress can be dumped upon an appropriation bill. I assume that the Chair will sustain the point of order.

In regard to the other suggestion made by the Senator from Massachusetts, I hope that the great dangers which have been pointed out from improvident expenditures under these general appropriations for expositions will lead the Senate to consider very carefully the proposition of the Senator from Missouri in regard to $5,000,000, especially when it is true that the $5,000,000 is to be expended by a private corporation and not by an officer of the Government of the United States. The Senator from Arkansas has convinced me that we have gone too far already in making appropriations of that nature, and that the Senate should halt in regard to such propositions suggested from either side of the Chamber or by the representative of any party.

Mr. COCKRELL. That expenditure, the Senator will remember, is to be made under the direction of the Secretary of the Treasury, who has the scrutiny of every item of it.

Mr. ALDRICH. It is to be made by the exposition company of St. Louis.

Mr. COCKRELL. But by and under the approval of the Secretary of the Treasury.

Mr. ALDRICH. Yes; but under no rule.

Mr. COCKRELL. Not a dollar can be expended without his approval.

Mr. ALDRICH. It is under no law.

The PRESIDENT pro tempore. The amendment offered by the Senator from New Hampshire, in the opinion of the Chair, creates a new commission. If there were a commission in existence and this were simply an appropriation for the commission, the Chair would not hold that it was general legislation; but creating a commission and making an appropriation, the Chair is obliged to hold that it is general legislation and subject to the point of order.

Mr. GALLINGER. I rise to a parliamentary question, which I understand the Chair can rule upon in his discretion or not. During my membership in this body I have never heard it raised, and that is whether a point of order can be made when the bill has been reported to the Senate.

Mr. PLATT of Connecticut. Or an amendment agreed to as in Committee of the Whole.

The PRESIDENT pro tempore. Before responding to the inquiry, the Chair would like to consider it for a while. Clearly, if a point of order is made against a proposition as in Committee of the Whole, it can not be repeated in the Senate. The Chair is satisfied that that is correct. Upon the question whether, if no point of order is made as in Committee of the Whole, it can be made when the bill reaches the Senate, the Chair desires to reflect.

Mr. GALLINGER. That is precisely the point I desire to have determined. An examination of the rules certainly does not seem to disclose anything that would prevent the point of order being made in the Senate upon an amendment or proposition against which the point had not been made as in Committee of the Whole.

The PRESIDENT pro tempore. The Chair will be obliged to depend upon general parliamentary law.

Mr. HALE. I am inclined to think——

Mr. PENROSE. I ask for the reading of the amendment I offered.

Mr. HALE. That point has been raised by several Senators informally in conversation. I am inclined to think the Chair will find that it is a new point. I do not remember, in my experience, that the question has been raised. Where the Committee of the Whole have reported a proposition to the Senate, and no point of order has been made upon it as in Committee of the Whole, whether a point of order can be made in the Senate or whether it is too late certainly has not come up in my time, when I have been present in the Senate. I am inclined to think the Chair will find it a new question, and I think the Chair should have an opportunity to examine the question very carefully.

Mr. RAWLINS. Is it in order to propose an amendment to the bill?

The PRESIDENT pro tempore. There is an amendment pending. The Senator from Pennsylvania [Mr. PENROSE] offers an amendment, which will be stated.

The SECRETARY. It is proposed to insert the following at the end of the bill:

That the sum of $200,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to the Philadelphia museums for the purpose of completing the collection from foreign markets of samples of merchandise of the character in favor and demand therein, and of illustrating the manner in which merchandise for such markets should be prepared and packed.

Mr. HALE. I make the point of order against the amendment.

Mr. ALLEN. I desire the attention of the Senate for a few moments.

Mr. HALE. I wish to make a point of order.

Mr. ALLEN. Let me speak first.

Mr. HALE. I yield to the Senator from Nebraska.

Mr. ALLEN. Mr. President, I desire the attention of the Senate for a few moments. We have consumed nearly three hours of the day in discussing the very intricate and interesting question as to what constitutes special or private and what constitutes general legislation, which to my mind is as simple as the first letter of the alphabet if we take the established authority as our guide. I have not undertaken myself to enlighten the Chair as to the ruling that should be made. Not being a parliamentarian, I have not thought it proper to offer any suggestions as to what course ought to be pursued. That has been done amply by the Senator from Maine, who is a parliamentary encyclopedia, and by the Senator from Rhode Island and by the Senator from Connecticut; and I have no doubt the Chair derived much valuable information from the discussion of those Senators and will be able during the remainder of the session to pursue the right course in his rulings on these intricate subjects.

The Senator from Arkansas [Mr. JONES] has brought to the attention of the Senate some of the peculiarities of the administration of our exposition affairs in the city of Paris. In my judgment it requires some explanation at the hands of those who are responsible for that exposition and its conduct. He has also brought to the attention of the Senate and the country some peculiarities about the purchase and sale of vessels by the Navy and War Departments, which likewise, to my thinking, requires an explanation on the part of those engaged in those transactions.

Interesting as has been the discussion of Rule XVI and of the matters which the Senator from Arkansas has referred to, I think the Senate of the United States, at this peculiar time and at this particular hour, ought to pause long enough to give expression to its sentiments regarding the relations existing between Great Britain and the South African Republic. We have consumed this entire winter and are now about to adjourn without having passed a resolution or given voice to an authoritative sentiment regarding the feelings of Congress or of the country toward the people who are struggling in South Africa to maintain their liberty. The press brings us the intelligence this morning that Pretoria, the capital of the South African Republic, has fallen into the hands of the British troops, and that President Kruger and his faithful followers and the burghers generally are fleeing to the mountains and the unexplored portions of Africa, once again, I presume, to establish a government for themselves.

We have present in Pretoria a diplomatic representative. The Senator from Minnesota [Mr. DAVIS] the other day informed us that a consul is not a diplomatic officer, and it was refreshing and delightful to learn that the old rule still holds true that a consul is a commercial and not a diplomatic officer. But we have clothed the young gentleman who represents the United States at the capital of the South African Republic, consul though his title be, with diplomatic power, and he has been exercising those powers in negotiating with other governments and in negotiating between the United States and the South African Republic.

Notwithstanding this, notwithstanding we recognized by the appointment of this diplomatic officer the existence of the South African Republic months and even years ago, when that Republic, a short time ago, selected three envoys to come to this country and represent them in Washington, they had no more than set their feet upon the soil of the District of Columbia when they were informed semiofficially that their presence here was not desirable and that they would not be received officially and recognized as representatives of their Government. The greatest and most powerful republic on earth denied official recognition to the youngest if not the smallest republic. The spirit of liberty which actuated our ancestors in 1776 became dormant in official Washington, while the great heart of the masses of our countrymen went to those simple burghers in their distress and, in my judgment, sympathizes with them heartily to-day.

Through some kind of an arrangement—I know not exactly what, because I am not a diplomat and know little about such matters—these gentlemen were taken to the office of the Secretary of State, not officially, but as private citizens of a country whose political independence was then questioned by Great Britain, which, in my judgment, was using its influence with this country to prevent their recognition. They were taken into the office of the Secretary of State, and no doubt they were treated personally with marked consideration and distinction, because we all know the capacity of the Secretary of State as an entertainer. But they were denied official recognition. Their letters or credentials were never received and never acted upon, and, if I understand the situation correctly, they were never presented, in consequence of a suggestion made to them either by the Secretary of State or by others in authority.

While they were being entertained by the Secretary of State, at that same moment the British ambassador entered the office of the Secretary of State and was put in a side room to await the termination of the interview between the Secretary and these envoys. They had no sooner taken their hats and left the office of the Secretary of State when his lordship was admitted into the presence of the Secretary. But what took place between them I

suppose no man will ever know. I speak of this as a coincidence of their visit.

In less than a week from the time this Government turned down these Boer envoys and refused to recognize them as the official representatives of a sister republic, the same Secretary of State wired to Mr. Choate, at London, the following cablegram:

WASHINGTON, *May 24, 1900.*

The following message has been sent by Secretary Hay to Ambassador Choate in London:

"You will please convey through the appropriate channels the congratulations and best wishes of the President to her Majesty the Queen on the occasion of her birthday."

This was published in the New York Sun of May 25, and was published as a press dispatch throughout the press of the United States. When I read that dispatch I looked the paper through to see if I could not find a dispatch by Mr. Hay to President Kruger expressing some sympathy, or some hope, at least, that the South African Republic would succeed in establishing its independence of Great Britain. But, Mr. President, no such dispatch was found and we had no information that such a dispatch was sent or contemplated.

I have no objection, Mr. President, to congratulating Queen Victoria upon her birthday, not in consequence of her being at the head of the British Empire, but by reason of her being an eminent lady whose life has been worthy of emulation. But it did occur to me, and it occurs to me now, that when Mr. Hay sent this telegram to Mr. Choate congratulating the head of the British Government upon her reaching her birthday successfully, not as a citizen or subject of Great Britain, but as the sovereign power of Great Britain, he ought at least to have sent something to Kruger and his struggling followers encouraging the cause of liberty in South Africa.

I think myself it would have been fully as consistent to have sent out a dispatch to all good women of the United States who had lived to be about eighty years of age, and congratulated them upon reaching their eightieth birthday successfully, and upon what they had done in the cause of liberty in building up a noble sentiment in a great Republic like this.

I do not know, of course; I can only indulge my imagination; but I presume when that amiable gentleman Mr. Choate, our ambassador to England, got this dispatch, clothed in the proper regalia, in proper court dress, he hastened to the presence of the Queen, and there, in proper diplomatic style, he delivered the congratulations of the President of the United States that she had lived and reigned so long and so successfully over the British Empire.

Mr. President, but yesterday the press dispatches brought us a report of a speech made by Lord Salisbury in which the cloak is entirely thrown off, the mask is torn from the face of Great Britain, and he declares now that it is the purpose of the British Empire to destroy these Republics and annex them to Great Britain. They have gone so far as to change the name of the Orange Free State to the Orange River State. There is no longer any hypocrisy in the attitude of Great Britain.

Of course, Mr. President, the Republican party has tears and sympathy to extend to these Boers; but whenever in this city they were being wined and dined and fêted by distinguished Republican officeholders, not a Democrat or a Populist was permitted to see them if they could be kept out of sight.

A have even heard criticism going to the extent of suggesting that his lordship the ambassador of Great Britain footed the expenses of the extensive parties that were given by our Republican friends in their adulation and their entertainment. How true that may be I do not know; I do not care. We had a right to suppose that these envoys, after spending over thirty days upon the ocean in coming to this country to present their cause, should at least have an opportunity to do so. Has the time come in the history of this Republic, before it has reached a century and a third of its existence, when those who may represent the cause of human freedom from any part of the habitable globe are to be turned incontinently from the door and refused an opportunity to lay the object of their mission before the authorities of the United States? Yet that would seem to be exactly what has been done.

Unofficial America sympathizes with the Boers in their struggle for liberty, but there seems to be a hidden cord binding official America to official Great Britain to the extent that we are impotent and powerless in official circles, when Great Britain indicates to the contrary, to extend the ordinary hospitalities and amenities of official life to the representatives of a republican government.

But what have the people of South Africa done? Are they criminals? Have they violated any of the laws of nations? Are they outlaws? No, Mr. President, they have been guilty of the crime of seeking the liberty that we ourselves enjoy, and which I pray God we may enjoy in the future as we have done in the past. They were inspired by our example. Their constitution is a revamp and a remold of the Constitution of the United States. They were inspired by the example of the great Republic. When they come to us for sympathy we turn them from our doors without a hearing.

And yet, Mr. President, we ought not to forget that if it had not been for the ancestors of these very people, if it had not been for Holland and the spirit of liberty in Holland in 1776, we quite likely would to-day have been dependencies of the British Empire instead of a powerful Government and independent of them. They came to our aid with their money, with their assistance, when we had no credit and when we could not borrow a dollar elsewhere in the world, and when British troops were overrunning every foot of our territory, when British naval vessels were in every water upon our coasts, seeking to destroy us because we aspired to an independent government such as, in my judgment, God has designed for all the people of earth. We have grown fat and powerful; we have grown aristocratic, Mr. President; and now we are so wealthy and so powerful that official America looks with scorn and contempt upon a struggling people; and when they seek to lay their complaint before those in authority, the official nose is elevated at an angle of forty-five degrees in contempt of them and their nation.

Mr. RAWLINS. Mr. President, is it in order to offer an amendment to the sundry civil appropriation bill?

Mr. PENROSE. There is an amendment pending.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). There is one amendment pending.

Mr. ALDRICH. A point of order was made against it by the Senator from Maine [Mr. HALE].

The PRESIDING OFFICER. Does the Senator ask that the amendment shall be read?

Mr. ALDRICH. No; I understood a point of order was raised against it by the Senator from Maine.

Mr. PENROSE. I should like to know what the point of order is, if the Chair will state it.

The PRESIDING OFFICER. Is the Senate ready for the question on agreeing to the amendment?

Mr. HALE. Mr. President, this is a subject that has been very hotly contested both here and in the House and in the committee that had it in charge. The committee is very nearly divided. There is very strong objection to the Government beginning to embark in appropriations for matters which are not governmental. That is the chief ground of my opposition to it. That being my belief, in which I know a great many Senators share, as to the inherent evil of it, I am constrained to make every point of order that I think good.

I think this point of order is good; it is nothing but a claim made by this institution for Government help; it is general legislation, because it is the same as if we undertook to set up a new enterprise; there is no law for it; it is a departure from the general law, upon the same train of thought that I indicated some time ago, that general legislation is not simple legislation applying to the general body of law, but any act that is not private legislation is general legislation. I make that point of order against this amendment.

Mr. PENROSE. Mr. President, I should like to ask the Senator from Maine whether these qualms of conscience as to the parliamentary propriety of this amendment struck him when the St. Louis appropriation was inserted in the bill day before yesterday afternoon?

Mr. HALE. The Senator will not drive me from a considerate point of order by any slur.

Mr. PENROSE. Mr. President, I do not——

Mr. HALE. I make that point of order; and I have another point of order to make that I certainly shall make now, if I did not intend to make it before. I was not here when the St. Louis Exposition matter came up. I voted against it in the Committee on Appropriations, which I have not stated before. I was sorry to do it; I am sorry to have to do it now; but when, because I make a point of order on another matter, I am taunted by the remark that I have not done it on that, I reply that I voted against the St. Louis Exposition item in the committee, and if I had been present here I would have made a point of order against it. I make that point of order, and I make also the point of order, Mr. President, that, whether that point of order is good or not, the amendment has not been reported one day beforehand.

Mr. PENROSE. I am glad the Senator has been relieved from the grave charge of inconsistency, which, in my opinion, can be applied very fairly and justly to every member of the Committee on Appropriations who was present when that amendment was introduced and who sat silently in his seat.

Now, Mr. President, I will submit to a rule consistently applied with as good grace and with as little complaint as any member of this body. But the moment the bars are let down, and the moment a rule is violated, especially by those who are in authorized charge of a measure and who are supposed to guard carefully their own rules and regulations, it places Senators in this body in a false position with their constituents, and is unjust and unfair.

With the whole committee, as I understand it, directing the chairman of the Committee on Appropriations not to give consent to the enormous appropriation of $5,000,000, there is not a whimper or a protest or an objection raised in the Senate; and when other gentlemen get up to offer amendments equally useful to the public, equally desired by the American people and, in my opinion, equally of importance—and I refer, Mr. President, to the amendment which you have introduced, and which I have introduced, and which are infinitesimally small in their inroads on the public Treasury compared with the enormous appropriation which we have already consented to—I can appeal to the candor and fairness of the Senate that it is unjust to you and to me and it is difficult to explain to our constituents. It is the violation of a rule permitted for an enormous amount, and then suddenly and in an unequal manner enforced by those who have consented to the violation of it.

Mr. President, I ask that this amendment be agreed to by the Senate (whether or not the House conferees will agree to it is another question), in justice to me as a Senator of this body, upon the same ground and waiving the same technicalities that were calmly and quietly permitted to be waived when the Senate, without any protest from you or from me, consented to this enormous appropriation.

The PRESIDING OFFICER. Section 2 of Rule XVI reads as follows:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, etc.

Waiving the first point made by the Senator from Maine, it is sufficient for the present occupant of the chair to know that this proposition was referred to the Committee on Appropriations today, and hence, under the provision of the rule, the point of order will lie.

Mr. PENROSE. I desire to make an inquiry of the chairman of the Committee on Appropriations. Will he have this amendment considered in time to be acted upon one way or the other before the final determination of this bill?

Mr. ALLISON. I hope to have this bill finished to-day. That is my intention.

Mr. PENROSE. I desire to give notice that I shall, when the bill is reported to the Senate, raise the point of order as to the St. Louis Exposition provision and all other matters contained in the bill that in my opinion are open to the objection which has been raised against this amendment.

Mr. RAWLINS. Mr. President, I offer an amendment. On page 53, after line 15, I move to insert:

For establishing a fish-hatching and fish-culture station, including construction of buildings and ponds, and equipment, at some suitable point in Utah, to be selected by the United States Commissioner of Fish and Fisheries, $10,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be used for the purchase of a site.

Mr. President, there are but two States, I believe, that are in any way adapted to this kind of service which are not already provided for in the law. Those two States are Idaho and Utah. The Committee on Appropriations have caused to be inserted in the bill a similar provision for Idaho. Utah is far removed from the seashore; it has not the advantages of an ocean supply of fish, and there is no State in the Union where greater benefit would be derived from this kind of service than in my State. I hope the Senator from Iowa will interpose no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ALLISON. I feel constrained to make the point of order on this amendment. It is not estimated for and there is no report from any committee that I know of in favor of it.

Mr. RAWLINS. I ask upon what theory the Senator can object to this amendment and insert the same legislation for Idaho?

Mr. ALLISON. The Senator has his remedy on the Idaho amendment.

Mr. HALE. The Senator can raise a point of order on that amendment.

Mr. RAWLINS. I do not.

The PRESIDING OFFICER. The point of order having been made that the proposed appropriation has not been estimated by the head of a Department, the Chair is constrained to sustain the point of order.

Mr. CLARK. At the end of line 15 on page 73 I move to insert:

That hereafter persons actually residing within or in the vicinity of any forest reservation may, without charge, under rules and regulations to be prescribed by the Secretary of the Interior, cut and remove from such reservations dead and down timber for their own use as firewood or for the improvement of their homes, mining claims, or farms.

Under rules and regulations to be prescribed by the Secretary of the Interior, dead and down timber may be cut and removed from forest reservations or from the public domain where, in his judgment, the same is likely to produce or spread fires; and trees exceeding 9 inches in diameter may be sold to and cut and removed by persons purchasing the same under regulations to be prescribed by the Secretary of the Interior: *Provided*, That only such trees may be so sold and felled the removal of which shall be advantageous to the forests upon such reservations or the public domain.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

Mr. ALLISON. Admonished by what has been said in the Senate, I make the point of order upon this amendment that it is legislation.

Mr. CLARK. Before that point of order is insisted upon——

Mr. ALLISON. I will yield to the Senator if he wishes to be heard.

Mr. CLARK. I should like to call the attention of the Senate to the fact that all our present laws in regard to forest reserves have been passed upon the sundry civil appropriation bill. The law providing for the patrol of the reserves and every law that we have now in regard to forest reserves and their government is found upon the sundry civil appropriation acts of the various Congresses. It occurred to me as very proper that this amendment should be placed upon the sundry civil appropriation bill. I ask unanimous consent that it may be considered at this time, notwithstanding the point of order.

Mr. ALLISON. I am constrained to insist upon the point of order.

The PRESIDING OFFICER. The Senator from Iowa makes the point of order that the amendment is new legislation.

Mr. ALLISON. General legislation.

The PRESIDING OFFICER. The point of order is sustained.

Mr. DANIEL. There is an amendment which has been sent to the desk which I should like to offer.

The PRESIDING OFFICER. The Senator from Virginia offers an amendment, which will be read.

The SECRETARY. Insert after line 15 on page 67:

The Secretary of the Treasury is hereby directed to suspend until further action of Congress any act or proceeding against the State of Virginia under provisions of section 4 of the act approved March 3, 1899, entitled "An act to amend an act entitled 'An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain.'"

Mr. ALLISON. Does the Senator ask unanimous consent?

Mr. DANIEL. Yes, sir; I ask unanimous consent that that amendment may be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ALLISON. The question is whether unanimous consent will be given to consider it. I ask that the Chair may put that question. I shall not object myself.

The PRESIDING OFFICER. The Chair will suggest that that is rather a strange parliamentary procedure, but he is willing to put the question.

Mr. ALLISON. It may be strange, but I understood the Senator from Virginia to ask unanimous consent.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment submitted by the Senator from Virginia?

Mr. BAKER. I ask that it be read.

The Secretary again read the amendment.

Mr. BAKER. As we are all making points about these new matters of general legislation, I submit that this is subject to the same objection. It provides for the suspension of a general law, and therefore is general legislation.

Mr. DANIEL. Mr. President, I hope I may be permitted to explain the status in which our State is placed by the peculiar action of the Government. If the Senator from Kansas will turn to the RECORD of May 29, there he will find a more ample statement of it than I would be willing to inflict again upon the Senate.

A conference report brought this matter into a bill which was entirely foreign to the subject-matter. It was unknown to the Senators here, and unknown to the Representatives, and not mentioned by the conferees in either House. They put the Government in an attitude of taking a State by surprise, suing it without opening to it the privilege of applying those offsets and equities which could only be permitted by statute. I am sure the honorable Senator would not wish to do an injustice to the Commonwealth of Virginia or to any other Commonwealth.

It seems to me that this action is due on behalf of the Government itself, and that it ought to be moved to take such action until the matter can be properly adjudicated or settled.

The PRESIDING OFFICER. Does the Senator insist upon his point of order?

Mr. BAKER. I do.

The PRESIDING OFFICER. The amendment submitted, as the Chair understands the matter, is a portion of an amendment previously ruled out on a point of order. It is general legislation; and the Chair is constrained to sustain the point of order.

Mr. PRESIDENT: I offer the amendment which I send to the desk, to come in on page 67, after the word "available," at the end of line 15.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 67, after line 15, it is proposed to insert:

To pay the State of Nevada the sum of $462,441.97 for moneys advanced in aid of the suppression of the rebellion in the civil war, as found and reported to Congress on January 22, 1900, by the Secretary of the Treasury, as provided in an act of Congress approved March 3, 1899.

Mr. STEWART. Mr. President, I was very much disappointed, when the report of the Committee on Appropriations was presented, to find the claim of the State of Nevada coupled with a large number of other claims. It stands on a different footing from any other claim that was reported by the committee. It is for money advanced by Nevada, while it was a Territory, in aid of the suppression of the rebellion. The State assumed the debt, although it need not have done so, and it was unfortunate that it did.

It is a debt which the State has carried and paid interest upon ever since; and it is very burdensome. There is very little taxable property in the State. Nevada is poor, and this debt is materially retarding her development, because the rate of taxation is necessarily high, and people do not like to settle in the little valleys in the State since silver mining has been abandoned and the price of silver has gone down. The resources of the State are inadequate to the demands upon it. I wish to call the attention of the Senate to the claim and to the manner in which it has been investigated.

On the 27th of June, 1882, an act of Congress was passed authorizing the Secretary of the Treasury, with the aid and assistance of the Secretary of War, to examine and investigate the claims of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada and the Territories of Washington and Idaho for moneys expended and indebtedness assumed by said States and Territories in repelling invasions and suppressing Indian hostilities in said States and Territories, and for other purposes. (22 Stats., 111.)

On the 4th of August, 1886, Congress passed an act for the benefit of the above-named States, the second section of which is as follows:

SEC. 2. The Secretary of War is hereby authorized to detail three Army officers to assist him in examining and reporting upon the claims of the States and Territories named in the acts of June 27, 1882, chapter 241 of the Laws of the Forty-seventh Congress, and such officers, before entering upon said duties, shall take and subscribe an oath that they will carefully examine said claims, and that they will, to the best of their ability, make a just and impartial statement thereof as required by said act. (24 Stats., 217.)

Under the first act the claims of Kansas, Texas, and Nebraska were examined by the Treasury and War Departments and paid. The amount paid to Texas was $1,075,793.37, of which sum $927,177.40 was put on an urgent deficiency bill in the first session of the Fiftieth Congress (25 Stats., 71), after the bill had passed both Houses and when the Senate amendments were under consideration in the House, and was agreed to in conference; and the remainder, $148,615.97, was paid September 30, 1890, in the deficiency bill of 1890 (30 Stats., 539).

The board of war claims examiners were engaged under the provisions of these two acts for several years, and finally made their report to the Secretary of War, who made his report in December, 1889, on the claims of California, Oregon, and Nevada to Congress, which were printed as Senate Documents Nos. 10, 11, and 17, Fifty-first Congress, first session, comprising three large volumes, and which gave in great detail the history of said claims and stated the exact amount which each State had furnished and had then actually paid.

On this adjustment by the board of war claims examiners the Senate, in March, 1891, incorporated an amendment in the general deficiency bill (H. R. 13658) to pay the amounts so found due each State, and which amendment passed the Senate. Mr. Sayers, the chairman of the House Committee on Appropriations, objected to the amendment on the ground that the claims of California, Oregon, and Nevada had not been passed upon by the Treasury Department, although they had been much more thoroughly examined by the war claims examiners than the Treasury Department could have done, and that, too, in pursuance of a law specially passed for that purpose. The objection was merely technical.

In addition to the passage of these claims in appropriation bills, independent bills providing for their payment passed the Senate both in the Fifty-first and Fifty-third Congresses. (See Senate Report 1351, page 7, Fifty-sixth Congress, first session.)

At the last session of the Fifty-fifth Congress the claims of California, Oregon, and Nevada were again passed by the Senate in the "omnibus bill," but the California delegation in the House stated that they had not fully examined the subject, and the conferees on the part of the House objected to the payment of the claims. The conference committee, however, inserted in the omnibus bill the following provision:

That the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war be, and the same is hereby, referred to the Secretary of the Treasury to investigate and report to Congress at the next session the amount furnished by said State of Nevada, or by the Territory of Nevada and assumed by said State, in aid of the suppression of the rebellion of the civil war, with such interest on the same as said State has actually paid, together with what amounts have been heretofore paid by the United States. (30 Stats., 1206.)

The Secretary of the Treasury, in pursuance of the above law, made the following report, printed as House Document No. 322, Fifty-sixth Congress, first session:

CLAIM OF THE STATE OF NEVADA.

Letter from the Secretary of the Treasury, transmitting a report on the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war. January 20, 1900.—Referred to the Committee on War Claims, and ordered to be printed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 19, 1900.

SIR: Referring to the act of March 3, 1899 (30 Stat., page 1206), upon the subject of the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war, and calling for report to Congress by the Secretary of the Treasury thereon, I have the honor to transmit herewith copy of statement of the case made by the Auditor for the War Department January 18, 1900.

Respectfully,

L. J. GAGE,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,
Washington, January 18, 1900.

SIR: In reply to your communication of March 11, 1899, requesting a report under provisions of act of March 3, 1899, paragraph "State claims" (Public, 190), upon the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war, I have the honor to state the following:

On December 24, 1889, the Secretary of War, acting in accordance with a resolution of the Senate of February 27, 1889, transmitted a full and complete statement showing the amount expended by the State of Nevada, with such interest on the same as the State had paid between February 10, 1865, and June 30, 1889, amounting in all to the sum of $412,600.31. This report is found in Executive Document No. 10, first session Fifty-first Congress.

From a certified statement of Samuel P. Davis, State comptroller of Nevada, made on December 19, 1899, it appears that since the time covered by the report of the Secretary of War—i. e., from June 30, 1889, to December 31, 1899—the State of Nevada has paid the sum of $58,401.27 as interest upon money paid by the State in aiding in suppressing the rebellion in the civil war. Accordingly, assuming this statement to be correct, the total amount expended by the State of Nevada, or by the Territory of Nevada and assumed by said State, with such interest on the same as the said State has actually paid, amounts to $471,001.58.

Upon reports of an examination of this claim made by the State war claims examiners, the Third Auditor, and the Second Comptroller of the Treasury, under act of June 27, 1882, the sum of $7,559.61 was allowed and paid to the State of Nevada on April 10, 1888. This amount, deducted from the total amount paid by the State of Nevada, leaves the sum of $462,441.97 for which the State has not been reimbursed. The following is a tabulated statement of this claim:

Amount of claim of the State of Nevada, including interest up to June 30, 1889, as shown in the report of the Secretary of War (see page 10, Senate Document No. 10, Fifty-first Congress)	$412,600.31
Amount of interest paid by Nevada from June 30, 1889, to December 31, 1899	58,401.27
Total claim	471,001.58
Amount which the State was reimbursed on April 10, 1888, under act of June 27, 1882	8,559.61
Total paid by the State for which no reimbursement has been made	462,441.97

Respectfully,

F. H. MORRIS, *Auditor.*

The claim of the State of Nevada has therefore had all the examination that the claims of the States of Kansas, Texas, and Nebraska had prior to their payment. The report of the Secretary of the Treasury makes it unnecessary to have any further examination of the claim. The intention of Congress in passing the law of March 3, 1899, directing the Secretary of the Treasury to report to Congress the sum due the State of Nevada, was clearly to make an appropriation at the present session for said claim in the sum so found due.

On the 4th day of March, 1891, while the general deficiency bill, H. R. 13658, was under consideration in the Senate, which included the amendment for the payment of the Nevada claim, the Senator from Maine [Mr. HALE] who had charge of the bill made some remarks regarding this claim.

I want to call the attention of the Senator from Maine especially to this matter. I was explaining the amendment. It was feared we could not get the bill through, as it was then the last day of the session, and Senators and members of the House came to me and promised faithfully that if I would let the bill pass—I stood right here at the time the debate occurred—they would at the next session make an appropriation for the State of Nevada; that there would be no doubt about it; and the Senator from Maine made remarks that were very encouraging, upon which I took my seat and let the bill pass and postponed action on the amendment. That was nine or ten years ago, and the Senator from Maine then said:

Mr. HALE. Mr. President, I desire to say only a word in reply to the Senator from Nevada. The instructions given to the committee on the part of the House do not apply to the State claims, but only to the railroad claims, so that in the conference which will immediately ensue the Senate conferees will not find the conference embarrassed by any action of the House aside from those claims. The committee of conference will be in session immediately, and I only repeat what I have said before, that it will endeavor to secure as much as possible of the action of the Senate upon this bill.

I want to say to the Senator from Nevada—I know that he is a reasonable man upon all these subjects—that the Senate is committed to these State claims by vote, by sentiment, and it is only a question of time when they will pass.

The present bill, aside from the matters which have been discussed, contains upon it an appropriation for pensions for soldiers amounting to $28,000,000. I do not suppose there is a Senator here who, whatever may be his feeling about other matters in the bill, would desire to wreck the bill and thereby leave the soldiers without money for the payment of their pensions during the remainder of the year. Calling the attention of the Senator to this, I leave the subject now, and hope to be able to report from the conference committee in a very short time.

The claim of Nevada was incurred by the Territory of Nevada, which was admitted into the Union by an act of Congress, without application being made to come in, when the usual public buildings had not been erected for the State, when no appropriation had been made for a State prison and other buildings—it came into the Union destitute. The State has paid and is paying interest on this money, and is now very much embarrassed in consequence.

The claim has been investigated; it has been reported upon at nearly every session by committees of both Houses; it has been reported every time favorably, and once very elaborately from the Committee on Military Affairs by the Senator from Minnesota [Mr. DAVIS], who investigated the claim thoroughly. It has been reported four or five times by various committees of the House, but failed to get concurrent action of the two Houses.

Now, I ask that this item be inserted in the bill. It stands on a different footing from the California and Oregon claims; it is a better claim of indebtedness incurred, and besides, it has passed the Treasury Department under a special act, which those claims have not. I know the California and Oregon claims are just; I have done all I could to procure their payment; but I hope that this item may be paid now, because it has been delayed so long, and because the State is sorely in need of the money. Nobody can assign any reason against the payment of the claim, and there is no question as to its validity.

Mr. ALLISON. Mr. President, I sympathize with the Senator from Nevada and with the State of Nevada as respects this claim, which has been pending now for thirty-five years or more; but, admonished by suggestions of the Senate, I am constrained to make a point of order upon this amendment that there is no estimate for it, and that it has not been passed upon by a standing committee.

Mr. STEWART. It has; it has been reported by the Committee on Claims.

Mr. ALLISON. Very well. Then I make the suggestion that there is no estimate for it, and that it is a claim which stands in the relation of a great many other State claims that are now pending in both Houses of Congress. Of course, it is well known that the Committee on Appropriations endeavors to deal with some of these claims, but can not deal with them intelligently as respects the amount. I find here that the Auditor for the War Department has made a report upon the amount of the claim, etc.

Mr. STEWART. Under a special law for that purpose.

Mr. ALLISON. It is a report of the Auditor; not an estimate of the Treasury Department.

Mr. STEWART. There is a report of the Secretary of the Treasury as to the amount, and the amendment is recommended by a standing committee.

Mr. ALLISON. The Secretary of the Treasury simply states that, in answer to a letter written by the Senator from Nevada, I believe——

Mr. STEWART. Oh, no; in pursuance of law.

Mr. ALLISON. A letter written to the Speaker of the House of Representatives:

Referring to the act of March 3, 1899 (30 Stat., page 1203), upon the subject of the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war, and calling for report of Congress by the Secretary of the Treasury thereon, I have the honor to transmit herewith copy of statement of the case made by the Auditor for the War Department January 18, 1900.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. STEWART. Sustains the point of order?

The PRESIDENT pro tempore. Yes.

Mr. STEWART. Well, I will have to appeal from the decision of the Chair, because it is not legislation and it is recommended——

Mr. ALLISON. There is no estimate for it.

Mr. STEWART. It is estimated for by the Secretary of the Treasury. He has found the amount due, and the amendment is to carry out existing law.

The PRESIDENT pro tempore. Was it reported from a committee as an amendment to the bill and sent to the Committee on Appropriations?

Mr. STEWART. It was sent to the Committee on Claims, reported as an amendment to this bill, and sent to the Committee on Appropriations some time ago. It has gone through every phase that makes it in order.

The PRESIDENT pro tempore. A State claim, according to Jefferson, is not a private claim in the ordinary acceptation of the term. The Chair was not aware that the amendment had been reported from a committee as an amendment to this bill and sent to the Committee on Appropriations.

Mr. ALLISON. I should like to see that amendment. I have here some other papers. The Senator did report some amendment.

Mr. TELLER. Mr. President, it was passed upon by the Committee on Claims and referred, as I understand, to the Committee on Appropriations. I know the Committee on Claims authorized its being reported.

Mr. STEWART. Yes.

The PRESIDENT pro tempore. The Chair overrules the point of order, then. The question is on agreeing to the amendment. [Putting the question.] By the sound the "ayes" have it.

Mr. ALLISON. I call for a division.

Mr. TELLER. Mr. President, I just want to say one word about this matter. If there are any claims that are just and proper, which the United States ought to pay, this is one of them. It has had all the care and attention it is possible to give a claim. Every dollar of this amount has been found by the Treasury Department to be due the State of Nevada. The State has been kept out of it for thirty-odd years. It is an expenditure that all of the States in the West were compelled to make from time to time. Most of them have been recognized and paid, and there is no reason why this should not be paid. It is as sacred an obligation, in my judgment, as the national bonds; and the conditions are such that everybody knows that the Government can pay it now as well as at any other time. The situation in Nevada demands that, if the Government is ever to pay it, the Government ought to pay it now.

Mr. HAWLEY. Mr. President, I have served a good many years on the Committee on Military Affairs, and at every Congress have heard this bill discussed from beginning to end. There is no sort of question as to its justice. It is just as much due as your board bill, which you have to pay every month.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. ALLISON. I withdraw the call for a division.

The amendment was agreed to.

Mr. ALLEN. Mr. President, I offer the amendment which I send to the desk, to come in on line 5, page 8.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 8, after line 5, it is proposed to insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected at Norfolk, in the State of Nebraska, on the site already purchased therefor by the Government of the United States, a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts, post-office, land office, and other Government offices in the city of Norfolk and State of Nebraska; the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $50,000, which said sum of $75,000 is hereby appropriated for that purpose, out of any moneys in the United States Treasury not otherwise appropriated.

SEC. —. That so much of said appropriation as may be necessary for the preparation of sketch plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately; and after the said sketch plans and estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches. The building shall be unexposed to any danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Mr. ALLEN. Mr. President, I desire the attention of the Senate and Senators for just a moment to make a brief explanation of this proposed amendment.

The amendment was introduced and sent to the Committee on Public Buildings and Grounds, has been recommended by them favorably, and referred to the Committee on Appropriations. The amendment also is designed to carry into execution two laws already in existence.

Twelve years ago Congress passed an act establishing a Federal court at the city of Norfolk and the city of Hastings in my State, in addition to the cities of Omaha and Lincoln. Two years ago, or during the Fifty-fifth Congress, Congress made an appropriation of $10,000 to buy a site for a public building in Norfolk, which has been purchased and is now owned by the Government.

Those familiar with the geography of Nebraska will remember that the State is about 500 miles east and west, and perhaps about 213 or 214 miles north and south. The Platte River runs almost through the center of the State from east to west. There are three lines of railroads running through the State from the extreme east to the extreme west—the Elkhorn Railroad, in the northern portion of the State; the Union Pacific, along the center; and the Burlington, in the southern portion of the State.

The Federal courts, in consequence of the lack of a public building at Norfolk, are not held there now in accordance with the act of Congress. Litigants in the State of Nebraska having cases before the Federal court are compelled to travel to Omaha or to Lincoln, Omaha being on the west bank of the river and Lincoln within about 50 miles of the Missouri River, and almost in the extreme southeast corner of the State. The result is that the class of litigants who live in the northwestern portion of the State, and who are tributary for litigating purposes to the Federal court which

is held at Omaha, are compelled to travel from four to five hundred miles to reach court and take their witnesses that distance.

As a consequence, only those litigants having a great deal of money can afford to resort to the courts, and most of them do not have much money. It is a practical denial of justice to them in consequence of being unable, when they reach the Federal court at Omaha, to have their cases speedily determined, cases being frequently postponed from term to term, so that counsel fees, hotel expenses, and the expenses of witnesses practically eat up all there is in the litigation for them.

So it is better for the average litigant having a few thousand dollars involved in a Federal court to surrender everything he has, and step out of court, than to seek to litigate his case.

Norfolk is on the Elkhorn road, in the northern portion of the State, or rather the north-central portion of the State, a little less than 200 miles from Omaha, and, as near as practicable, midway between the extreme west and the extreme east.

There are four railroads entering the city from the different points of the compass. It is the largest city in what we call the North Platte country, a city of about 5,000 people, having a great many industries, and it is the natural place for litigants to come from the northwest portion of the State to settle their difficulties before the Federal court.

I do not feel that I am warranted in taking the time of the Senate to go into this matter more in detail, but I wish to impress upon Senators the fact that my constituents in the northwestern part of the State of Nebraska for all practicable purposes are deprived of their rights by reason of being compelled to go so far to a Federal court. The amendment carries into execution the law establishing a Federal court at Norfolk, passed in 1888 or 1889. It carries into execution the law of two years ago, purchasing ground for the purpose of a public building, and it complies with Rule XVI in having been recommended favorably by a standing committee.

Mr. ALLISON. I am constrained to make the point of order on the amendment of the Senator from Nebraska. First, it has not been estimated for in the Book of Estimates. Secondly, it has not been recommended through an amendment from any standing committee of this body to the Committee on Appropriations.

Mr. ALLEN. It has been. I beg the Senator's pardon.

Mr. ALLISON. I will be glad to have the Senator show me the amendment.

Mr. ALLEN. I will do so. The Senator is in error about that:

In the Senate of the United States. February 7, 1900. Referred to the Committee on Public Buildings and Grounds, and ordered to be printed. May 29, 1900. Reported by Mr. FAIRBANKS with amendments, referred to the Committee on Appropriations, and ordered to be printed.

Now, with respect to the rule, I endeavored to follow out that rule as closely as I could, because I have been a victim of it several times, and I have some horror of the rule and the manner in which it is applied.

All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless—

There is the exception—

the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

It is moved by a standing committee, and therefore comes within the exception.

Mr. ALLISON. It may be moved formally by a committee, but there is no law anywhere authorizing the erection of this public building.

Mr. ALLEN. I would not need it if there was.

Mr. ALLISON. There is no statute authorizing it, and the uniform rule has been that until a public building had been authorized a mere amendment reported from one committee to another will not justify its insertion in an appropriation bill. If the amendment suggested by the Senator from Nebraska is in order, then provisions for all the public buildings that all the people can think of would be in order on this bill.

Mr. ALLEN. If I had the law referred to I would not need this amendment. The rule certainly can not have a narrow construction, such as is contended for by the Senator from Iowa. It would be against the policy of the rule itself. Here is a court established twelve years ago by act of Congress. There is no public building there. In the Fifty-fifth Congress an act was passed appropriating $10,000 for the purchase of a site for a public building, declaring in that act that a public building should be erected upon that site. That money was expended, the property was purchased, and the Government owns it now.

Mr. TELLER. There is a law to establish a building there.

Mr. ALLEN. Of course there is.

Mr. ALLISON. I ask the Senator to read it.

Mr. ALLEN. It will take me some time to turn to it.

Mr. ALLISON. There is no authority of law for the erection of a public building at Norfolk.

Mr. ALLEN. It says for the purchase of a site for a public building at Norfolk. I do not know what that means unless it means that Congress has declared its purpose to erect a public building there, and I submit that the contention of the Senator from Iowa will not bear analysis. It would defeat any law on the face of the earth, I hope, in view of the liberality which the Senate and the Committee on Appropriations have shown, and in view of the peculiar conditions in my State, which constitute a practical denial of justice to a great portion of our people, that this amendment may be accepted and go through.

Mr. HALE. Has it not always been held, I will ask the Senator from Nebraska, with respect to public buildings, that no appropriations can be made until an act is passed providing for their being erected? Otherwise the whole responsibility would be changed to the Committee on Appropriations.

Mr. ALLEN. That is a good argument from the Senator from Maine, whose State has all the buildings they have asked for.

Mr. HALE. We have not had a public building in Maine for many years, and do not expect any.

Mr. ALLEN. I do not suppose there are 40 acres there on which public money has not been spent.

Mr. HALE. There are forty cases like this.

Mr. ALLEN. The Senator does not want this amendment adopted?

Mr. HALE. I do not care anything about it.

Mr. ALLEN. He does not want it adopted because it takes a little money out of the Treasury.

Mr. HALE. There are forty different buildings of the same class that are coming, and we have always held, until an act is passed to provide for the public building, that it can not be in order as an amendment to an appropriation bill.

Mr. ALLEN. That is a subterfuge, with all due deference to the Senator. There never has been a rule of that kind for the last six or seven years.

Mr. HALE. I think it is a pretty good point, not a subterfuge.

Mr. ALLEN. I do not think it is. The Senator and I differ in that respect, as in a great many other respects, to my infinite delight.

Mr. ALLISON. There is no authorization of a public building.

Mr. ALLEN. Will you be kind enough to read it?

Mr. ALLISON. I will read it.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire title, by purchase, condemnation, or otherwise, to sites in the cities of Hastings and Norfolk, respectively, in the State of Nebraska, on which to erect suitable buildings.

Mr. ALLEN. I wish the Senator would let me have that? I am very thankful to the Senator for furnishing me the statute. I could not turn to it readily.

Mr. HALE. I stated that there are forty or fifty cases like the one of the Senator from Nebraska; but on the strength of that statute which provides that the Secretary may go on and purchase a site for the erection of a public building, I withdraw the statement. I do not think that there is any such number, and I do not know of any other cases. Where Congress has acted—has passed a bill providing for the purchase of land on which to erect a public building—I do not think after that it needs any new law to erect a public building.

Mr. ALLEN. I thank the Senator.

Mr. HALE. I did not know there was any statute to that effect.

Mr. ALLEN. I withdraw all the hard things I said.

Mr. HALE. I do not want the Senator to do that, because he will want something else pretty soon. I did not know there was any such statute.

Mr. ALLEN. I read from chapter 339, laws of 1899, omitting the enacting clause:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire title by purchase, condemnation, or otherwise, to sites in the cities of Hastings and Norfolk, respectively, in the State of Nebraska, on which to erect suitable buildings, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in said respective cities, the cost of said sites, respectively, not to exceed the sum of $10,000.

Then it goes on with several subsequent sections, giving directions in the usual form for the carrying out of this provision, declaring expressly that these sites are to be purchased for the purpose of erecting public buildings for post-offices, court-house, and other purposes. The amendment is to carry out this law, making an appropriation of $50,000 to erect a public building on this site. It has been recommended by the Committee on Public Buildings and Grounds, and complies strictly with the rule.

Mr. ALLISON. I differ with the Senator from Maine as respects the effect of this act, but it still appears that there is no estimate for this building. I did not pay close attention to the reading of the amendment suggested by the Senator from Nebraska, but I suppose there is in his amendment no limit to the cost of this building.

Mr. ALLEN. If the Senator will permit me to interrupt him, there has been an estimate, which is higher than the amount I ask.

Mr. ALLISON. For this building?

Mr. ALLEN. Yes: for this building.

Mr. ALLISON. Where?

Mr. ALLEN. I understand the Architect's estimate is for some seventy or eighty thousand dollars, but these people are willing to have a building that can be built for $50,000.

Mr. ALLISON. I am informed by the clerk of the committee that there is no estimate for this building, and if the Senator will point out in the Book of Estimates that there is one, I shall be glad to be corrected.

Mr. ALLEN. I do not know anything about that. Under the rule it does not require an estimate. It comes clearly within the first subdivision of Rule XVI. The exception is that it is made to carry out the provisions of some existing law and that it has been recommended by a standing committee. Now, subdivision 3 of that rule reads:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy, etc.

I will read subdivision 2. That has bearing on it.

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations—

That has been done—

and when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received—

There is no proposition to increase the amount stated in the amendment—

In like manner amendments proposing new items of appropriation to river and harbor bills shall, before being considered, be referred to the Committee on Commerce.

So it comes clearly within the purview of that subdivision. There is no attempt to increase the amount recommended by the committee nor to change it.

The PRESIDENT pro tempore. The Chair overrules the point of order. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was agreed to.

Mr. DANIEL. Mr. President, I beg leave to offer an amendment to come in on page 67, after line 15. I will state that it was reported in due form by the Committee on Claims and referred to the Committee on Appropriations.

The SECRETARY. It is proposed to insert after the amendment just adopted, on page 67, the following:

That the Secretary of the Treasury be, and he is hereby, directed to resettle, readjust, and pay, out of any money in the Treasury not otherwise appropriated, all claims of the States of New York, Pennsylvania, Delaware, Virginia, South Carolina, and the city of Baltimore for and on account of advances and expenditures made by said States and the city of Baltimore in the war of 1812 to 1815 with Great Britain, and in computing interest on said advances the Secretary of the Treasury shall apply the following rule, as applied by act of Congress to the claim of the State of Maryland, namely: Interest shall be calculated up to the time of any payment made. To this interest the payment shall be first applied, and if it exceeds the interest due the balance shall be applied to diminish the principal; if the payment fall short of the interest, the balance of interest shall not be added to the principal so as to produce interest. Second, interest shall be allowed on such sums only on which the State either paid interest or lost interest by the transfer of an interest-bearing fund, or for such length of time only as the State or city paid or lost interest aforesaid: *Provided*, That in the settlement of these claims any bonds or other evidences of debt of any of the said States or of said city of Baltimore held by the United States on any account whatever shall be credited as offsets to the United States, and the balance found due on the 1st day of January, 1898, after deducting the principal and interest on said bonds or other evidences of debt to the said 1st day of January, 1898, shall be paid to said States and city of Baltimore, and the said bonds or other evidences of debt shall be returned to the States issuing the same.

Mr. ALLISON. I venture to make the point of order that this is general legislation, although it is reported by a committee.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. DANIEL. I beg leave to call attention to the fact that the case of Nevada was admitted under similar circumstances. This amendment has been referred to the Committee on Appropriations and was recommended by the Committee on Claims.

Mr. TILLMAN. The Chair having ruled, I suppose we will have to ask a vote on the question and test it, for it is identical with the case which has just been decided in regard to Nevada. This amendment comes from the Committee on Claims with a favorable report, and is authorized to be submitted as an amendment to the sundry civil bill, and as the Nevada amendment has been sustained I do not see how the amendment just proposed can be ruled out. We will have to appeal from the decision of the Chair again, as the Senator from Nevada did.

Mr. CHANDLER. I think the Senator from South Carolina can move his as an amendment to the Nevada amendment when we get the bill into the Senate. I have no doubt about that being in order.

Mr. DANIEL. I will be very glad to have it pointed out what is the distinction. There seems to be a great difference of opinion and some confusion as to what is admissible and what is not. I should like to know what is the difference between this case and the one which preceded it.

Mr. BACON. I should like to inquire of the Chair if the ruling of the Chair is under the third clause of the sixteenth rule.

The PRESIDENT pro tempore. It is general legislation.

Mr. BACON. The point to which I wish to direct the attention of the Chair is that the rule requires that whenever an amendment of that kind is proposed all questions relative to the relevancy of the amendment under the rule when raised shall be submitted to the Senate and be decided without debate.

The PRESIDENT pro tempore. The question of relevancy has not been raised. If the question of relevancy were raised the Chair would be obliged to submit it to the Senate.

Mr. BACON. The Chair's ruling is based on the ground that it is general legislation?

The PRESIDENT pro tempore. General legislation.

Mr. BACON. I did not understand the Chair.

Mr. TILLMAN. The question of relevancy comes in, because we have just admitted the State of Nevada under identical conditions; and if you can admit one State you can admit half a dozen States. At least, that is the common-sense view that strikes me so forcibly that I shall ask the Senate to pass on this question, by appealing from the decision of the Chair as to whether or not this amendment is in order. If the Nevada amendment had been voted down—kept out—it would be a great hardship, as this is a great hardship to other States involved, especially South Carolina and Virginia, they having been sued in the Supreme Court on these claims. We ask merely an adjustment of the accounts between the United States and the States, so that we can know whether they owe us or we owe them. I contend that the question is one of relevancy simply because the Senate has decided that the Nevada amendment is in order. I appeal from the decision of the Chair.

The PRESIDENT pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CHANDLER. I did not hear the question stated. I did not know that the Senator had offered his amendment the second time.

Mr. TILLMAN. It is the amendment of the Senator from Virginia, which is in identically the same condition in a legislative way that the Nevada amendment was. In other words, it is here; it has passed the Senate; it has been reported from a standing committee as an amendment to this bill. The Nevada amendment was admitted by the Senate on a vote as not being subject to the point of order; and I contend that these other States are identically in the same condition that Nevada was, and the Senate, of course, will decide whether the Nevada amendment is to remain on and the other States are to go out.

Mr. ALDRICH. The difference between these two propositions is perfectly plain. The amendment offered by the Senator from Nevada was a simple proposition of an amendment appropriating, without conditions, a certain sum of money to pay an ascertained claim. That suggested by the Senator from Virginia contains legislation as to offsets and various other things, which were not in the Nevada case at all. It presents an entirely different question for the consideration of the Senate.

Mr. DANIEL. The fact that there are two propositions in the amendment does not make it any more general legislation than if there were one.

Mr. ALDRICH. But one is subject to the point of order and the other is not.

Mr. DANIEL. Why is the one subject to the point of order?

Mr. ALDRICH. Because it proposes general legislation.

Mr. DANIEL. It is not general legislation at all.

Mr. ALDRICH. The one is general legislation in regard to a claim, and the other is a plain proposition for an appropriation to pay an ascertained claim.

Mr. DANIEL. Permit me to say there are no more characteristics of general legislation in this proposition than in the one respecting Nevada. Four is no more general legislation than one. It does not apply to the whole country. It does not enunciate any principal of law. It simply deals with four cases instead of dealing with one case. The fact that you do not make an appropriation does not make it general legislation, and there is no philosophy, no logic, nothing but mere ipse dixit in what the honorable Senator says, with all respect to his great learning and skill. There is no suggestion of a thought in his language that imputes to this proposition general legislation. It is totally unintelligible to any mind to say that it is general legislation if you do not appropriate, and it is not general legislation if you do.

What is the distinction which the Senator makes? What principle does he rely on? What is the proposition upon which it is contended that an appropriation to pay a State debt is not general legislation, and a proposition to settle a debt of four States is general legislation?

Mr. ALDRICH. The Senator of course does not fail to understand the difference. It is so plain that no Senator can fail to see it. The Senator from Nevada offered an amendment to this bill which appropriated, without conditions and without terms, a certain sum of money to pay a claim ascertained by law. All the steps were taken. The Senator from Virginia puts in a proposition for a settlement, not now authorized by law, of a certain claim on the State of Virginia, and goes on to legislate by general legislation under what terms and conditions this new settlement shall be made. If the Senator fails to apprehend that, then nothing I can say or the Chair can say, I am sure, will convince him of the difference.

Mr. TILLMAN. While that may be true in regard to the Virginia case and the Pennsylvania case and the New York case, it is not true as respects the South Carolina case. South Carolina is in the amendment along with the other States, because we are on all fours with those States as regards the war of 1812. But the State of South Carolina has had its case presented to the Secretary of the Treasury and a resolution of the Senate passed, and reports have been sent here in which the facts are all brought out as to the condition of the account.

While it may be a very far-fetched and nice distinction which some of us can not see as a matter of equity, that the provision of this amendment which requires the Secretary of the Treasury to adjust accounts upon a known, fixed rule, adopted in the cases of three other States, is general legislation, as that act of Congress has already been enforced in the case of Massachusetts, Maine, and Maryland, why the Senator should object to having it enforced in the cases of Virginia and South Carolina and Pennsylvania and New York and the city of Baltimore I can not understand.

It is in accordance with the law, an act of Congress which clearly defines what the limitations are and how the Secretary must adjust the account. It is just as plain as the rule of three, and I confess that while I do not like even to hint at such a thing, because I do not believe any such feeling exists here, if the Senate shall sustain the technical ruling, it will have the appearance, and I shall regret it, that these claims are barred out of this bill because we are south of Mason and Dixon's line.

The PRESIDENT pro tempore. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

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

The yeas and nays were ordered.

Mr. TELLER obtained the floor.

Mr. DANIEL rose.

Mr. TELLER. I understand the Senator from Virginia wants to say something. I yield to him.

Mr. DANIEL. Mr. President, by the courtesy of the Senator from Colorado, although much disinclined to detain the Senate, I beg leave to say a few words on this subject. The positive assertions of the distinguished Senator from Rhode Island do not amount to any statement of any principle and do not discriminate any line of thought. Anyone can see the difference in point of fact between a proposition to state an account and pay the balance and a proposition to pay a balance already ascertained. These are differences in the subjects-matter of the amendment and differences in the facts which concern them, but why one should be considered general legislation and another special legislation is not a question which he has at all gone into except by his indefinite assertions.

Let us state the case, Mr. President. The amount which may be due to a particular State or due by a particular State is the subject of an account. With another State the account has been stated. Now, what is the difference between the two cases? Nothing but a diversity of fact; and yet the Senator insists that it is general legislation if you provide for a settlement of an account, but not general legislation if you provide for the payment of an account.

The character of the legislation is not indicated by the subject-matter or by the method with which you deal with it. It must be very clear that if a proposition to pay one State $100 is not general legislation a proposition to pay five States $100 also is not general legislation. In neither case is there legislation which affects the generality of society, which concerns the whole public by a general rule of law; nor has any tangible notion been suggested by the Senator in which you can discriminate between the two cases. Under these circumstances, then, with the utmost respect for the opinion of the Chair, I shall be constrained to vote that this amendment is admissible.

Mr. ALLISON. Mr. President, I wish to say only one word more respecting the amendment. I am in sympathy, as I have said before on this floor, with the general suggestions respecting the claim of Virginia as well as respects the claim of South Carolina. The Committee on Appropriations, seeing the difficulties that surround these claims by means of positive legislation for their settlement, proposed an amendment here which dealt with all these questions in a way whereby they could be intelligently and carefully considered by people who have the accounts before them.

Now, the Senator from Virginia brings in an amendment here which proposes not only to settle the claim of Virginia and South Carolina, but also to settle the claim of New York, which has not been before the committee or the account stated, so far as I know, and the claim of the city of Baltimore. The amendment which he proposes is not an amendment that applies to the South Carolina case at all as it exists. It is a claim which proposes an adjustment of certain matters only, whereas I understand the South Carolina claim involves not only the war of 1812, but also the Indian wars of 1837, 1838, and 1839.

Mr. TILLMAN. I hope the Senator from Iowa will cut this Gordian knot by proposing or asking unanimous consent that the original amendment of the committee, which was objected to and ruled out of order, shall be restored to the bill. That will relieve us of all this unpleasant predicament in which we find ourselves by reason of the fact that one State has received recognition in this bill and other States are barred out. If the Senator will ask unanimous consent I hope nobody will object, and we will get the amendment back, and then simply provide for an accounting and adjustment, and a report which will be a basis of future legislation and future appropriation.

Mr. TELLER. Mr. President, the Nevada claim is different from any other of these claims. All these claims have been before the Committee on Claims ever since I can remember; that is, ever since any connection I have had with that committee, which is now pretty nearly twenty-four years. They have been here again and again, and the committee have reported them. Some of them have, I think, passed the Senate, but if not they have frequently been reported favorably. As to the Nevada claim by law, we submitted that question to the Secretary of the Treasury and he reported. We authorized him to adjudicate that claim. He did so, and that was a finding which the Government of the United States ought to be bound by. As I said before, that is a claim which I regard to be just as much adjudicated exactly as I do a Government bond.

Now, Mr. President, there is some controversy that never has yet been settled by any Department of the Government as to these other claims. We have determined again and again in the committee that they were just and proper claims, and while the Government has some claims against these States—for instance, South Carolina, and therefore there is an offset—their position is just as good and they ought to be just as sacred as a Government claim.

Mr. TILLMAN. If the Senator from Colorado will allow me——

Mr. TELLER. It is not creditable that after thirty, forty, fifty, sixty, or seventy-five years we are still settling claims that ought to have been settled years ago. Now I will hear what the Senator from South Carolina wants to say.

Mr. TILLMAN. I call the Senator's attention to the fact that as far back as 1858 there is an act of Congress under which the Secretary of the Treasury was to report what would be the amount due to certain States. In that report, which is an executive document on file in this Capitol, it is stated that in 1832 the United States owed the State of South Carolina $78,000 and that in 1858 the interest on that sum had brought the amount up to $202,000. There is an acknowledgment under an act of Congress, coming from the Secretary of the Treasury, that the United States owes the State of South Carolina that much money.

Now, under the resolution introduced by me at this session of Congress and passed by the Senate instructing the Secretary of the Treasury to report in regard to these matters and additional items in regard to the war of 1836, 1837, and 1838, the Seminole war, has been looked into, the matters have been adjusted, the statement has been sent here in a letter from the Secretary of the Treasury, and the entire account of South Carolina is shown, paying off the $248,000, which we owe the United States on account of Indian trust bonds. That is accounted for in this report.

Then it is shown by the letter of the Secretary of the Treasury that the United States owes the State of South Carolina now $178,000 on account of those two wars, and that there is no more dispute about it and about its validity and its justice and its equity than there is about one of the bonds of which mention has been made here, issued by the Government for its public uses.

Mr. TELLER. I am quite well aware the Senator is correct as to the statement of the adjudication of that claim. The only trouble is that the Government of the United States has got a claim against the State of South Carolina.

Mr. TILLMAN. But our claim is $178,000 more than their claim, and all we ask is that we may be allowed to pay the United States all we owe and stop the suit which is now pending in the United States Supreme Court against the State to have us pay for bonds which we have already paid for and on which they owe us interest instead of we owing them.

Mr. TELLER. If the Senator will let me say just a word now and will take the floor after I get through I shall be glad.

I think these claims ought to have been allowed as we had provided for them in the committee, except as to the claim of Nevada, which ought to have been paid. There ought to have been an appropriation for that claim. The provision that the committee put in the appropriation bill to give to the Department a chance to cast the accounts between these two States and determine and settle the claim was satisfactory, I understand, to the Senators from those States. They are being harassed and sued under a provision that nobody, I think, here is responsible for that got into one of the appropriation bills. I never heard of it. I certainly would not have agreed to it.

Mr. ALLISON. It was not in an appropriation bill.

Mr. TELLER. It was not in an appropriation bill, but in some other bill. It came in here in some way. I never heard of it. I never would have consented to it myself, as long as we knew these matters were in dispute between these States and the General Government, that the Government should bring suit against the States. We are quite capable of settling this matter, and it ought to be settled, although we do not seem to have been capable of doing it.

It appears to me that we ought to restore at least to this bill, which I think we ought to be able to do by the unanimous consent of the Senate, this provision which submits to the Department the casting of these accounts and a final settlement, and a suspension of these suits until that can be done.

The Senator from South Dakota objected to it and raised a point of order on it, because, I suppose, his amendment was ruled out on a point of order. I never saw any reason why his amendment should not have been incorporated and become a part of it, for the State of South Dakota has a legitimate claim. Just the amount of it I do not know, but it is a legitimate claim and the Government undoubtedly owes the State of South Dakota.

I should like to suggest that we reinstate this provision in the appropriation act just as it was, by the consent of the Senate, if nobody is going to raise any point of order on it, leaving out the State of Nevada, which I think ought to be left out.

Mr. DANIEL. I beg leave to say that I would be very glad to do that.

Mr. TELLER. I do not know whether anybody will object to that or not. I ask the unanimous consent of the Senate that we may reinsert the provision on page 67, with the exception that "the State of Nevada" where it occurs in lines 19, 20, 22, and 23 may be stricken out.

Mr. PETTIGREW. Mr. President——

Mr. TELLER. I trust the Senator from South Dakota will agree to that.

Mr. PETTIGREW. I shall not object provided this is added at the end of it: After the word "Congress," line 25, page 68, insert:

And with the State of South Dakota for and on account of expenditures made by said State in connection with the outbreak of Sioux Indians in 1890 and 1891.

Then the provision reads:

And any compromise or settlement they may make with the said States, respectively, shall be fully reported to Congress for its future further action, stating the amounts, if any, which should be paid by the United States to any of said States and the amounts, if any, which should be paid by any of said States to the United States, etc.

I do not ask for any appropriation. I simply ask that this account may be adjusted like the rest of them.

Mr. TELLER. I ask unanimous consent that that may be added.

Mr. GALLINGER. Mr. President, I shall object to that.

Mr. ALLISON. I have no doubt South Dakota has some claim on account of the Indian wars of 1890 and 1891, but neither has the Committee on Appropriations, nor, as far as I know, has any committee of this body considered the question as to the amount of those claims. Whether they are State claims or individual claims it does not appear.

Mr. PETTIGREW. I say "the State of South Dakota," not individual claims.

Mr. ALLISON. The claim of the State of South Dakota against the General Government?

Mr. PETTIGREW. Yes; I simply want an accounting, that is all.

Mr. TELLER. Has the State of South Dakota filed claims with the General Government?

Mr. PETTIGREW. Yes, sir.

Mr. ALLISON. Then I have no objection to its insertion.

Mr. TELLER. I wish to say further that the State of Colorado has claims, but I will not ask leave to insert them in this bill. I want to provide for the States that are in trouble, and Colorado is not in any particular trouble; it can wait. Virginia and South Carolina particularly need this legislation. I hope nobody will object.

Mr. TILLMAN. Now, I want to appeal to the indulgence of the Senate for a moment and to the Senator from Iowa that I may give a little explanation and leave it to his discretion as to whether he will accept the proposal I will make.

Mr. TELLER. Let us see if we can get the Senate to accept what has been proposed.

Mr. TILLMAN. I want to see if I can not enlarge it in my State a little, and I will give the reasons. If the Senator does not want to enlarge it, of course I will let it go in as it is. The reasons I give are so pressing that Senators will at once see the importance of it, and I alluded to it the other day. There has not been a day since 1860 when South Carolina could receive any consideration in Congress. We occupied a peculiar condition, one of political disinheritance, so to speak, and if we have fallen on happier days, I think we are to be congratulated upon having gotten to a point in our history where even this outcast daughter of the Union can receive justice at the hands of the Senate.

Now, in the last month we have had notice to our governor, coming from the Comptroller of the Treasury, of a claim which he is pressing. At least he offers the State an opportunity to give it a hearing to determine whether or not the accounts shall be entered against the State of $340,000 for the war of 1860, on account of stores seized by a colonel of a South Carolina regiment under order of the governor of the State at the arsenal in Charleston.

It can be very readily understood that if there is to be a continuation of these duns, so to speak, of these demands on our State to settle, it behooves the State to look into the matter and see what she has got to settle with.

You gentlemen have noticed within the last week the discovery in an old lot of rubbish in South Carolina of a document bearing on the claims of the State of South Carolina for Revolutionary war expenditures. They were paid by the State after the settlement of 1793. I have that document, and it is a very interesting historical relic. It shows that at the time when that book was printed, which is a brief prepared by the State's agent, there were indubitable proofs that the United States owed South Carolina in 1858 for expenditures during the Revolutionary war something over $300,000; and if we are to have the civil war brought up and thrown into our faces, with demands that we shall pay for the stores that we seized, we ought to have a general accounting for everything between South Carolina and the United States from the foundation of the Government up to date.

Mr. TELLER. That is what we will get under this provision.

Mr. TILLMAN. No, sir; we do not. For the war of 1847 we have claims for $32,000 for money we spent in the Mexican war. Those claims are not in this bill, and I should like to put them in, if you will permit me. I submit it to the chairman of the committee. I should like to insert a provision that the proper officers—the three officers mentioned, the Secretary of War, the Secretary of the Treasury, and the Attorney-General—shall consider in regard to South Carolina the claims of the war of the Revolution, the war of 1812, the Indian war of 1836 and 1837, the Mexican war, and the civil war, and let us have a clean, straight, clear account, and settle once for all, and not have me coming here twelve months from now with another claim or an effort to get justice for my State. It is simply an accounting; that is all.

Mr. GALLINGER. Mr. President, the mysteries of legislation in the Senate of the United States ought to be written up by somebody who is competent to deal with the subject. A point of order is made against an amendment and it goes out on a point of order, and subsequently—possibly the Senator making the point of order might be absent from the Chamber—a proposition is made that unanimous consent shall be given that it be restored to the bill.

Mr. DANIEL. The Senator is here who made the point of order.

Mr. GALLINGER. I understand so. He might not have been.

Mr. TELLER. I will say to the Senator that if he had not been present I should not have made the request.

Mr. GALLINGER. I understand the Senator always deals fairly, and I would be the last man in this Chamber to make a suggestion to the contrary. But I was simply trying in my rough way to illustrate the parliamentary procedure of this body; that is all. It does not come under the inhibition of the commandment which forbids us to worship things under the earth, or above the earth, or on the earth. We might, I think, worship our parliamentary procedure with entire respect to that commandment.

Mr. President, I rise simply to say that I shall not be an objector to the extent of permitting the provision in the bill as it came from the Committee on Appropriations to be restored by unanimous consent if it is thought wise to do it, but I shall object to enlarging that provision by including the various points that the Senator from South Carolina has called attention to, that his State——

Mr. TILLMAN. I have not made that as a motion. I simply called attention to certain historical facts.

Mr. GALLINGER. Well, Mr. President, that is what I said. I shall object to enlarging this provision by inserting those old claims of South Carolina (whether they are valid or not I do not

know) or inserting any claims in behalf of South Dakota, which it seems do not stand on all fours with these other claims.

New Hampshire has a claim against the General Government for the large sum of $400,000. It has been reported by the committee of this body and has had at least recognition to the extent of being on the Calendar of the Senate for some time. I apprehend that neither Senator from New Hampshire will ask to have this old claim projected here to-day to get it on this appropriation bill. Possibly at a later date the suggestion may be made that it ought to go on some other appropriation bill—the deficiency bill—but I think we ought to pause in this matter to-day. If we restore the provisions that the Committee on Appropriations put on this bill in violation of the rule that has been talked about so much here to-day, I think we ought to stop right there. If this unanimous consent includes the enlargement of the amendment reported by the Committee on Appropriations, I shall have to object.

Mr. TELLER. Do I understand the Senator to object?

Mr. GALLINGER. I do not object to the original proposition.

Mr. TELLER. I understand that the Senator from South Carolina does not propose an enlargement of it.

Mr. TILLMAN. I have not offered any motion. I simply called attention to certain facts which I will discuss with the Senator later on when I press this other claim.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that the amendment on page 67 of the bill for the settlement of certain State claims be restored to the bill.

Mr. TELLER. Omitting Nevada.

The PRESIDENT pro tempore. Omitting Nevada.

Mr. TELLER. And adding this:

And with the State of South Dakota for and on account of expenses.

Do I understand the Senator from New Hampshire to object?

Mr. GALLINGER. I do object to any enlargement of the original proposition.

Mr. TELLER. I did not understand the Senator to mean that.

The PRESIDENT pro tempore. Is there objection?

Mr. PETTIGREW. I object, Mr. President.

The PRESIDENT pro tempore. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. ALDRICH. I certainly hope the Senate will not vote down the decision of the Presiding Officer on this question, especially in view of the fact stated by the Senator from Iowa that two of these claims have never been presented according to law, and have never been reported upon, and never have been reported from any committee.

Mr. DANIEL. Every one of those has been reported.

Mr. ALDRICH. The Senator from Iowa says that the State claims of the State of New York and the claim of the city of Baltimore have not been reported upon.

Mr. ALLISON. As to details.

Mr. ALDRICH. As to details.

Mr. ALLISON. Of course, the amendment has been reported.

Mr. DANIEL. I beg leave to state that there is a detailed statement, which was before the committee from the Secretary of the Treasury, as to each one of those claims and the interest calculated, and that it was called for as to the particular one in which I am interested as far back as 1858. In Executive Document No. 17, Fifty-first Congress, second session, there is a detailed statement and estimate as to each of those claims.

Mr. CAFFERY. May I ask the Senator to state in response to what that statement was furnished.

Mr. DANIEL. In reply to a resolution.

Mr. ALDRICH. What document is the Senator reading from?

Mr. DANIEL. Executive Document No. 17.

Mr. ALDRICH. Of the present Congress?

Mr. DANIEL. No, sir; of the Fifty-first Congress, second session.

Mr. ALDRICH. This is not the Fifty-first Congress.

Mr. DANIEL. I know it is not. It is a mere matter of so many years' interest.

Mr. ALDRICH. It is a mere matter of four or five Congresses, when the rule applies to this Congress and the present question and the present time.

Mr. DANIEL. I did not state that it came in under any rule. I was merely answering the statement of fact, as I understood it, made by the Senator from Iowa.

Mr. ALDRICH. The rule requires that it shall be done now, and what was done eight or ten years ago in regard to some other question has no application here.

Mr. PERKINS. Mr. President, while I am in full sympathy with the Senators from Virginia and South Carolina, and while I regret exceedingly that the Senator from South Dakota felt it his duty to raise the point of order, yet it is not clear to me that this amendment should be offered now, including the States of Delaware, Pennsylvania, New York, the city of Baltimore, with the State of California and the State of Oregon left out.

Mr. STEWART. They are not left out.

Mr. PERKINS. They are not included in this amendment.

Mr. TELLER. They are in the one here.

Mr. PERKINS. Not in the amendment proposed by the Senator from Virginia.

Mr. TILLMAN. That has gone overboard, and we are putting back in the bill the amendment proposed by the committee.

Mr. PERKINS. The Senator is mistaken. As I understand it, the Senator from Virginia appeals from the decision of the Chair. The Chair is undoubtedly right according to our rules. But I would do almost anything to help out our friends from Virginia and South Carolina if it is possible to do so under our rules. Their cases are exceptional and different from any others that are now presented. A suit is pending by the United States Government against those respective States, and as a solution of this difficult problem I would suggest to the Senator from Virginia that he ask unanimous consent that his own State of Virginia and the State of South Carolina be alone included. If not, California certainly can not be excluded, and I think Oregon is entitled to be included.

Mr. STEWART. If the Senator will allow me, the proposition made by the Senator from Colorado is the proposition of the committee, omitting Nevada.

Mr. PERKINS. But the Senator from South Dakota would not consent to that. Therefore it is now another proposition.

Mr. DANIEL. Mr. President, I beg leave to state in answer to the honorable Senator from California that I would have been very glad to have asked a settlement of the Virginia case alone, but I did not think that it was proper in a bill which referred to matters of the same character and which had been associated together for years in this body to simply ask for the settlement of a claim that affected my own State. I did, however, after offering the other amendment, have an amendment sent to the Committee on Appropriations that the committee might have the whole matter before it, one which simply referred to the State of Virginia, that it, according to its discretion and judgment, and the Senate, according to its discretion and judgment, might do as it saw fit.

Mr. PERKINS. Senate Report No. 544, part 2, of the Fifty-fifth Congress, fully sets forth the claims of the State of California, and they have been reported favorably again and again by the Committee on Claims. They are here in this document, but I realized that we were laboring under many disadvantages, and as your committee were considering this whole subject by referring it to the Secretary of the Treasury, the Attorney-General, or the Secretary of War to examine into and adjudicate the claims, that appeared to be a proper solution of the whole matter.

I really hope that my friend from South Dakota will permit the Indian war claims of South Dakota to go over with those of California and Oregon and other States that have similar claims.

Mr. CHANDLER. Mr. President, I am becoming a little confused about this bill. I find the title of it is "A bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901;" that is to say, it is for sundry civil expenses next year, beginning July 1. To be sure, it says "and for other purposes," but I am afraid we are loading on the bill more "for other purposes" than it contains for the next fiscal year. I think that if all these various propositions are to be put upon any bill they ought to be put upon the deficiency bill; and I suggest to the Senator from Iowa to ask unanimous consent to have everything dropped out of this bill that is a deficiency, and then when we come to the deficiency bill we can stay all summer, if it is necessary, and pay all the old debts of the Government.

The Senator from South Carolina says it is time that all these claims should be swept away. There is no time like the eve of a Presidential election to make these appropriations, and we will just have a clean sweep if the Senator from Iowa will stand by us on the deficiency bill, and never leave Washington until we have paid all the old debts of the Government.

Mr. HALE. Let me say to the Senator——

Mr. CHANDLER. Certainly.

Mr. HALE. My remarks are perhaps somewhat affected by the fact that I have the misfortune of being in charge of the deficiency bill and I do not want to see it added to. Let me say to the Senator this is by no means a deficiency. A deficiency bill is simply to cure deficiencies in the current appropriations of the year in order to maintain the Government and to carry it on. If it is found that appropriations have not been made amply in any branch of the Government, a deficiency is to cure those defects and to give enough to run it until the first day of the next July.

That is what a deficiency is, technically. If anybody invokes technicalities, as the Senator has certainly done, my point that this is not a deficiency is good. The fact is, it is neither a deficiency nor a sundry civil appropriation. It is a claim. It ought not to go on either bill. The Senator's statement about sundry civil expenses and my statement about deficiencies, both of which are correct, show clearly and absolutely that these claims ought not to be on either bill. That is not what either bill is for.

We did, two years ago, take up this whole question, and we sent all these claims and everything to the Committee on Claims. It was the understanding that at each session that committee would report an omnibus bill containing the good claims, and it did so once certainly, and, I think, twice. Which was it?

Mr. TELLER. Once.

Mr. HALE. It did so once, and we passed the bill, and it was a happy solution. That committee is still existent, and it is a strong, vigorous committee. It has the confidence of the Senate. It has put its bill through once, and it ought to have reported a bill this year putting all these claims on the bill.

Mr. TELLER. There is a bill reported this year.

Mr. HALE. Instead of the Senator from South Carolina, with his vehemence and his determination to get his State claims through, and the Senator from Virginia——

Mr. TILLMAN. The Senator from South Carolina, if the Senator will permit me, is not disturbing the United States. It is the United States disturbing South Carolina, and I, as her representative here, simply ask that you allow South Carolina to show that you owe us instead of we owing you.

Mr. HALE. The Government has sometimes disturbed South Carolina when the Senator has not consented to it; but that has to be done once in a while in the march and course of historical events.

Mr. TILLMAN. We usually try to pay our honest debts, whatever other sins we are guilty of, and we are ready to do it now.

Mr. HALE. It should not come from the Committee on Appropriations, and I am glad the Senator has made this point. This claim ought not to be on the sundry civil bill, and with equal and greater force it ought not to be on the deficiency bill.

Mr. TILLMAN. Now I will read page 229 of the statute of 1857.

Mr. CHANDLER. I believe I have the floor, Mr. President.

Mr. TILLMAN. With the Senator's permission—I know he will kindly consent—just to show that we are not the first Senators who have done this thing, and will not be the last, I want to read the statute.

Mr. CHANDLER. I will yield to the Senator.

Mr. TILLMAN. These are sections in "An act making appropriations for certain civil expenses of the Government for the fiscal year ending the 30th of June, 1858." Look at the language in that appropriation bill, and see if you do not recognize it:

SEC. 12. *And be it further enacted*, That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to reexamine the account between the United States and the State of Maryland, as the same was from time to time adjusted under the act passed on the 13th of May, 1826, entitled "An act authorizing the payment of interest due to the State of Maryland," and on such reexamination to assume the sum expended by the State of Maryland for the use and benefit of the United States, and the sums refunded and repaid by the United States to the said State, and the time of such payment as being correctly stated in the account as the same has heretofore been passed at the Treasury Department; but in the calculation of interest due under the act aforesaid the following rules shall be observed, to wit:

Interest shall be calculated up to the time of any payment made. To this interest the payment shall be first applied, and if it exceed the interest due, the balance shall be applied to diminish the principal; if the payment fall short of the interest, the balance of interest shall not be added to the principal so as to produce interest. Second, interest shall be allowed the State of Maryland on such sums only on which the said State either paid interest or lost interest by the transfer of an interest-bearing fund.

SEC. 13. *And be it further enacted*, That if, upon such reexamination of the account and application of the above rules, any money shall be found to be due to the State of Maryland, the same shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1857.

I will call the attention of the Senator from Maine to the fact that under this very rule his State and the State of Massachusetts have recovered from the United States $668,000.

Mr. HALE. If the Senator will allow me, that is precisely an enforcement of the point which I made. These things have been heretofore upon appropriation bills, but the Senate and the House got so tired of it that two years ago they declared that all these matters should be taken out of appropriation bills. I did not know that the provision to which the Senator has referred was in an appropriation act.

Mr. TILLMAN. Yes; in the sundry civil act.

Mr. HALE. I did not know whether it was or not.

Mr. TILLMAN. I say so on my own responsibility, because I have examined it.

Mr. HALE. I know Maine was not provided for on an appropriation bill.

Mr. TILLMAN. No; but I say under the rule established in that case in 1858 the States of Maine and Massachusetts have recovered from the Government $668,000.

Mr. HALE. No; Maine recovered on a general bill, not on an appropriation bill. My point was that this thing had become an insufferable nuisance to everybody. We could not get through an appropriation bill without the Senator from Iowa being badgered day after day, not on subjects of great national importance, not on appropriations for running the Government, but on claims of States and counties and towns and individuals, men and women, children and babes, with all sorts of things to be thrust on appropriation bills.

That is my point, that so intolerable had become this frantic pressure every time an appropriation bill was brought in, and especially in the last days of a session, when we do not spend time on the real subjects of the bill, but on these importunate claims that are thrust upon us; and if you oppose one of them, you are met with ferocity on the other side as though you were making a personal point against the Senator offering it. That had become so intolerable that two years ago we decided that all these things should go, not to the Committee on Appropriations and not into the sundry civil bill, to which the Senator from New Hampshire objects, and not into the deficiency appropriation bill, to which I object, but that the Committee on Claims should report all these bills, and then we would consider them in a proper way on an omnibus claims bill coming from the Committee on Claims; and there is where they ought to be now.

The Chair, I have no doubt, having in mind what has been the purpose of the Senate and what has been the course in the last two years, has ruled that this is a subject of general legislation that should not go on an appropriation bill, but should go to one of the committees which consider subjects of general legislation. It would be a strange thing to me if the Senate should overrule the Chair.

Mr. CHANDLER. Mr. President, the Senator from Maine is correct in stating that, strictly speaking, these claims should not go upon the deficiency appropriation bill. My point was that they certainly ought not to go upon the sundry civil bill for the coming year. If they go anywhere, they should go on the deficiency bill. The Senator from Maine knows that it has been the custom not only to make appropriations on the deficiency bill for deficiencies for the current year, but also for deficiencies for prior years; and if, according to the custom of the Senate, these various propositions are to go on any bill, they should go on the deficiency bill. I hope that it may be delayed in some way and thrown off of this bill, so that the Senator from Iowa may make some progress; and if we are to discuss such claims, and if they are ruled in order or not in order, or if they are voted down or voted up, that that shall be done upon the deficiency bill.

The honorable Senator from South Carolina has a paper which shows the various acts under which the State claims have been paid. I find only two of them where payments were made upon appropriation bills. They have been special bills nearly all the time. There was a special act for Virginia, March 3, 1825; a special act for Maryland, May 13, 1826; a special act as to Delaware, May 20, 1826; a special act as to the city of Baltimore, May 20, 1826; a special act as to the State of New York, May 22, 1826; a special act as to the State of Pennsylvania, March 3, 1827; a special act as to the State of South Carolina, March 22, 1832.

It seems the State of South Carolina did not get her Revolutionary claims fully adjusted under that act. Then we come to the act for Maryland, which was passed March 3, 1857, and which was a provision in the sundry civil appropriation act. The Massachusetts and Maine bill was a separate one, and was passed July 8, 1870. There was a special act for Alabama, January 26, 1849; a special act for Georgia, March 3, 1857; a special act for New Hampshire, January 27, 1852; and then one more special act for the State of California, August 5, 1854.

If the Senate had been obliged to debate all these various State adjustments on either the sundry civil or the deficiency appropriation bill, there would have been no end to the discussion, and I am afraid no end to the sessions of Congress.

Mr. TILLMAN. Mr. President, the Senator from New Hampshire ought to recognize that the amendment, which has just been ruled out on objection, does not provide for an appropriation; it does not provide for any payment of money. It simply provides for an adjustment of the account by the officers of the Government, so that they can report next winter for the information of Congress the amount that is due by the State to the United States or by the United States to the State. The Senator from Rhode Island [Mr. ALDRICH] shakes his head, but he has not read the amendment.

Mr. CHANDLER. Mr. President, if the Senator from South Carolina will allow me a moment, I have made no objection to that clause, but I am confronted by the fact that the Senator from South Dakota [Mr. PETTIGREW] says he must have something on the bill, and the Senator from Virginia [Mr. DANIEL] says he must have something on the bill, and my colleague [Mr. GALLINGER] says New Hampshire has a good claim, as she has, of $400,000, and we shall be complained of in our State if we are not as smart as the Senator from South Carolina and the Senator from Virginia.

Mr. TILLMAN. Are you being sued?

Mr. CHANDLER. I therefore say that all these additional claims certainly ought to be left until the deficiency bill is reached, and then we shall have more time to discuss them.

Mr. TILLMAN. Has anybody come in on a conference report and provided that the State of New Hampshire should be sued?

Mr. CHANDLER. No, Mr. President; and I do not think——

Mr. TILLMAN. Yet such a provision came in here last year, and was passed through without anybody knowing of it, and without it being specifically pointed out that any State that owes the United States on account of Indian trust bonds shall be sued unless they settle up. My State is ready to settle up and will settle up. Why do you not let her settle up?

Mr. CHANDLER. Where were the two Senators from South Carolina when the bill passed Congress?

Mr. TILLMAN. The Senator ought not to ask that question. He knows the Senator from South Carolina is usually in his seat, trying to attend to his duty as a Senator from South Carolina; but no Senator can tell what is sneaked through in one of these conference reports, unless he gets up and makes inquiries.

Mr. CHANDLER. Well, there are some very dangerous things that go through on appropriation bills, I notice.

Mr. ALDRICH. The Senator does not seem to understand the amendment.

Mr. TILLMAN. I am speaking about the amendment proposed by the Committee on Appropriations.

Mr. ALDRICH. I am talking about the amendment pending before the Senate; which reads:

And the Secretary of the Treasury is hereby directed to suspend until further action of Congress any act or proceeding which he has taken under provisions of section 4 of the act approved March 3, 1899.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. DANIEL. I withdraw the appeal, Mr. President.

Mr. TILLMAN. I took the appeal, but I will withdraw it and let you gentlemen, who are so honest and decent and pleasant and generous, take care of this thing in your own way. [Laughter.]

The PRESIDING OFFICER. The appeal is withdrawn.

Mr. DANIEL. I was about to say——

Mr. PETTIGREW. I offer another amendment.

Mr. DANIEL. I believe I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. DANIEL. I shall be glad to yield to the Senator from South Dakota in a few moments.

I wish to say that the position we occupy in this matter has been one which, I think the Senator from New Hampshire forgets, has rather been forced upon us by the action of the Senate in the unknown passage through this body and the other, on a conference report on the Spanish war claims, of a general provision for the suing of States, there being nothing on the face of any paper before the Senate, and nothing in any communication made to the Senate upon the floor, to apprise us that such a matter was proposed.

I would also state in respect to this particular matter, in answer to what was said by the Senator from Rhode Island, that there was laid before the committee a communication from the Secretary of the Treasury bringing down a statement, so far as my own State was concerned, from the general statement made in 1892 by the then Secretary of the Treasury to the present date.

Mr. ALDRICH. I did not refer to Virginia.

Mr. DANIEL. But as the appeal has been withdrawn, Mr. President, I shall say no more at present about the matter.

Mr. CARTER. I ask unanimous consent for the insertion of the amendment which I will send to the Secretary's desk to be read. In connection with the request I wish to make a brief statement.

By an act of Congress approved in 1895 the county of Dawson, in the State of Montana, was authorized to construct a bridge across the Yellowstone River. In that act the county was required to put a draw in the bridge, which cost about $15,000 extra, on a river on which there is no commerce at all. It was an oversight. The War Department reports that there has been no commerce on that river since 1883. There are no boats at all upon the river.

Above this bridge a short distance is a railroad bridge; indeed, railroad bridges cross it frequently. There are numerous railroad bridges; but there are no draws in those railroad bridges. The pier was, of necessity, put in the middle of the stream at a point where the current is very swift, and operated to cause an ice drift or a gorge to form at that point, which swept this bridge out of the stream in the winter of 1899. The bridge had cost in the neighborhood of $75,000. The bridge is about to be rebuilt. The plans and specifications are prepared for it. It crosses the river, which divides this large county in about two pieces, about one-half of the population residing north of the river at the county seat and the other half of the population south of it.

I desire to offer this amendment now to relieve the people of that county from the wholly needless expense of putting a drawbridge in that stream, there being, as I have stated, no commerce at all on the river. The amendment has been favorably reported substantially as I offer it by the Committee on Commerce.

The PRESIDING OFFICER. The amendment will be stated.

Mr. ALLISON. Do I understand that the Senator from Montana asks unanimous consent of the Senate to offer the amendment, recognizing that it is not in order?

Mr. CARTER. I do.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 17, on page 114, it is proposed to insert:

That the provisions of an act entitled "An act to authorize the construction of a bridge across the Yellowstone River, in the County of Dawson, State of Montana," approved February 26, 1895, so far as they relate to and require a draw span to be erected and maintained, are hereby so far modified as to permit the erection of an iron or steel bridge under said act, without erecting and maintaining a draw span in such bridge: *Provided, however*, That the spans of said bridge, when repaired and constructed, shall give not less than 100 feet clear space between the piers, and that the two easterly spans shall give a clear head-room of 25 feet above low water, as defined in the Government surveys at the locality.

Mr. HOAR. I should like to inquire of the Senator why he moves this amendment if there is no commerce on the river?

Mr. CARTER. The original act provided that there should be a drawbridge; and instead of repealing the act and having another act passed I simply ask that these onerous conditions be eliminated from the law.

Mr. HOAR. If there is commerce on the river, there should be a drawbridge; and if there is not any commerce on the river, it seems to me these elaborate provisions are out of place, and would seem to admit that there is some commerce.

Mr. CARTER. I suppose that the desire of the Government is to retain some control over these meandering streams, so as to prevent obstruction from being placed in the streams——

Mr. HOAR. What has the Government to do with the matter if there is no commerce on the river?

Mr. CARTER. I doubt whether the Government has anything to do with it; and I think an amendment providing that any person or county should erect a bridge over the Yellowstone River would be entirely adequate and proper.

Mr. HOAR. I will not object; but I think the provision rather a queer one.

Mr. ALLISON. I will not object to it; yet I have seen every morning here bills coming from the Committee on Commerce for the construction of bridges passed without objection. We pass such bills every day; and it seems to me that it would be wiser for the Senator to have such a bill passed as a separate measure, upon the recommendation of the Committee on Commerce. I shall not, however, object to the amendment.

Mr. CARTER. A bill has been reported favorably by the Committee on Commerce, but it is very obvious at this stage of the session that these people will be compelled to invest $15,000 in a useless drawbridge unless this amendment is passed.

Mr. TELLER. I want to say to the Senator from Montana that if this were in Colorado, I should insist on the right to build the bridge without any reference to the General Government. If it is not a stream having commerce, the Government has no control over it whatever; and any provision of that kind in a bill may be treated with absolute contempt if the State chooses to do so.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Montana [Mr. CARTER].

The amendment was agreed to.

Mr. HANSBROUGH. I offer the amendment which I send to the desk, to come in after line 13 on page 80.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 13 on page 80 it is proposed to insert:

For the survey of lands in the Fort Buford abandoned military reservation, in the States of North Dakota and Montana, to be made in the manner as other surveys of public lands are made, $11,000.

Mr. ALLISON. Does that come from the Committee an Public Lands?

Mr. HANSBROUGH. It has the unanimous report of that committee and is recommended by the Department.

The amendment was agreed to.

Mr. PETTIGREW. I would suggest to the Senator from Virginia that if he would ask unanimous consent that this part of the paragraph should be inserted in the bill, there would probably be no objection to it:

And the Secretary of the Treasury is hereby directed to suspend until further action of Congress any act or proceeding which he has taken under provisions of section 4 of the act approved March 3, 1899, entitled "An act to amend an act entitled 'An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain,'" as respects the States of Virginia and South Carolina.

That would suspend litigation and leave the question of settlement for future action on the part of Congress, and then the claims of these States may be subsequently taken up together and disposed of. I ask unanimous consent, unless the Senator from Virginia objects, to the insertion of what I have read.

Mr. CHANDLER. I suggest that the Senator make the suspension for two years, and then I shall not object to the proposed amendment.

Mr. TILLMAN. Mr. President, I shall object to anything except to the repeal of the provision authorizing suits against the States, because, if we have to be sued, I prefer to trust the Supreme Court of the United States to recognize the claims of the States which have been declared to be valid by the Secretary of the Treasury and by previous acts of Congress, rather than attempt to get justice here. I will not consent to anything other than a repeal absolutely of the provision authorizing the suits to be begun. Otherwise let the suits go on.

Mr. CHANDLER. I wish to ask the Senator from Virginia whether or not these claims of the States of Virginia and South Carolina against the General Government are not proper offsets which can be set up in the suits that are brought against them, and whether, if at the end of the suits it is found that the States owe to the General Government, the court will not be authorized to find those facts?

Mr. DANIEL. Mr. President, I would not care to express a legal opinion on that subject. There are difficulties about that which make this legislation desirable.

I was about to offer an amendment affecting my own State, and I send it to the Secretary's desk and ask that it may be read and inserted at the point where the previous amendment was offered.

Mr. ALLISON. Mr. President, I understand the suggestion of the Senator from South Dakota is still before the Senate, but I hope the Senator will withhold that for one moment.

I want to say, respecting the claims of the States of South Carolina and Virginia, the first step taken was that the accounting officers of the Treasury examined these claims and settled them along in the years running from 1822 to 1830 and 1849; that these claims have been once settled, and settled without the payment of interest; and therefore they can not be opened, unless they are opened by legislation, for the consideration of any court as respects those offsets.

These claims were opened for reexamination and reconsideration in every case where they have been considered, and if it was not for the impediment of the law respecting these claims, the accounting officers of the Treasury would need no statutory provision for the purpose of settling them. They could then settle them; but they can not now do so unless there is some authority given them whereby interest may be paid upon the advances made by these several States in 1812 and in the Seminole war. So when the Committee on Appropriations inserted these provisions, they inserted them in order that these States, being pressed with suits, should have an opportunity of placing as an offset to the claims of the United States the claims that had been paid by eight or ten States of this Union under similar circumstances. Therefore all these devices will accomplish nothing, unless we go into the question of allowing the Government officers to reopen these claims.

I want to say to the Senator from South Carolina that, in my judgment, he makes a mistake in objecting to the suggestion proposed by the Senator from South Dakota, because not one of the claims of South Carolina can be made a set-off to the bonds which the United States holds against these States.

Mr. TILLMAN. Well, there is this about it: The Supreme Court can not sell South Carolina out, even if you get a judgment. This matter will have to come to some decision by Congress some day or other. As soon as the court have examined into the cases and have had an opportunity to determine what is equitable, I suppose they will make some decree; but I prefer to trust them rather than to trust to getting unanimous consent here from Senators who are determined that the claims of their States, which are of only ten years' standing, shall be recognized, while my State fails to have claims recognized which are ninety years old.

Mr. CHANDLER. Mr. President, I repudiate the suggestion of the Senator from South Carolina. I have made no objection in connection with his claim or the Virginia claim or any other claim, except to having it considered on an appropriation bill. As I understand the proposition of the Senator from South Carolina, I will vote for it as a separate measure. What I said was that the Senators from New Hampshire would be blamed if they did not make an effort to get the New Hampshire claim upon an appropriation bill when other Senators were getting their State claims upon appropriation bills. That is my position, Mr. President; and I do not want to be told that you can not get justice in the United States Senate for South Carolina or for Virginia or for any other Southern State, because the rules of the Senate preventing legislation of this kind upon appropriation bills are enforced against one State as well as against another State.

Mr. TILLMAN. I hope the Senator will not get excited over something that did not touch him at all. It was the other Senator from New Hampshire [Mr. GALLINGER] to whom I alluded, and I did that in no disrespectful spirit, but simply called attention to the fact, which is very patent here, that we would have had no trouble about this matter but for the fact that the Senator from South Dakota said, "If you put these claims in, the claims of my State must go in, too." I sat silent and was content to let them go in anyhow, but the Senator from New Hampshire steps up and says, "You can not get them in unless I get mine in."

Mr. GALLINGER. The Senator is misstating my position entirely. I made no suggestion that a New Hampshire claim would be offered to this bill. On the contrary, I stated it would not be offered, and if the Senator had listened carefully he would have known that.

Mr. TILLMAN. I believe I did the Senator an injustice. It was not that he wanted his dollar, but he objected to putting South Dakota in. It was not dog-in-the-manger policy on his part, but was just simply a little contrariness.

Mr. GALLINGER. Be that as it may——

Mr. TILLMAN. I beg the Senator's pardon for using that plain word, but I did not intend any personal offense.

Mr. GALLINGER. Well, the Senator is always amiable and delightful in his language, and never disturbs me in the least degree.

Mr. President, I thought I yielded a considerable point when I consented, after the claims of Virginia and South Carolina had gone out on a point of order, to have the extraordinary parliamentary suggestion made and acted on that they might be restored by unanimous consent. I did not object to that; but when they began to enlarge the list, when South Dakota proposed to have her claim put in here, I saw no justice in permitting that to be done, and I did object to having the list enlarged, either by putting in the South Dakota claim or the old Indian war claims of South Carolina or the claim of California.

Mr. President, I thought I acted very generously toward my friend from South Carolina; and I think honestly that he owes me a more ample apology than he has yet made.

Mr. TILLMAN. I am perfectly willing to make seventeen apologies, if the Senator wants them; but the fact remains that here we are sued by the United States, and the United States Congress will not afford us relief. Senators know this is a just and proper thing to do, and yet they will not overrule the Chair and sustain the amendment.

Mr. CHANDLER. I understand that nobody now wants the South Carolina suit to go on except the Senator from South Carolina.

Mr. TILLMAN. I am perfectly willing to let it go on.

The PRESIDENT pro tempore. Perhaps the Chair can relieve the Senate from the dilemma it is in and stop further discussion by saying that if the committee's amendment is offered in the Senate as an amendment to the bill he will violate his rule and submit the question of order, if it is raised, to the Senate.

Mr. TILLMAN. When the bill gets into the Senate the amendment as proposed in the bill will be in order, and the Chair, instead of ruling it out of order, will submit the question to the Senate to determine whether it shall go in the bill or not. I think that is cutting the Gordian knot.

The PRESIDENT pro tempore. No. If the point of order is raised against the amendment when offered in the Senate, the Chair will, contrary to his custom, submit the question of order to the Senate.

Mr. STEWART. The amendment omitting Nevada?

The PRESIDENT pro tempore. The amendment of the committee.

Mr. PENROSE. I desire to offer an amendment.

Mr. DANIEL. I have offered an amendment.

The PRESIDENT pro tempore. Does the Senator from Virginia desire the amendment stated?

Mr. DANIEL. I do.

The SECRETARY. It is proposed to add, after the amendment adopted on page 67, the following:

The Secretary of the Treasury is hereby directed to adjust the accounts between the United States and the State of Virginia, as stated in the letter of the Secretary of the Treasury contained in Executive Document No. 17, Fifty-first Congress, second session, and to restate and settle said accounts according to the principles of the statements made on pages 5 and 7 of said document, and adopting July 1, 1882, for the settlement, at which time the accounts aforesaid would have almost evenly balanced had settlement then been made; but it is provided that the State of Virginia shall not be charged with Treasury settlement No. 7554 of 1889, amounting to $16,923.70.

Mr. ALLISON. I make the same objection that I did to the other. It is general legislation.

Mr. DANIEL. I hope I may be permitted to say a word. Do I understand the Senator from Iowa to object to that?

Mr. ALLISON. I do.

The PRESIDENT pro tempore. The Chair sustains the point of order made by the Senator from Iowa.

Mr. RAWLINS. On page 53 of the bill I move to amend by striking out the word "station," in line 9, and inserting the word "stations;" in line 11, on the same page, I move to strike out the word "point" and insert "points;" and in the same line, after "Idaho," I move to insert the words "and Utah."

The PRESIDENT pro tempore. That amendment is not in order until the bill is in the Senate, the amendment having already been agreed to as in Committee of the Whole.

Mr. RAWLINS. I withdraw it for the present.

Mr. PENROSE. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to reexamine and reaudit the claim of the State of Pennsylvania for money expended in 1864 in liquidating the indebtedness incurred by the governor and Secretary of War for militia called into the military service under the proclamation of the President of June 15, 1863, and to fully indemnify the State for the money expended: *Provided*, That the amount to be paid to the State of Pennsylvania under the provisions of this act shall not exceed the sum of $46,345.26: *And provided further*, That the amount found due be paid out of the unexpended balance of the appropriation made by act of Congress approved April 12, 1866, for the payment of said militia, which is hereby reappropriated if the same is not available.

Mr. ALLISON. I make the point of order that the amendment proposes general legislation.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. COCKRELL. One moment. As I understand, this amendment, in the shape of a bill, has been considered by the Committee on Military Affairs and reported favorably from that committee and has been passed by the Senate. If I am not mistaken, a bill for this purpose has been passed by the Senate no less than three or four times.

Mr. PENROSE. The Senator is right. It has passed the Senate a number of times.

Mr. ALDRICH. That does not make any difference.

Mr. ALLISON. It is legislation notwithstanding. It is the reopening of an account settled in 1867 and fully paid at that time, except that there was a question about interest. This is a question wholly of interest and nothing else, and it stands upon all fours with every question we have been debating.

Mr. COCKRELL. This is for money borrowed from a bank by the State; and when the appropriation was made three or four months afterwards to pay it, the bank necessarily demanded interest upon it. It was a loan by the bank to the State and the State had to pay interest.

Mr. ALLISON. Undoubtedly; but that does not change the situation. This is a claim——

Mr. COCKRELL. I do not think there has ever been a case where the State has actually paid interest where there was a refusal to reimburse the State for the interest actually paid.

Mr. ALLISON. That is the very case we have been debating. The State of Virginia has been paying interest all the time.

Mr. FORAKER. I rise to say that I hope the point of order raised by the Senator from Iowa will be sustained.

The PRESIDENT pro tempore. It has been.

Mr. FORAKER. I think it was properly made; otherwise I shall have to present the same claim precisely on behalf of the State of Ohio. I have withheld offering it simply because I thought it would not be in order. It is a claim amounting to nearly $500,000, which the State of Ohio paid and to which it is justly entitled and for which it ought to be reimbursed; but I did not think this the proper time or place to present it. But I want to give notice that if any of these claims are allowed I shall insist that our claim be allowed also.

Mr. ALLISON. The State of Iowa borrowed $300,000, every dollar of it from the banks of its own State, and it has been paid, but not the interest, and there is expectation that some time it will be paid.

Mr. GALLINGER. In accordance with the notice given two or three days ago, I now move to strike out the proviso on pages 135 and 136, which I ask the Secretary to state.

Mr. PENROSE. I call the attention of the Senator from New Hampshire to the fact that my amendment has not been acted upon.

The PRESIDENT pro tempore. It has been ruled out.

Mr. CULLOM. It has been ruled out on the point of order.

Mr. ALLISON. It was ruled out.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. The Senator from New Hampshire has the floor.

Mr. FAIRBANKS. I rose before the Senator from New Hampshire. However, I will not interfere. I will gladly wait until he has concluded.

Mr. GALLINGER. I beg the Senator's pardon. I was recognized some time ago. There has been quite a debate going on since I was recognized; but I will yield to the Senator from Indiana with pleasure.

Mr. FAIRBANKS. I thank the Senator. I was not aware of his prior recognition. Mr. President, I rise for the purpose of offering an amendment, although it may be subject to the point of order which has been fatal to other proposed amendments. As the senior Senator from Missouri says, interest paid by States on money borrowed constitutes, under the act of 1861 and the joint resolution of 1862, as decided by the Supreme Court of the United States in the New York case, a perfectly valid and absolutely just claim against the Government.

Indiana has a claim for payments on account of discount upon bonds and interest paid thereon for the support of the Federal Government during the civil war amounting to over $600,000, and I offer an amendment to the bill, and trust it may receive favorable consideration. There exists no more meritorious claim than this. Its payment has been delayed much too long. I have upon a former occasion explained fully its character. It has received the favorable consideration of the Senate.

Mr. GALLINGER. I will allow my amendment to remain quiescent until this matter is acted upon.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. After the amendment adopted on page 67, it is proposed to insert the following;

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of the State of Indiana, or to his duly authorized agents, the claims of the State of Indiana for interest paid on bonds sold, and expense of selling said bonds, properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops employed in aiding to suppress the rebellion, heretofore filed in the Treasury Department under the act of Congress approved July 27, 1861, entitled "An act to indemnify the States for expenses incurred by them in defense of the United States," and the joint resolution approved March 8, 1862, entitled "Joint resolution declaratory of the intent and meaning of a certain act therein named," without regard to any statute of limitations or any action heretofore had with respect thereto in said Treasury Department; such payment to be upon proper vouchers filed and passed upon by the proper accounting officers of the Treasury.

Mr. ALLISON. I make the same point of order on the amendment.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. GALLINGER. I now move to strike out the proviso on pages 135 and 136, which I ask the Secretary to read.

The SECRETARY. On page 135, line 20, it is proposed to strike out the following:

Provided, That in the settlement of claims of officers, soldiers, sailors, and marines, or their representatives, and all other claims for pay and allowances within the jurisdiction of the Auditor for the War Department or the Auditor for the Navy Department, in which it is the present practice to make deductions of attorneys' fees from the amount found due, no deductions of fees for attorneys or agents shall hereafter be made, but the draft, check, or warrant for the full amount found due shall be delivered to the payee in person or sent to his bona fide post-office address (residence or place of business).

Mr. STEWART. I do not think that amendment ought to prevail.

Mr. DANIEL. I object to the amendment. It is general legislation.

Mr. STEWART. It is general legislation.

Mr. ALDRICH and others. The proposition is to strike it out of the bill.

Mr. STEWART. To strike it out of the bill? Then I am in favor of it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The SECRETARY. On page 73, line 25, before the word "*Provided*," it is proposed to insert:

And said superintendents, assistant inspectors, supervisors, and rangers shall, under the direction of the Secretary of the Interior, examine all lands within the boundaries of any forest reservation that belong to any land grant railroad company and have not heretofore been sold in good faith for a valuable consideration, and report to the Secretary the character and value of said land, and pending such examination and report none of said lands shall be exchanged for other lands outside of said reservation.

Mr. PETTIGREW. Mr. President, the amendment I propose is a provision for the protection and administration of forest reservations. Three years ago in an appropriation bill we provided for the protection and administration of these reservations, and intended to provide that any actual and bona fide settler who had taken a claim within a forest reservation afterwards created could exchange his land, if he desired to do so, for a like area of the public domain. It was the intention of the law to allow a settler whose land was embraced in any forest reservation to exchange his land, if he desired to do so, for lands outside of the reservation, acre for acre.

But certain words were inserted—I know not whether in conference or in the original bill, and it makes no difference—under which the Department has decided, and I think rightly decided, that a land-grant railroad company can exchange the worthless lands—lands from which the timber has all been cut, tops of mountains, the inaccessible and snow-capped peaks of the Rockies and Sierra Nevadas—for the best land the Government has, acre for acre. So they have swapped lands on the Cascade range, which are covered forever with ice and snow, not worth a tenth of a cent an

acre, for lands worth from six to ten dollars per acre in the valleys of Washington and Oregon and Idaho and Montana, thus depriving the settlers of a chance to secure these lands, besides enlarging the grants of the railroads to that extent.

Now, my amendment simply provides that these lands shall be inspected and examined by the officers who have charge of the reservations, and they shall report to the Secretary the character of the lands that belong to these companies, so that in the future we can make a proper adjustment—not an adjustment by which they shall receive a thousand times more than that which they surrender—and that while the appraisement is going on no more exchanges shall be made. That is all that the amendment aims to accomplish, and it is one in the interest of the public beyond all question, suspending the operation of a law which Congress would never have passed if it had been discussed.

Mr. STEWART. Is your amendment intended to include persons who have bought of a railroad and are in possession of land?

Mr. PETTIGREW. No. If any person has bought land of a railroad company, he can go on with the exchange. I only aim to suspend the spread of this pernicious practice until the matter can be thoroughly investigated.

Mr. STEWART. I should like to have the amendment again stated.

Mr. ALLISON. I wish to say that this amendment, as it appears to me, is general legislation. Certainly on the statement made by the Senator from South Dakota it changes the existing law. I hope he will not press it on this bill, because if he does I shall be obliged to make the point of order that it proposes general legislation.

Mr. PETTIGREW. I wish to say that I do not believe it is subject to the point of order, because it prescribes the duties of these officers who are provided for and the method of the expenditure of the appropriation now in the bill. Therefore I do not believe it is subject to the point of order. It seems to me if it is possible to insert the amendment we ought to do it and protect the Government and the people of this country against the execution of a law which we never would have passed if we had known what it contained.

Mr. ALLISON. If it is so pressing, I should think at this long session of Congress the Committee on Public Lands would have given us some information that would have enabled us to act intelligently on the subject.

Mr. CARTER. If the Senator from Iowa will yield for a moment, I desire to make an explanation with reference to this amendment.

Mr. CHANDLER. May I ask the Senator from Montana, before he begins, whether this legislation was on an appropriation bill and where the Senator from South Dakota was when it was adopted?

Mr. CARTER. I think the legislation was placed on an appropriation bill. It was recommended by the Committee on Public Lands, and was supported unanimously, I think, by that committee and likewise by the Committee on Appropriations. The conditions out of which the legislation grew seemed to bring to us at that time necessity for immediate action.

Mr. ALLISON. Will the Senator yield to me for a moment?

Mr. CARTER. Certainly.

Mr. ALLISON. I wish to give notice, so far as I can, to Senators that I shall be glad to have them complete the bill to-night. I want to finish the bill this evening. I think it very important that we should do so. I believe it can be finished in a very short time if we will go on with it.

Mr. CARTER. Admonished by the suggestion of the Senator from Iowa, I will be as brief as possible, in order to get a clear view of the situation before the Senate.

For many years, it will be recalled, Senators from the Western country most strenuously objected to the establishment of forest reservations in the States, in the Rocky Mountains, and on the west coast. There seemed to be an irrepressible demand, constantly recurring, for the establishment and maintenance of these forest reservations. It was insisted that their existence was necessary to preserve the water supply of the country, to preserve the timber from ruthless destruction, and to prevent forest fires by a proper system of patrol. Contrary to the wishes of the Senators and Representatives from the country affected, forest reservations were finally, by sweeping Executive order, created.

Having been created, the reservations including, in many instances, millions of acres of land, an unfortunate condition of affairs was found to have been brought into existence. All settlement was checked, prohibited within the limits of the reservations, thus preventing the building of the schoolhouse by the neighbor who would come in next year to assist it, and it left these people practically upon a reservation without possibility of expansion or normal development. The railroad companies owned within the limits of some of the reservations quite extensive areas of timber. By the rules and regulations we practically had arranged to confiscate their property.

To meet this compressed situation this law was passed permitting an exchange, acre for acre, of land within the reservation for unappropriated public lands outside of the reservation. These exchanges have gone on. Generally speaking, the timbered lands in the reservations are better than the remaining uplands unappropriated on the plains. In the State of Montana, where the largest reservations exist, outside, I believe, of Colorado, I have yet to hear from a private citizen or through public print the first complaint of any abuse arising under this exchange system. It has proved satisfactory to the people; it has proved satisfactory to the press, and, in so far as I know, to everyone having to do with the public affairs of that State.

When this matter was first brought to my attention, about ten days ago, by a telegram from Montana, I undertook to look it up. Finding that it was to be pressed, a couple of weeks ago I telegraphed to the gentleman who had sent me the telegram, requesting him to send a statement of the facts connected with the matter. Omitting the names, I will read his statement, so that the sentiment of the State, so far as it could be hastily gathered from this source—and this gentleman is a man of wide information—may be gleaned from the letter. He says:

Replying to your telegram of this date—

That is, of May 22—

Replying to your telegram of this date, asking for information in regard to the act of June 4, 1897, and the effect its repeal would have on citizens of Montana, I have the following to offer:

Several stockmen of the State are at this time owners of large tracts of forest-reserve lands, which they have purchased in good faith, to be used in making lieu selections under the provisions of said act. The company of which I am president is also the holder of several thousand acres of these lands. If the act should be repealed, practically without consideration, by making the repeal measure a rider on an appropriation bill, it would work a serious financial injury to these people.

Whatever may be said to the contrary, the fact is this act is a benefit to our State, in that it has aided, and can further aid, in placing the stock business on a permanent basis, by enabling the cattle and sheep men to acquire titles to lands in sufficient quantities to establish ranches where they can feed their stock in winter, rather than, as in the past, letting them "rustle" for themselves on the ranges. There is little or no danger of monopoly, for the price of these base lands—from $4 to $4.50 an acre—precludes the possibility of acquiring vast tracts by any individual or company. There has been wonderful progress in Montana the past two years in the line of establishing permanent ranches and feeding plants by the stockmen, and nothing has tended more to this result than the availability of land scrips—soldiers' additional and the forest reserve lieu rights—at a price that has enabled the stockmen to acquire titles and extend their plants in a modest way.

This is done in a legitimate way, too, without resort to the fraudulent methods of having Tom, Dick, and Harry enter and make proof on land for the benefit of the stockmen. The stock industry of Montana is a great one, and it is growing on new and better lines. To those engaged in this industry the right to make lieu selections under the act of June 4, 1897, has been and is of great importance, and I believe the stockmen generally of the State would feel it to be an injury to them to have this act repealed.

This act has not been taken advantage of in a speculative way in this State, either in selecting range or timber lands. Every acre entered, so far as I know, has had in view the promoting of these industries, and the benefits to the State have been of the most marked character.

But for the real merits of the case we must look at its other side. The Government has created large reserves and by so doing rendered practically worthless lands held by individuals and corporations within the limits of these reserves. For the double purpose of enabling the Government to own all the lands within the reserves and to compensate in part the private owners the law of June 4, 1897, was enacted.

It was nothing more than a fair provision, and at this time nearly all the lands within the reserves available under the act have been relinquished to the United States and made the basis for lieu selections. To repeal the measure now is somewhat akin to locking the stable door after the horse is stolen. If there is mischief in this enactment, it is already done; but I am convinced that instead of its being harmful it is, in fact, a measure of justice to those who have private land holdings within the reserves and a positive benefit to the public-land States, where advantage has been taken of the lieu privileges. There is so much to be said in its favor that I am surprised it is proposed to effect the repeal of the act by the "rider" method instead of letting it stand on its own merits and stand or fall after fair consideration and discussion.

Mr. PLATT of Connecticut. Is that what is trying to be done now?

Mr. CARTER. The proposition here is practically to repeal this law or suspend it until some vague and indefinite time in the distant future.

Mr. ALLISON. I insist upon the point of order.

The PRESIDENT pro tempore. The Chair is of opinion that this is not general legislation, as there is an appropriation of three or four hundred thousand dollars for these surveyors, engineers, etc. This seems to be a limitation upon the method of disposing of the appropriation and defining certain duties of the officers.

Mr. CARTER. It will be found, I think, upon an inspection of the amendment, that it actually suspends the law, a general law now in operation.

The PRESIDENT pro tempore. But that is not necessarily general legislation. It is the rule of the House that no amendment shall be in order which changes existing law. That is not the rule in the Senate. The rule in the Senate is against general legislation. The Chair is not inclined to think that it is general legislation. It rules that the amendment is in order, and overrules the point of order.

Mr. RAWLINS. Mr. President——

Mr. ALDRICH. I hope the question will be put on agreeing to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

Mr. RAWLINS. Mr. President, a short time ago I endeavored to get established in my State a forest reservation, and I was informed by the Secretary and the Commissioner of the General Land Office that under the operation of the law in force at present the grossest outrage was committed by the exchange of land within forest reservations, practically worthless, for the most valuable lands to be found anywhere in the country belonging to the Government; that by reason of this fact the Department had suspended the creation of any further reservations, and would not order the establishment of further forest reservations until some such provision as this had been adopted; so that where a party or a corporation hold lands on a forest reservation they could only be permitted to exchange it for equivalent land elsewhere. It seems to me that it is a meritorious provision and ought to be adopted.

Mr. PETTIGREW. Mr. President——

Mr. ALDRICH. Let the vote be taken on the amendment.

Mr. PETTIGREW. I am reluctant about letting a vote be taken until it is further discussed.

The amendment is just simply that we suspend the exchange of these lands until we can investigate their value. I say they are exchanging lands from which they have cut all the timber for heavy timbered land of great value; that they are exchanging lands covered with ice and snow that are not worth the tenth of a cent an acre for lands worth $10 an acre. They are thereby shutting out actual settlers from the good lands, and that the law as now administered, which was never discussed in Congress, is practically an enlargement of the grant which can not possibly be justified by anybody.

Mr. ALLISON. May I suggest an amendment which occurs to me now? I know, in the nature of things, a good many settlers upon these lands must have gone off and taken other lands.

Mr. PETTIGREW. I do not disturb them at all.

Mr. ALLISON. The suspension of this law should certainly not operate to hinder or delay those who have already taken advantage of it to the extent of partially exchanging lands.

Mr. PETTIGREW. I only suspend the operation of the law as to lands at the present time owned by the land-grant railroad companies. I do not suspend it as to those that have been sold in good faith for a valuable consideration, nor as to any actual bona fide settlers, and for this reason, that the bona fide settler has got as good land as there is in the reservation, and therefore no harm can come from his exchange; but where the railroad company has a land grant that takes good and bad, all alike, if they can exchange hundreds of thousands of acres on the tops of mountains that are worth nothing for the best land the Government has, an injustice must be worked by an enlargement of the grant. I want to suspend that until we can determine the question; that is all.

Mr. JONES of Arkansas. Will the Senator allow me an interruption? I thought I understood the purpose the Senator has in view, and I am heartily in sympathy with it if it is properly expressed. As I understand, under the law as it stands now, exchanges may be made of land of equal area without regard to value.

Mr. PETTIGREW. Exactly.

Mr. JONES of Arkansas. But it is the intention of the Senator that for exchanges to be made in the future—not those in the past; that is past and gone—but for exchanges to be made in the future there shall be an ascertainment of the value of the land owned by the Government and of the other land, and the exchanges shall be on the basis of the valuation and not of area.

Mr. STEWART. That will be very proper.

Mr. PETTIGREW. That is what I aim to get.

Mr. ALLISON. Now, that is a difficult thing to reach.

Mr. PETTIGREW. I do not try to reach it in this amendment. It is because of these difficulties and for fear it would be general legislation if I added that, I aim to suspend the operation, intending that some action of Congress may adjust this matter upon that basis; that is all.

Mr. TELLER. I will state that there is a bill here, and it is a House bill, touching this matter. I think it would be well to pass this amendment and then legislate on the subject, because it is only a question of the suspension of the railroad lands as long as it does not interfere with settlers.

Mr. JONES of Arkansas. As this can be, in my opinion, adjusted in conference in such a way as to make it operative, I would be glad to see it go into the bill.

Mr. ALLISON. Let the amendment be read again.

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. On page 73, before the word "*Provided*," insert:

And said superintendents, assistant inspectors, supervisors, and rangers shall, under the direction of the Secretary of the Interior, examine all lands within the boundaries of any forest reservation that belong to any land-grant railroad company and have not heretofore been sold in good faith for a valuable consideration, and report to the Secretary the character and value of said land; and pending such examination and report none of said lands shall be exchanged for other lands outside of said reservation.

Mr. PENROSE. I make the point of order that this is general legislation and contrary to the rule.

The PRESIDENT pro tempore. The Chair has overruled that point of order. It has already been made. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEWART. I have one amendment to offer that I hope the chairman of the committee will consider favorably and not object to it as being amenable to a point of order. On page 10, line 7, after the word "Service," I move to insert:

Toward the construction of an addition to Providence Hospital, to be erected on the grounds of said hospital, under the supervision of the Surgeon-General United States Army, $10,000. *Provided*, That said addition shall be exclusively for persons unable to pay, who shall be sent there by the Surgeon-General of the United States Army and the authorities of the District of Columbia.

I will state that they have a most eligible place and they are doing very excellent work, surpassing almost any meed of praise that can be conferred upon them. Any person can go there and see it. I present a resolution of Spanish war veterans setting forth the treatment that they have received in this institution and praying for the adoption of this amendment. I will not read it, but it is short, and I will ask that it be inserted in the RECORD as part of my remarks.

The PRESIDENT pro tempore. Without objection, the paper will be printed in the RECORD.

The paper referred to is as follows:

HEADQUARTERS, FOURTH IMMUNE CAMP, S. W. V.,
Washington, D. C., Elks Hall, June 11, 1900.

SIR: In accordance with a resolution passed at a meeting of the Fourth Immune Camp, No. 15, Spanish War Veterans, held this evening, I herewith transmit a copy of the minutes of said meeting and respectfully call your attention to the portion containing reference to an appropriation for Providence Hospital.

The committee appointed to wait on you will do so in a few days, and trust you will be able to grant them an interview.

With high regard, I am, very respectfully,

J. J. DUFFY,
Adjutant, Fourth Immune Camp, S. W. V.
Address, 1645 R street NW., City.

By order of camp.

Hon. WILLIAM M. STEWART,
United States Senate, Washington, D. C.

The Fourth Immune Camp, No. 15, Spanish War Veterans, held an important meeting Friday evening, May 12, 1900. The officers elected at their last meeting were installed, as follows: Commanding officer, Mr. Lee Lipscomb; first lieutenant, E. H. Brian; second lieutenant, Charles Bartel; sergeant of the guard, Joseph L. May; quartermaster sergeant and treasurer, Daniel C. Ebberly; adjutant, J. J. Duffey; chaplain, E. L. Robinson.

The former adjutant, Mr. P. J. Keleher, submitted his report of work done and amount of receipts and disbursements for the six months of the camp's existence, which showed that the camp was now in a flourishing condition and had been instrumental in securing employment for quite a number of its members, had relieved numerous cases of want, and had aided numerous members who were ill during that period.

The attention of the camp was called to an article published in Monday evening's Star, reciting a resolution offered by Senator STEWART, asking for an appropriation of $50,000 to build an addition to Providence Hospital for the exclusive use of the poor of the District. It was moved and unanimously carried that a committee be appointed to wait on Senator STEWART and urgently request that a ward be set apart in the proposed addition to be known as the "soldier's ward."

Several members spoke of the noble and humane work done by this institution for the sick soldiers of the District. No matter how crowded the institution was, if there were no room in the public wards, sick soldiers were placed in the private wards and given every attention. Several of the members of the Fourth Immunes had been cared for in this manner. It was contended that no institution of its kind could boast of the war record possessed by Providence Hospital.

It was used as a soldiers' hospital during the civil war, and during the thirty-five years that the late Sister Beatrice presided over the establishment the old soldier was ever welcome. At the breaking out of the Spanish-American war several of its staff of doctors and surgeons offered their services to their country, and were commissioned and served faithfully during the war. All the nurses who had graduated offered their services and several served as nurses in different camps in the States. Eight of its male attendants enlisted, six in the Fourth Immunes. It had also sent its quota of Sisters, who served as nurses in the States and in Cuba. Its doors are ever open to the soldiers, as the following letter received from Sister Louise, in charge, in March last, by the Spanish war camps of the city, will testify:

PROVIDENCE HOSPITAL, *Washington, D. C., March 6, 1900.*

To the Commanding Officer, Fourth Immune Camp, Spanish War Veterans.

DEAR SIR: I have been informed by one of your members, lately ill at our institution, that there is a great amount of sickness and distress among the soldiers who served their country in Cuba, and our other new possessions, residents of this city; and that owing to the trouble and bother of going to the authorities for a permit admitting them to some of the hospitals of the city, they remain at their homes and are cared for by their comrades as best they may.

Young men who gave up so much for "country's sake" deserve a better fate than to be ill without funds; too proud to ask admission to the hospitals where their trouble could be skillfully treated.

Allow me to say, if this be the fact, that I regret of not being aware of it before, for the doors of Providence Hospital are always open to the Spanish war veterans of the District; no permit is necessary; a note from the commanding officer will admit them, and everything that care and treatment can do will be done to relieve their sufferings.

With high regard, I am, respectfully,

SISTER LOUISE, *In Charge.*

The committee, consisting of Capt. Lee Lipscomb, Lieuts. Charles Bartel and William H. Mellach, and P. J. Keleher, were requested to call on Senator STEWART and place before him the request of the Fourth Immune Camp. They were also instructed to call on the officers of the Harding and Miles camps, and in conjunction with said officers do everything in their power to secure the much needed ward for the soldiers of the District.

The camp adjourned to meet Friday evening, May 25, 1900.

Mr. ALLISON. I hope this amendment of the Senator will share the fate a good many others have done. I doubt not the worth of the others, nor of this amendment, but it is not in order, it is not estimated for, there is no law authorizing it, and no committee that I know of reported it.

The PRESIDENT pro tempore. The Chair sustains the point of order. Are there further amendments as in Committee of the Whole?

Mr. PETTIGREW. I do not know that I wish to offer a further amendment, but I wish to make a few brief comments in regard to the Industrial Commission. I yield to the Senator from New Hampshire for the purpose of offering an amendment.

Mr. CHANDLER. With the kindness of the Senator from South Dakota, I offer an amendment to come in on page 100.

The SECRETARY. On page 100, after line 14, insert:

For acquiring, by purchase or condemnation, the land in the square surrounding Fort Constitution, at New Castle, N. H., to be used for barracks and quarters for troops, $50,000, or so much thereof as may be necessary.

Mr. ALLISON. I think there is no law for this appropriation.

Mr. CHANDLER. I will say to the Senator that this amendment is moved by direction of the Committee on Coast Defenses, and is approved by the Department. It is an appropriation of the same nature as the appropriation for military posts, on page 99, and it is to enable the Secretary of War to acquire about 6 acres of land directly around Fort Constitution.

Mr. ALLISON. For coast-defense purposes?

Mr. CHANDLER. No; it is for the purposes of military posts of the same character as the million dollars is appropriated for.

Mr. ALLISON. What is the amount appropriated?

Mr. CHANDLER. Fifty thousand dollars. I do not wish to explain it now at length. If the Senator does not think when it is in conference that it ought to remain in, I shall not insist.

Mr. ALLISON. Giving the conferees that latitude, I will not ask the Senator to explain it at length.

Mr. CHANDLER. It is strictly in order, I will say to the Senator.

Mr. ALLISON. I should be glad to submit the question as to whether the amendment is in order. I have never heard of it before, but that is not strange.

The PRESIDENT pro tempore. It is in order.

Mr. ALLISON. Very well.

Mr. CHANDLER. I thank the Chair for the suggestion to the Senator from Iowa.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER].

The amendment was agreed to.

Mr. PETTIGREW. Mr. President, there was some question the other day in regard to the Industrial Commission editing or altering testimony taken before it. The result was that a statement was made by the chairman of the Industrial Commission with regard to the matter. As I understood it, he asserted that no changes were made except grammatical corrections or the transposition of some words where they were not in a proper connection.

But it appears the Industrial Commission have a rule or a set of rules by which they edit this testimony, and it appears also that most of the work of the commission is done by the 9 citizen members, there being 10 members of the two Houses of Congress, and 9 others, that these 9 others all belong to one political party, that they do most of the business of the commission, and that out of their number a committee is selected to edit the testimony taken by the commission.

Mr. JONES of Arkansas. A majority of that 9 is a quorum of the entire commission.

Mr. PETTIGREW. Five of the 9, I believe, are a quorum, under the rule. Now, I will read the rules under which all the testimony that is taken is scrutinized.

1. Grammatical errors should be corrected in all instances.
2. Repetitions which do not serve to emphasize or make clearer matter under examination shall be cut out.
3. Personal opinions of commissioners must be eliminated.
4. The name of the witness, when used in a question addressed to him, must be cut out.
5. Remarks of commissioners immediately preceding questions, which do not make the questions clearer to the witness, must be omitted.
6. Answers of commissioners to questions asked of witnesses by commissioners must be cut out.
7. Opening remarks of presiding officer, with explanation to witness of mode of examination, shall not go in the record. Complimentary remarks of presiding officer at conclusion of testimony are to be omitted, but the reply of witnesses to same, if bearing on the well-being of their organizations or industries or to the work of the commission, shall be printed.
8. Leading features (as known in law) of a question should be avoided as much as possible.
9. Where the meaning of the question or answer is doubtful, it may be left intact or submitted to the commissioner asking the question.
10. When partisan politics appears in question or testimony, the same shall, in accordance with the rule of the commission, be eliminated.

The tenth rule, then, provides a great latitude. It leaves these commissioners, five of this board of nine, to judge whether there is any politics in the question or answer, and if they think there is they can eliminate it; and as all the members of this board are Republicans, all supporters of the Administration, you can judge of what value the testimony of this commission may be hereafter. As a sample of the way they exercise this power, I will read one of the sentences eliminated by this board. Mr. Lockwood, in his testimony, said:

The control of the public highways is the most important duty of the Government. Mr. Chairman, give me the control of the highway over which the products of your labor must go to market, and let me fix the charges, and I can make you my slave.

They struck that out under this power of editing. They struck out long paragraphs. Now, is that a political question? This board seem to decide that it is. If they can exercise that latitude of power, I ask of what value is the Industrial Commission? When it was appointed the law declared that it should be nonpartisan, for the purpose of collecting information with regard to the relations of labor and capital, that we might use it in the future—that we might obtain valuable statistics. Yet we find that we built up a political machine which takes the power of eliminating answers to questions that they think would not be of advantage to the political party to which they belong.

Allusions to the Standard Oil Company are stricken out of Mr. Lockwood's testimony, or materially changed. Is that a political question? I am inclined to agree with the commission that it is. I am inclined to agree that as Republicans they ought to keep from the public anything that would be detrimental to the Standard Oil Company and any other trust. It seems to me they are acting upon that basis, and that that is the purpose of the organization as now constructed.

But this is not all. Mr. Lockwood's testimony is not the only testimony that has been edited. I have here a letter from Mr. James Barrett, who, I understand, is the assistant secretary of the State board of agriculture of Georgia. It is addressed to Mr. H. B. Martin, 1227 Pennsylvania avenue, Washington, D. C., and is as follows:

DEAR SIR: My testimony was badly reported and much left out.

This Industrial Commission took testimony in the Cœur d'Alene mines last year. The witnesses who appeared before the Industrial Commission appeared this winter before the House Committee on Military Affairs, and I want to read extracts from their sworn testimony. This is from the testimony of Allen F. Gill:

Q. You were examined in regard to these matters concerning the strike up there and the destruction of that property and the conditions obtaining in the Cœur d'Alenes, were you not?

A. Yes, sir.

Q. Before that commission, I will ask you if, in your testimony, you used this language:

"That day the mill was blown up they were all at work [referring to the men under your employ]. In fact, they could not get away in any case, because they had to work, as the mine was flooding, so we were all there. There have been several of them in the bull pen since then. Quite a number of them I got out on my affidavit. I was arrested myself at Burke, along with everyone else, I guess, except the postmaster."

Was that your testimony?

A. In reading that thing all the way through I would not recognize the answers. I made objections when the proof was sent to me. I made objections in several different instances.

Q. Was that proof sent back to the commission?

Representative LENTZ. Let him finish his answer.

A. I say I objected to it, and I made corrections which have not been made in my answers there on many important points.

Q. I repeat: Did you state, "There have been several of them in the bull pen since then. Quite a number of them I got out on my affidavit?"

A. I may have stated there that I made affidavit for quite a number of them.

Q. Did you state, "Quite a number of them I got out on my affidavit?"

A. I believe that that is a mistake in the printing.

Q. Do you wish to have it go in the record, then, that that was not your evidence before the Industrial Commission?

A. I don't believe that that was my answer.

Q. They had a stenographic reporter, did they not?

A. Yes, sir; and if I am not mistaken, I think I made objections to that report.

Q. Did you file your objections?

A. Yes, sir; I sent it back.

Q. To whom did you send it?

A. The commission, I believe, here in Washington.

Q. And your report of your corrections is now in the charge of that commission, is it?

A. They refused to make any corrections.

Q. I say your report to that commission is on file with the commission here now, is it not?

A. I think so. I was going to say that in a number of different instances I made corrections, and, to my knowledge, none of the corrections have been made except in the spelling of names.

Q. Then, if this particular part of your evidence was not corrected by you, this was the evidence you gave before the commission?
A. It was not corrected.

There are five different witnesses who testified, I think, to the same thing. For instance, Mr. Levi R. Miller testifies:

Representative ESCH. You were examined by the Industrial Commission on the 26th of July last, were you not?
Mr. MILLER. Yes, sir; I was.
Representative ESCH. You then stated the entire circumstances surrounding your arrest, did you not?
Mr. MILLER. As much as I could think of at the time.
Representative ESCH. You were asked a question, and then you went on and narrated the entire circumstance?
Mr. MILLER. Yes, sir; as nearly as——

Here he was interrupted.

Representative ESCH. That narration was practically correct and complete, was it not?
Mr. MILLER. Yes, sir; that was correct as I gave it, but it was not correct as it was published.
Representative JETT. Do you know whether it was correctly reported as your testimony in what has been published?
Mr. MILLER. Oh, no; it was not anything like what I had given in my testimony. I corrected it, and then the corrections were not all made.
Representative LENTZ. You have read it, then, as it has been published, have you?
Mr. MILLER. Yes, sir.
Representative LENTZ. And that is not the testimony as you gave it?
Mr. MILLER. No, sir.
Representative LENTZ. It has been edited, has it?
Mr. MILLER. This part of it, where I was having trouble with the soldier that morning, is not in that evidence at all.
Representative LENTZ. Did you give it on that occasion?
Mr. MILLER. I did; yes, sir. I had to give it just as it occurred.
Representative HAY. Was that before the Industrial Commission?
Representative ESCH. Yes, sir.

So it appears that large portions of his testimony were left out, everything, of course, that the commission thought was politics or would be of injury to the Republican party.

Mr. ALDRICH. If it will suit the convenience of the Senator, I suggest that he have printed the remaining extracts.

Mr. PETTIGREW. I will be very brief. I am not reading it for the purpose of convincing or converting the Senator from Rhode Island, because I know that would be absolutely useless, and I do not believe he would read it if I merely had it printed in the RECORD without reading.

Now I read from the testimony of Mr. Thomas Heney:

Representative LENTZ. Do you know whether any prisoners in the bull pen were taken before the Industrial Commission?
Mr. HENEY. Not one; no, sir.

I will state for the information of Senators that the bull pen referred to in this testimony is a place where the United States Government imprisoned miners during the Idaho mining troubles. They gathered up the whole population, practically, of the towns, and swept them into this stable yard or corral and kept them there in unsanitary and unhealthy conditions. Some of them went insane owing to the misery of their surroundings.

Mr. KEAN. Approved by a Democratic governor.

Mr. PETTIGREW. Approved by the President of the United States and a Democratic governor who also supports the President of the United States, if the Senator wants to go into that question.

Representative LENTZ. Do you know whether any prisoners in the bull pen were taken before the Industrial Commission?
Mr. HENEY. Not, one; no, sir.
Representative LENTZ. Do you know whether any men were run into the bull pen and prevented from appearing before the Industrial Commission; whether they were taken into the bull pen about the time the Industrial Comsion got there?
Representative ESCH. I object to that.
Representative LENTZ. I ask him whether he knows.
Representative ESCH. I object to it, anyhow, as incompetent, immaterial, and irrelevant; and it is raising the question that was raised the other day about the report.
Representative LENTZ. We are not going into the report. We are simply showing an effort to shut out evidence from an inquiring board.
The CHAIRMAN. I do not think it is our business to investigate what the Industrial Commission did.
Representative LENTZ. We are investigating the abuse of the power they had there to take away from an inquiring board that went there certain witnesses that might tell things that they did not care to have told.

The fact of the matter is that the testimony of one witness is that as soon as he was subpœnaed he was arrested and thrown into the bull pen, and when he protested, the Industrial Commission, he says, said they would come there and take his testimony and that of others, but they never did come. I will not read all of this. There are several others. I will read one brief extract from Mr. James R. Sovereign's testimony.

Q. Mr. Sovereign, have you looked over the Industrial Commission testimony as reported—that is, your testimony as reported by the Industrial Commission?
A. No, sir; I have not. I have only casually glanced over that.
The CHAIRMAN. I object to that. We have nothing to do with the Industrial Commission.
Representative LENTZ. I simply want to ask whether that which you did look over was edited or not, or whether it was just as you gave it?
A. The proof sent to me was edited, and they only gave me ten days and I couldn't get it back.

Further, there is the testimony of several other witnesses to the same effect.

One of the members of the Industrial Commission told me day before yesterday that they examined before the Industrial Commission one of the Arbuckles; that he testified that they were buying sugar land in Cuba, and when asked why he did it he said because their competitors, the Rockefellers, were also buying sugar land, and then he went on to testify to the value of the sugar land; the best in the world, where sugar could be produced the cheapest.

Questions were then asked him as to what effect the production of sugar on those cheap lands would have upon the beet-sugar industry in this country if the sugar was admitted from Cuba free of duty; and that testimony, which went quite into detail with regard to the effect upon the beet-sugar industry, and all the questions and answers with regard to the sugar business in Cuba and their connection with it were stricken out by this editor.

So I say, Mr. President, the report of the Industrial Commission, as now constituted, certainly is a worthless document. The time spent is absolutely lost, and the money we have invested is thrown away. I call the attention of the country to these facts because I am well aware that as now constituted the Industrial Commission with its evidence will be thrown into our faces until next November at every step of the coming campaign. I wish, therefore, to call especial attention to the fact that this Republican board is destroying the value of the evidence for all industrial purposes, for all economic purposes, and only leaving it in such shape as to be of advantage as a political machine or a political inquiry.

Mr. CHANDLER. Mr. President, I wish to say only a word. I think the Senator from South Dakota is too sweeping in his denunciation of the Industrial Commission. I believe they are high-toned and honorable men; that they are not governed by partisan considerations, and the testimony which they have taken and the reports which they have made will be found useful and reliable documents. Having said that, I wish to repeat my criticism of the commission as to these rules concerning the editing of the testimony that comes before the commission. I do not see among these 12 rules but 2 which are justly subject to criticism; one is that—

Repetitions which do not serve to emphasize or make clearer matter under consideration shall be cut out.

Mr. President, no Senator in this Chamber would be willing to have his speeches edited and repetitions cut out. In the second place, the provision that—

When partisan politics appears in question or testimony, the same shall, in accordance with the rule of the commission, be eliminated.

That rule is a very unsafe rule to be enforced by the editor of the testimony.

Mr. CARTER. Do I understand the Senator to insist that repetition is a certain form of emphasis that should be retained in a speech?

Mr. CHANDLER. I think a witness who is expounding these questions before the commission should have the same privilege of repetition that the Senator from Montana has in repeating a great many times over a good idea when he finds he has come into possession of one. It is a very dangerous provision that whenever the chief stenographer of this commission is revising testimony he shall strike out everything that is partisan in its character in his judgment.

Now, I do not concur in the reflection which the Senator from South Dakota makes upon the commission, that they will intend to do anything unfair. I do not believe they will intend to do anything unfair. But no commission should have that power over witnesses that come before them, and there should not be any elimination of testimony beyond the grammatical errors. There should not be any elimination of testimony without the consent of the witnesses themselves. I hope the commission, in the testimony they may take hereafter, will be careful and not justly subject the commission to the criticism which the Senator from South Dakota for partisan purposes seems to have made in this Chamber.

The PRESIDENT pro tempore. The bill will be reported to the Senate if there are no further amendments as in Committee of the Whole.

Mr. BACON. I desire to offer an amendment which I send to the desk. I ask that it be read. Then I will just occupy one minute in stating its purposes.

The PRESIDENT pro tempore. The amendment will be read.

Mr. BACON. I ask that it go in on page 138, at the close of the subdivision of the Department of Justice.

Mr. HALE. Let us have the amendment read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 138, after line 18, insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to distribute to each of the places where a circuit or district court of the United States is now holden, or hereafter established, one complete set of Federal Cases, with digest thereof: *Provided*, That he shall distribute but one set to each of the places where both circuit and district courts are holden; and the clerks of said courts shall, in all cases, keep said Federal Cases for the use of the courts and the officers thereof.

SEC. 2. That such sum of money as is required to pay for said Federal Cases, the delivery and distribution of which are provided for in this act, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That not to exceed $5 per volume shall be paid for the same, the said money to be disbursed under the direction of the Secretary of the Interior.

Mr. BACON. Mr. President, I will occupy but two or three minutes of the time of the Senate. As is known, under the present law the Federal courts are supplied with all the decisions of the Supreme Court and the circuit courts of the United States. There were a great many reports made prior to 1880 in the circuit courts of the United States. They comprise some 200 volumes which have been edited by various reporters. All of these reports have been comprised into 30 volumes under the name indicated in the amendment, Federal Cases. It is of the utmost importance that the courts should have these books.

I will state to the Senate that this suggestion comes from the judges of the courts. The amendment which I propose has been before the Committee on the Judiciary. It was unanimously recommended by the Committee on the Judiciary and was then sent to the Committee on Appropriations. There is a letter from the Department of Justice, which I ask may be read, which fully states the case and will obviate the necessity of my saying anything further in reference to the amendment. It is of the utmost importance to the courts all over the United States to have these reports.

Mr. ALLISON. The Senator has stated all there is in the case. We know the Attorney-General has written a letter in favor of it, that the judges want it, and that $31,000 will buy these books. I leave the matter to the Senate, as the Judiciary Committee has reported the amendment.

Mr. BACON. I should like permission to have the letter read.

Mr. ALLISON. Let it be inserted in the RECORD without reading.

Mr. BACON. It is not for the purpose of inserting it in the RECORD that I present it, but I will consent to that suggestion.

The PRESIDENT pro tempore. In the absence of objection, the letter referred to will be inserted in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., May 15, 1900.

SIR: Referring to your letter of 8th instant, with which you inclose a copy of an amendment to be proposed by Senator BACON to the sundry civil appropriation bill, relative to the distribution of digests of the Supreme Court reports and copies of Federal cases, I have the honor now to transmit to you copy of a letter covering the subject written by Mr. Finch, the librarian of the Department of Justice, which has my concurrence. I return the letter of Judge Newman to Senator BACON, as requested by you.

Very respectfully,

JOHN W. GRIGGS,
Attorney-General.

Hon. GEO. F. HOAR,
Chairman Judiciary Committee, United States Senate.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 14, 1900.

SIR: Complying with your recent request for an expression of my views in regard to Senator BACON'S proposed amendment to the sundry civil appropriation bill in regard to supplying Federal cases, etc., to United States courts, I have the honor to make the following suggestions:

The Federal Reporter contains, or purports to contain, all the circuit and district court cases from 1880 to the present time. Prior to 1880 the same class of cases was reported at irregular intervals by many different persons. There are some 200 odd volumes of these reports, and it is now very difficult to make up a complete set. Still more difficult, if not impossible, would it be to supply the Federal courts with these books.

The Federal cases is a reprint of all these decisions, in concise form, so arranged that they can be referred to without inconvenience where the reference is to the old report or even where the name of the case only is known. The series contains not only all the cases to be found in the old circuit and district court reports, but many decisions found only in manuscript form and in newspapers. The subsequent history of each case is also noted. These old cases are of inestimable value, as you are aware; they are cited in practically every Federal decision, and in all treatises touching Federal questions. There is no question that these decisions should be accessible to every United States judge. * * *

For the Federal cases a price not exceeding $6 per volume should be inserted. The regular price is $10 per volume, but the company has sold them to judges for $6.

Senator HOAR'S letter of the 8th instant and accompanying papers are herewith inclosed.

Respectfully submitted.

JAMES A. FINCH, *Librarian.*

Hon. JOHN W. GRIGGS,
Attorney-General, Washington, D. C.

COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE,
Washington, D. C., May 17, 1900.

DEAR SENATOR BACON: I learn at the Department that under such a law as is here suggested, 179 sets of these cases would be distributed at the present time, with the probability that the number would be increased to 200 in the near future.

The market price for these cases is said to be $300 a set.

The librarian of the Department of Justice suggests $6 a volume as an appropriate price to pay for them.

The librarian of the Interior Department suggests $5 a volume as probably sufficient for so large a purchase.

There are 31 volumes, including the digest. At $5 a volume this would amount to $155 a set; 179 sets would cost $27,745, and 200 sets, $31,000.

Very truly, yours,

EDW. C. GOODWIN,
Clerk Committee on the Judiciary.

Hon. A. O. BACON,
United States Senator, etc.

Letter of Judge William T. Newman.

UNITED STATES COURTS
FOR THE NORTHERN DISTRICT OF GEORGIA,
Atlanta, Ga., March 6, 1900.

MY DEAR SENATOR: I beg to call your attention again to the matter of the law books about which we had some correspondence and also a conversation. The books that I mentioned that I thought the Government ought to buy for the judges are the "Federal Cases," especially for use in bankruptcy business.

Embracing as they do all the decisions of the circuit and district courts prior to the first volume of the Federal Reporter, it is exceedingly important that we should have them. * * * If you could get these three matters arranged on some of the appropriation bills, or as much of it as the committee think right, it will be of great service, I am sure, to all the judges. We must depend on you down here about these matters, as you are the only representative we have now from this section on either of the Judiciary Committees.

With kind regards, very truly, yours,

WM. T. NEWMAN.

Hon. A. O. BACON,
United States Senator, Washington, D. C.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. McBRIDE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment of the Senator from Oregon will be stated.

The SECRETARY. It is proposed to insert, on page 77, after line 2, the following:

To enable the Secretary of the Interior to ascertain what persons made entry of lands within the limits of any wagon road or railroad land grant in the State of Oregon, or entered upon such lands under the public-land laws of the United States in good faith, believing such lands to be a part of the public domain, and the title to which lands was determined by the courts to be vested in such wagon roads or railroad companies as against persons making entries as aforesaid; the date of such entry and the respective amounts paid to the United States and the date of such payments; also the names of persons who received certificates of entry or patents from the United States and the date of such certificates or patents; also the sum or sums paid by the holders of such certificates or patents, their heirs or assigns, to purchase the paramount title as settled by the decisions of the courts, and also the value of such paramount title in cases where such purchase has not been made by any of the holders of such certificates or patents, and to ascertain such other facts as in his judgment are necessary to enable the Unitted States to properly and equitably adjust the claims of persons who entered upon such lands, receiving from the proper officers written evidence of entry or settlement upon any of said lands, $5,000, or so much thereof as may be necessary, to be immediately available, and the said Secretary shall make report thereon to the Congress at the next session.

Mr. ALLISON. I ask the Senator from Oregon if that is the amendment printed in italics prepared by the subcommittee of the Committee on Appropriations?

Mr. McBRIDE. It is not.

Mr. ALLISON. Then, Mr. President, unless the Senator will offer that amendment as a substitute, I will make the point of order.

Mr. McBRIDE. I will offer the amendment printed in italics if the Senator insists on the point of order.

Mr. ALLISON. I thought the Senator intended to offer that amendment. I said to him that, so far as I was concerned, I had no objection to that, but I object to the amendment now offered by the Senator.

Mr. McBRIDE. Then I withdraw the first amendment and submit the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Oregon withdraws his first amendment and submits another amendment, which will be read:

The SECRETARY. On page 77, after line 2, it is proposed to insert:

Entry of lands in wagon-road and railroad land grants in Oregon: To enable the Secretary of the Interior to ascertain what persons made entry of lands within the limits of any wagon-road or railroad land grant in the State of Oregon, the date of such entry and the respective amounts paid to the United States, and the date of such payments; also the names of persons who received certificates of entry or patents from the United States, and the date of such certificates or patents; also the sum or sums paid by the holders of such certificates or patents, their heirs or assigns, to purchase the paramount title as settled by the decisions of the courts, and also the value of such paramount title in cases where such purchase has not been made by any of the holders of such certificates or patents, and to ascertain such other facts as in his judgment are necessary to enable the United States to properly and equitably adjust the claims of persons who entered upon such lands, receiving from the proper officers written evidence of entry or settlement upon any of said lands, $5,000, or so much thereof as may be necessary, to be immediately available; and the said Secretary shall make reports thereon to the Congress at the next session.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Oregon [Mr. McBRIDE].

The amendment was agreed to.

Mr. DANIEL. I offer the amendment which I send to the desk, which has been reported from the Committee on the District of Columbia, referred to the Committee on Appropriations, and

the estimate for which has been made in a letter of the Secretary of War, contained in Document No. 578 of this Congress.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 104, after line 8, it is proposed to insert:

Memorial bridge across Potomac River: To enable the Secretary of War to commence the construction of a memorial bridge from the most convenient point of the Naval Observatory grounds, or from some point adjacent thereto, across the Potomac River to the most convenient point of the Arlington estate property, according to the recommendations of the board of officers of the Corps of Engineers and of architects, approved by the Secretary of War and the Chief of Engineers of the United States Army, as set out in Document No. 578 of the House of Representatives, first session of the Fifty-sixth Congress, the sum of $200,000.

Mr. ALLISON. I hope this amendment will not be pressed. I do not think it is in order. There was a report authorized last year on this subject, which has just been made, or made within two or three weeks, and printed within a very few days. This memorial bridge can wait for a year.

I make the point of order respecting the amendment that it is not estimated for, although I believe the Committee on the District of Columbia has reported the amendment. I hope the amendment will not be inserted if it is in order; and I hope it will be ruled not to be in order.

Mr. DANIEL. Mr. President, I hope I may be allowed to say a few words respecting this amendment.

On April 9, nearly two months ago, the report and the estimates for this bridge were received by the Senate; and two months was certainly time enough for anyone who wished to become acquainted with it to see the estimates and specifications in detail.

I beg leave for the rest of the argument on this subject to read the following passage from the message of the President which was delivered to Congress on December 5 last. In that message, on page 52, the President says:

Congress at its last session appropriated $5,000 "to enable the Chief of Engineers of the Army to continue the examination of the subject and to make or secure designs, calculations, and estimates for a memorial bridge from the most convenient point of the Naval Observatory grounds, or adjacent thereto, across the Potomac River to the most convenient point of the Arlington estate property." In accordance with the provisions of this act the Chief of Engineers has selected four eminent bridge engineers to submit competitive designs for a bridge combining the elements of strength and durability and such architectural embellishment and ornamentation as will fitly apply to the dedication, "A memorial to American patriotism."

The designs are now being prepared, and as soon as completed will be submitted to the Congress by the Secretary of War. The proposed bridge would be a convenience to all the people from every part of the country who visit the national cemetery, an ornament to the capital of the nation, and forever stand as a monument to American patriotism. I do not doubt that Congress will give to the enterprise still further proof of its favor and approval.

There is no measure, Mr. President, which has more frequently been forecast by appropriations made by Congress, there has been none which has been more thoroughly and sedately examined, none which has been more uniformly recommended by the Secretary of War for military purposes, and these frequent recommendations have now culminated in this hearty indorsement and approval by the President of the United States.

The PRESIDENT pro tempore. The Chair overrules the point of order.

Mr. CARTER. In connection with this matter of a memorial bridge, I desire to make a suggestion. The thought underlying the construction of this proposed bridge is beautiful, and I hope the bridge will finally be constructed. I think, in connection with its construction, however, we ought to take into consideration the state of facts with reference to the country on the south side of the Potomac River, which formerly constituted a part of the District of Columbia. I have never investigated the subject, but I believe there exists a question as to whether Congress had the right to re-cede jurisdiction to the State of Virginia over that portion of the District of Columbia lying south of the river. We have, however, acquiesced in the act of cession for many years.

The result of the State jurisdiction immediately south of this large city is injurious alike to this city and to the State of Virginia. We observe that along the District line to the north and the west and the east, quiet, orderly communities project themselves beyond that line, whereas immediately south of the Potomac River we find a rendezvous for the criminal classes—murders, robberies, difficulties that affect the police court here and no doubt lay a heavy burden on the State of Virginia as well.

Mr. STEWART. If the Senator will allow me, the Government owns a large tract of land at the south end, so that there can be nothing of the kind.

Mr. CARTER. My proposition goes beyond that. Immediately south of the Long Bridge there has grown up in the course of a few years a settlement said to be lawless, giving great difficulty to the authorities of Virginia, and certainly causing great expense in the adminstration of law in the District of Columbia. Here, but a few days ago, we noticed that a peaceable citizen, who lives south of the Potomac, going home in the evening across the Long Bridge, was sandbagged, stricken down—and I believe stricken unto death—by three outlaws, who find their home and lodgment and protection at some place called Jackson City, on the south side of the Potomac. If the jurisdiction of the United States extended over the District of Columbia as originally laid out, these things could not be as they are.

Again, it is a matter of considerable importance to the health of the District that Congress should have the right to fill up the marshes and endeavor to confine the banks of the Potomac, so that the malaria-breeding swamps south of the river could be disposed of.

I should like to see the State of Virginia take into consideration the matter of re-ceding to the United States jurisdiction over that portion of the District formerly laid out, lying south of the river. It would be, I think, advantageous to Virginia, and certainty would render less expensive the administration of justice in the District of Columbia, and it undoubtedly would result in greater security to life along the southern border of this city.

These are suggestions thrown out which I think might be fairly considered in connection with this memorial bridge when the time comes to act upon it.

Mr. HAWLEY. Mr. President, I do not assume to be an architect or an expert in the matter of bridge construction, but I merely wish to record my opposition to the plan proposed for the memorial bridge. It is a contradiction of all just ideas of such a structure. I sympathize with simplicity in art. I have talked with a gentleman skilled in these matters, and he concurs with me. I see in the plan proposed that there are two structures in the middle of the bridge, as if they were intended for derricks.

I simply wish to say that I am not at all satisfied with this plan; and I have behind me some artists of renown. I wish this plan might be revised, so that the bridge might have something of beauty, something of grandeur, something of dignity in it, and be truly a magnificent structure. The lithographs have but just come to the Senate. Let us wait for the judgment of the best architects.

Mr. HOAR. A gentleman in whose judgment I have the greatest confidence, whose life work, in fact, has been to study works of art in all countries and in all eras, who is very strongly and earnestly devoted to the scheme of a bridge of this kind in Washington and to the improvement of Washington, expressed to me to-day the same opinion which the Senator from Connecticut [Mr. HAWLEY] has expressed, and I have no doubt it is well founded, that the scheme is not one from the point of architectural beauty which will satisfy the Senate or the public or posterity. This gentleman also thinks—he was a business man in former times and has had large experience—that the price of iron is so changed that the postponement of this contract for ten or twelve months would probably save a half million dollars in the cost of the bridge. I know nothing about it myself.

Mr. ALLISON. I hope the amendment will not be agreed to. This report, notwithstanding the suggestion made by the Senator from Virginia [Mr. DANIEL], has only been accessible within the last two or three weeks. The plan which is suggested in the amendment at the Secretary's desk, I think, proposes a bridge to cost some eight or nine million dollars.

I submit that if we are to enter upon the erection of such a structure, to cost so large a sum, we ought to look most carefully into these plans before we begin the work. There will be no harm in allowing this matter to pass over until next session, when all the plans and suggestions can be more thoroughly examined.

Mr. McMILLAN. I wish to say that this subject has been before Congress now for several years.

Mr. ALLISON. These plans have only been before Congress for two or three weeks.

Mr. McMILLAN. The Secretary of War was authorized to obtain plans for the construction of a memorial bridge and to submit them to Congress. That work has been done, and the plans have been submitted by three or four different bridge builders. One plan was selected by the engineers who have charge of these matters. They reported to Congress as soon as they could get the plans prepared, printed, and put in shape.

The report which was made by the Committee on the District of Columbia was unanimous in agreeing to urge the commencement of this great work, which will cost in the neighborhood of between four and five million dollars. It may probably cost less, but the Committee on the District of Columbia felt that it was necessary that something should be done to commence the work, and therefore they asked for an appropriation of $200,000 to begin it.

Mr. MARTIN. Mr. President——

Mr. ALLISON. Just one word, if the Senator will allow me.

Mr. MARTIN. Certainly.

Mr. ALLISON. The plan adopted by this amendment is the plan proposed in the report. There are three proposed or suggested plans, numbered from 1 to 3. The plan proposed in the amendment will cost $15,000,000. Plan No. 2 is to cost $13,000,000, and plan No. 3, $4,000,000.

I submit that we are not ready at this time to enter upon any one of these plans. The Committee on the District of Columbia

may have had an opportunity of investigating the subject, they may have looked into these plans, and they may be informed as to which is the best, but for one I do not feel justified in voting for a bridge that will cost this large sum of money without understanding fully the extent of the obligation to be incurred.

Mr. MARTIN. Mr. President, I am a little surprised that the Senator from Montana [Mr. CARTER], if he wanted to antagonize the construction of this bridge, should have found it necessary to make a fling at the good order or the execution of the laws in the Commonwealth of Virginia. I think we can take care of good order and of the execution of the laws on the south side of the Potomac River, and I think the orderly condition of the people on the south side of the river adjacent to Washington will compare with the good order maintained in the city of Washington and the good order maintained in the State of Maryland adjacent to the corporate limits of this District.

I think that the Senator might have rested his opposition to this bridge on the merits of the discussion without making, as I say, this fling at the good order of the State of Virginia, which the slightest investigation or the slightest observation of current events in recent years would show to be fully as good as that maintained in the city of Washington, where murders, rapes, and other crimes are constantly paraded in the newspapers published at the nation's capital.

I apprehend, too, Mr. President, that the suggestions which have been made to the Senator from Massachusetts [Mr. HOAR], and those which have been made to the Senator from Connecticut [Mr. HAWLEY], come perhaps from some architects, or perhaps from some disappointed competitor who competed in the selection of these plans.

Mr. HOAR. Oh, Mr. President, if the Senator will pardon me, the person to whom I referred is not an architect. He has no interest except in the ornamentation and improvement of the national capital, for which he has a great passion. He may be mistaken, but he is absolutely disinterested, and I am sure has no other motive but that which I have stated.

Mr. HAWLEY. I want to say about the same thing myself. I do not know very much about architecture, and I do not know that that has anything to do with it, but my judgment is based partly on my own opinion and partly on that of an architect who has been employed in different parts of the country, but has nothing to do with this business at all. He has, however, shown by his great works that he is really an architect.

Mr. MARTIN. Mr. President, if we wait until some architects cease to criticise the plans gotten up by other architects we shall never have a memorial bridge.

This matter has been under discussion for twelve or fifteen years. These are not the first plans that have been prepared by the authority of Congress and submitted to this body. Colonel Hains, I think, is the name of one of the engineers of the War Department who submitted a plan, and Major Symons submitted another plan.

An appropriation was made and the Secretary of War instructed to invite the leading architects of the country to submit suitable plans. They were submitted by four of the most distinguished men in that profession in this country and subjected to the scrutiny and examination of a board appointed by the Secretary of War, composed of engineers and of architects. This board selected from the numerous plans submitted one which commended itself to them as meeting in every particular the demands of the occasion.

Mr. CULLOM. Which one?

Mr. MARTIN. The plan prepared by a man named Burr. That is the second of these plans.

Mr. CULLOM. To cost how much?

Mr. MARTIN. To cost less than $4,000,000. I have heard a number of criticisms of the great draw, the massive proportions, and the magnificence of this structure, but it has remained for the Senator from Connecticut to criticise it because it is not expensive enough; it is not strong enough and magnificent enough.

Mr. HAWLEY. Why, Mr. President, I did not mention a figure in connection with it.

Mr. MARTIN. The Senator need not have mentioned figures to convey that idea, but he conveyed that idea to my mind, and I may safely say he conveyed to the minds of other Senators the idea that this bridge did not rise to the proportions, did not come up to the grandeur of the structure that should be erected here as a monument to the patriotism and valor of the American soldier.

But, Mr. President, this matter, as I say, has been through careful investigation at the War Department. It has received the approval of the Board of Engineers and of architects, and it has received the approval of the Secretary of War. Fifteen years have been consumed in going over and discussing plans; and it does seem to me that if we are ever to erect a memorial bridge it is time to take the first step in connection with it.

The matter has received the careful consideration of the Committee on the District of Columbia. They reported in favor of it without a dissenting vote, as an amendment to this bill, and it was referred by that committee to the Committee on Appropriations. If the Committee on Appropriations has not seen fit to examine the matter, or has not had time to examine it, it has not been because it has not been persistently, and, I may say, almost continuously, pressed upon their consideration. My colleague and I have twice appeared before that committee and appealed to them in the most earnest manner to give this matter consideration.

It does seem to me that if this plan does not meet the approbation of that committee, the least they could have done would have been to devise something by which this matter could have been kept in motion and could have been proceeded with, with a view to an ultimate determination, instead of turning it down absolutely as unworthy of being taken up, and providing the means whereby something more worthy of the consideration of the Senate could be devised and presented.

We have a surplus of money in the Treasury. We see the Senate appropriating millions and millions of dollars, and yet we find hesitation in appropriating the small sum of $200,000 to commence work upon a bridge constituting a link in the great highway from the national capital to the national cemetery on the Arlington estate.

Mr. President, I feel it is useless for me to prolong my remarks on this subject. I must say I feel that if this bridge is to be constructed at all, this, of all occasions, is the time to do it. It has been considered by competent men, by men skilled in the profession of architecture. We have a plan which has met their approval, and met the approval of the Committee on the District of Columbia, which I feel, I may safely say, has as much at heart the welfare of this city as has the Committee on Appropriations, and as much at heart the due regard which should always be paid to the Treasury of the United States as has that committee. The amendment has been recommended by the Committee on the District of Columbia, and I trust the Senate will adopt it.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Virginia [Mr. DANIEL]. [Putting the question.] By the sound the "noes" have it.

Mr. MARTIN and Mr. STEWART called for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. On this matter I intend to vote "nay," and therefore I want to say a word.

I am very much in favor of building this bridge, not simply for the purpose of a passageway across the Potomac. It is one of the things that we can do that will bring some credit to this city and to the nation.

We have a plan submitted, but I believe no Senator has seen the report until within the last three or four days. Unless we are to abandon the consideration of what kind of a bridge this shall be, and allow the engineers to determine that question for us, we are in no condition to pass upon this question.

Mr. President, I do not claim to be a bridge builder, but I have some knowledge of what I consider a good bridge, and I think that any man who has good common sense would make some criticisms of this bridge as proposed. I have no doubt that plan No. 1, which has been selected by the engineers, is the best plan, with the hasty examination I have made of the others, but it does not follow that that is just such a plan as we want. If we are to put fifteen or sixteen million dollars in this bridge, not for the purpose simply of a causeway across the river, but as a matter of beauty and as a monument to the distinguished dead, we want to take a little time. There is no hurry about this matter, Mr. President.

Mr. President, I recall that when I first came here there was a proposition to build a library for this Government, and on every occasion I voted against the schemes that came from the House, because they were not of the character I believed we were entitled to have. Year after year we resisted the attempt to build in haste a library, saying, "It is better to wait and build something creditable to the nation." We did wait, and we got that which everybody in the world who has looked at it declares is a credit to the American people.

I want a bridge of that kind; I want it built; I expect to see it built; but I do not believe in accepting the first proposition some engineer or some architect presents. As a member of the Senate, I expect to have something to say about it, and I want the architects and the bridge builders and the æsthetic people of the country to have an opportunity to determine which of the designs we ought to select. I shall regard it as exceedingly unfortunate if we now select one of these plans, with the little knowledge we have on the subject, hoping we will know more about it, and with the firm belief that we will build the bridge.

Mr. CULLOM. Of course we will.

Mr. TELLER. We will some time build it, and I hope we shall build that of which the people of the country may say, as they say of the Library, "It is a credit to the American people." I will vote against this proposition.

Mr. STEWART. If we do build it, I hope we will pay the architect and not do as we did in the case of the Library.

Mr. MASON obtained the floor.

Mr. McMILLAN. I suggest that we take a rising vote rather than by yeas and nays.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The Senator from Illinois is recognized.

Mr. McMILLAN. I beg pardon.

Mr. MASON. Mr. President, one of the great things about civilization is the grand army of those who do not know, who have not had time to think. The proposition for this bridge has been submitted to the people whom we pay for thinking for us. It has been submitted to the proper Department of this Government. If you wish to go to Arlington to-day, there are two routes—one of them over a bridge where you have to go single file, for fear the bridge will fall down if your horses trot, and the other over a bridge where the locomotives run, which will frighten your team. This makes it almost impossible, naturally, to reach the soil of Virginia.

The distinguished Senator from Colorado [Mr. TELLER] said he was not sure about the architecture of the bridge. If all the questions that are presented to the American people that he is not sure of were submitted to him, there would be no question passed upon in the next six hundred years. We have left it to the Department to fix the memorial bridge. There is not a connecting link, an absolute geographical and physical connection, between the capital and Virginia, between the capital of the nation that was preserved by the boys who are buried at Arlington and that grand Commonwealth. You can go single file across a rotten bridge, or wait two or three hours to cross the bridge that we tried to cross yesterday.

Mr. President—

Art is long and time is fleeting.

They tell us that the North and the South are one, and that the Spanish war made us one. I heard yesterday, upon Memorial Day, speeches that put me in doubt as to whether we did not make a mistake when we licked you fellows down South. I thought it was right in a boyish way. Some of you thought differently. The proposition here to-day is to build a memorial bridge which shall be dedicated to the honor of all those who have died for their country, and in it are involved the sentiments of a nation and the practical possibilities of getting out of the hottest, meanest town in summer.

I do not mean to say that Washington in summer is the meanest town in the United States. I mean to say this: We are spending millions of money to acquire insular possessions. Transports are paid for out of the National Treasury. We are paying the national undertaker more than is proposed for this bridge. It is to be built, if it is built, for the honor of the soldiers who died for this country, and there is an underlying sentiment that it will unite in a physical way the old Commonwealth of Virginia, that was the mother of Presidents until Ohio broke into her class, and the capital of the nation. Why should we not honor those dead and gone, and build a bridge that will bring us physically nearer to that historic soil?

Before I sit down I will say that yesterday the distinguished Senator from Tennessee and the distinguished Senator from Michigan had a joint debate under the trees, and after it was all over we agreed that it was a common country, under a common flag, marching to a common destiny. I simply rose to give the reason why I shall vote in favor of the memorial bridge.

Mr. DANIEL. The Senator from Iowa in his statement has doubled and trebled the cost of this bridge. I beg leave to call his attention to page 22 of the report on the subject, where it is shown that, with all the modifications recommended and suggested, its cost will be less than five millions, not nine or ten or fifteen.

Mr. GALLINGER. On page 2, I will say to the Senator from Virginia, there is this statement:

The estimated cost of Mr. Burr's structure, as designed originally, is $3,680,672——

Mr. DANIEL. That is right.

Mr. GALLINGER. And General Wilson says:

And the board estimates that the modifications recommended will add about 32 per cent, bringing the total cost up to $4,860,000.

Mr. DANIEL. I say, with all modification, it is less than $5,000,000—to wit, $4,860,000.

In respect of the suggestion of the Senator from Montana, a citation of a man being sandbagged on a bridge between here and Virginia does not by any means criminate anybody in Virginia, and I do not see why the Senator might not just as well have attributed the offense to Washington as to the other side of the river. As suggested by my colleague, disorders occur on the suburbs and sometimes in the heart of large cities, and the fact that those who belong to the sporting classes of Washington occasionally overwash into Virginia is no remarkable fact, but one which is coincident with the history of every city in the world.

But it does not constitute a reason why we should change the Constitution and laws of the country, or why we should introduce into the discussion of a mere proposition to build a bridge judicial or political questions as to the retrocession of certain territory in Virginia to the District of Columbia. If the reforms which he thinks would follow the possession of that territory under the jurisdiction of the District of Columbia should arise, there would still be another border of the State of Virginia just a little farther on, where, if the facts were that these disorders are due to the circumstance that they are beyond the borders of the District of Columbia, there would be at once a duplication of them, and the distinguished Senator would have to be changing borders and retroceding and working over again the State and District lines of our country until he got even Montana into the District of Columbia.

So the suggestion, Mr. President, is a mere fanciful one and not predicated upon any condition which the distinguished Senator can suggest any method of alleviating, and certainly it is wholly disconnected with the establishment of this bridge.

The ground to which this bridge goes on the other side of the river is ground that belongs to the United States and is under the jurisdiction of the United States. It is territory already, by the necessary course of events, identified with the immediate interests of the national capital. With respect to Fort Myer, the Secretary of War has time and again called the attention of Congress to the fact that for military purposes this bridge is desirable. In connection with the national cemetery at Arlington a second feature of desirability arises. There is still another. The United States has established, by recent enactment, an agricultural station on the Arlington estate, and every day that we live new necessities arise for the connection of that territory with the District of Columbia.

Mr. President, as to the design of the bridge, I should be very modest and deferential in expressing my opinion upon the subject, for I do not pretend to be either a bridge builder or an expert judge of works of art, but looking at the design as it is pictured in the report which has been made to us by the Secretary of War, it appears to me to be a most noble and substantial and excellent design. There were four competing designs submitted to the Secretary of War and the board of experts who examined them. They recommend a particular design, with certain modifications. On that board were Lieutenant-Colonel Allen, of the Corps of Engineers; Maj. Thomas W. Symons, Capt. D. D. Gaillard, and Messrs. Stanford White and James D. Hill. Of course, any design of such a structure will find critics from some source or another.

A man must serve his time to ev'ry trade,
Save censure; critics all are ready made.

The expert officers of the Government who know about such things, who are constantly dealing in such things, with such assistance as has been invoked, have recommended this design. There is no proposition to have any other design submitted, and it seems to me that after fifteen years of preliminary motions the time has come to try this case and to decide it. It seems to me that this appropriation should be made and that the work should go on.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. DANIEL], upon which the yeas and nays have been ordered.

Mr. MARTIN. I will not insist upon the yeas and nays.

Mr. CULLOM. The Senator can withdraw the call for the yeas and nays.

Mr. MARTIN. I withdraw the demand.

The PRESIDENT pro tempore. Does the Chair understand that the demand for the yeas and nays is recalled?

Mr. MARTIN. I am willing to waive it. Let us take a rising vote.

Mr. McMILLAN. I suggested that we determine it by a rising vote.

Mr. ALDRICH. A rising vote, Mr. President.

The Senate proceeded to divide.

Mr. HOAR. I hope the call for a division will be withdrawn.

Mr. ALDRICH. Let the call for a division be withdrawn.

The PRESIDENT pro tempore. The call for the division will be regarded as withdrawn. The question is on agreeing to the amendment proposed by the Senator from Virginia.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Does any Senator desire to reserve any amendment made as in Committee of the Whole?

Mr. MORGAN. I reserve the amendment on the subject of the appropriation for the exposition at St. Louis.

The PRESIDENT pro tempore. Is any other amendment reserved?

Mr. CULLOM and others. No.

Mr. RAWLINS rose.

The PRESIDENT pro tempore. Does the Senator from Utah desire to reserve the amendment which he proposed as in Committee of the Whole?

Mr. RAWLINS. Yes.

The PRESIDENT pro tempore. There is no need of that. The bill will still be open to amendment in the Senate.

Mr. RAWLINS. Very well.

The PRESIDENT pro tempore. If there be no other amendments than the one reserved by the Senator from Alabama, the question is, Will the Senate concur in the amendments made as in Committee of the Whole?

The amendments were concurred in.

The PRESIDENT pro tempore. The bill is in the Senate and open to amendment.

Mr. DANIEL. I beg leave to offer an amendment.

Mr. PLATT of Connecticut. There is an amendment reserved.

Mr. DANIEL. I offer an amendment to come in after line 15, on page 67. It is the amendment as to State claims, with slight verbal changes.

Mr. STEWART. Leaving out Nevada?

Mr. DANIEL. Yes; there are slight verbal amendments to which I ask the Secretary to call attention.

The PRESIDENT pro tempore. The Senator from Virginia offers an amendment.

The SECRETARY. After the amendment inserted after line 15, on page 67, it is proposed to insert:

Settlement of certain State claims—

Mr. DANIEL. This is the amendment which was reported and recommended by the Committee on Appropriations.

Mr. MARTIN. Striking out Nevada?

Mr. DANIEL. Striking out Nevada and leaving out certain words which are marked.

Mr. ALLISON. I will be glad to know the words that are stricken out.

The PRESIDENT pro tempore. The Secretary will indicate the words stricken out.

The SECRETARY. The words "and Nevada," in line 19 are stricken out, the word "and" inserted between the words "California" and "Oregon;" and the same is done in lines 22 and 23 following.

Mr. DANIEL. Then there is one of which I will state the purpose. It refers to proceedings which have been taken. No proceeding had been actually taken in the case of Virginia, and it was simply to refer to the proceedings contemplated by that act.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. DANIEL].

The amendment was agreed to.

The amendment as agreed to is as follows:

SETTLEMENT OF CERTAIN STATE CLAIMS.

The Secretary of the Treasury, the Secretary of War, and the Attorney-General are hereby fully authorized and empowered to compromise, adjust, and finally settle with the governors, respectively, of the States herein named, or with such person or persons as may be authorized by the laws of said several States to act in their behalf in making the several settlements herein provided for, such settlements to be made upon such terms and conditions as to them may seem just and equitable, subject to approval by Congress as hereinafter provided, and said compromises, adjustments, and settlements to be made by said Secretary of the Treasury, Secretary of War, and Attorney-General with the following States, namely:

Virginia, Delaware, Pennsylvania, and New York for and on account of advances and expenditures made by said States in the war of 1812 with Great Britain and now in dispute; with the State of South Carolina for and on account of advances and expenditures made by said State in the war of 1812 with Great Britain now in dispute, and also on account of money expended by said State for military purposes in the Florida war of 1836, 1837, and 1838 now in dispute, and as against Virginia and South Carolina the claims of the United States on account of principal and interest of the unpaid bonds of said States, respectively, due to the United States and held in its own right or in trust by the United States; and with the States of California and Oregon for and on account of advances and expenditures made by said States in the war of the rebellion and claimed to be due them, being the claims and demands made by said States of California and Oregon, and now on file and particularly described and mentioned in Senate Report No. 544, part 2, second session Fifty-fifth Congress.

And any compromise or settlement they may make with the said States, respectively, shall be fully reported to Congress for its future further action, stating the amounts, if any, which should be paid by the United States to any of said States and the amounts, if any, which should be paid by any of said States to the United States. And the Secretary of the Treasury is hereby directed to suspend until further action of Congress any act or proceeding under provisions of section 4 of the act approved March 3, 1899, entitled "An act to amend an act entitled 'An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain,'" as respects the States of Virginia and South Carolina.

Mr. COCKRELL. Now let us take up the reserved amendment. The Senator from Rhode Island has an amendment to offer to it.

Mr. ALDRICH. I have two amendments to offer to the amendment. After the word "regulations," in line 13 of the printed amendment in relation to the Louisiana Purchase Exposition, I move to insert "and under conditions;" and, in line 1 on the second page of the amendment, to insert "hereafter" before "prescribed;" and strike out "the Secretary of the Treasury" and insert "Congress;" so as to read:

Under rules and regulations and under conditions to be hereafter prescribed by Congress.

Mr. COCKRELL. I agree to that amendment.

Mr. ALDRICH. That is, Congress instead of the Secretary of the Treasury.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Rhode Island to the amendment.

The amendment to the amendment was agreed to.

Mr. ALDRICH. At the end of the amendment I move to insert:

And provided further, That all sums expended by the Government on account of said exposition, except for its own buildings and exhibits and the care of the same, shall be deducted from any general appropriation made for said exposition,

Mr. COCKRELL. There is no objection to that.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Rhode Island to the amendment.

The amendment to the amendment was agreed to.

Mr. MORGAN. I offer an amendment to reduce the sum appropriated $2,000,000.

Mr. FORAKER. I make the point of order that no sum is appropriated. The amendment does not appropriate anything, as I understand it.

Mr. COCKRELL. Not a dollar except $10,000.

Mr. FORAKER. It is simply a declaration that when certain things have been done to constitute a condition precedent, Congress will then do something.

Mr. MORGAN. I move to reduce that sum $2,000,000.

The PRESIDENT pro tempore. The Senator from Alabama moves an amendment to strike out "$5,000,000" where it occurs and insert "$3,000,000."

Mr. MORGAN. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Alabama to the amendment.

The amendment to the amendment was rejected.

Mr. MORGAN. Mr. President, I suppose this amendment has passed the stage where a question of order can be made upon it, and I am glad of it, and for the reason that I want the St. Louis Exposition provided for to a reasonable extent. I have here a statement of all the appropriations we have made for similar expositions.

Mr. PETTIGREW. Will the Senator from Alabama permit me? I understood the Senator to say that the amendment has reached a stage where a point of order can not be made. I do not feel like subscribing to that doctrine. I suppose the point of order can be made at any time, and if made in Committee of the Whole and overruled, it can be made again in the Senate.

Mr. MORGAN. I made no assertion on that subject. I accepted the proposition for the purposes of my own argument that the amendment was before the Senate, no objection having been made to the right of the Senate to consider it. Under the rule, I believe, the amendment is open to a point of order. I do not choose to make it; I hope it will not be made.

For these subjects, beginning in 1866 for the first French Paris Exposition with an appropriation of $206,403, we have now appropriated and expended $13,599,340.12. I will put this entire statement in my remarks, to show just what we have been doing.

Aid or loans to expositions and expenses of Government exhibits thereat.

Paris, France, 1866	$206,403.00
Vienna, Austria, 1873	200,000.00
Centennial Exposition, Philadelphia, 1876:	
Loan (repaid)	1,500,000.00
Government exhibit	578,500.00
Paris, France, 1878	190,000.00
Sidney and Melbourne, Australia, 1879	28,000.00
Berlin, Germany, fisheries, 1880	20,000.00
London, England, fisheries, 1883	70,000.00
New Orleans Exposition, 1884:	
Loan (never repaid)	1,000,000.00
Final aid to	350,000.00
Government exhibit	300,000.00
Cincinnati Industrial Exposition, 1884, Government exhibit	10,000.00
Cincinnati Centennial, 1888	147,700.00
Melbourne, Australia, 1888	50,000.00
Barcelona, Spain, 1888	25,000.00
Brussels, Belgium, 1888	30,000.00
Paris, France, 1889	250,000.00
World's Columbian Exposition, Chicago, 1893:	
Gift	2,550,000.00
Expenses of commission, building, exhibits, etc	2,834,737.12
Atlanta Exposition, 1895, Government exhibit and building	200,000.00
Nashville (Tenn.) Exposition, 1897, Government exhibit and building	130,000.00
Omaha Trans-Mississippi Exposition, 1898, Government exhibit and building	200,000.00
Philadelphia Exposition of American Products, etc	350,000.00
Toledo Centennial Exposition	500,000.00
Pan-American Exposition, Buffalo, N. Y.	500,000.00
Present Paris Exposition	1,379,000.00
Total	13,599,340.12

In 1875 we loaned the Philadelphia Exposition $1,500,000, all of which has been repaid to the Government by the exposition company. We then provided for the Government exhibit there

$578,500. That is all the money we are out for the great exposition at Philadelphia, to celebrate that great national event, the centennial of American independence.

Now we are asked to appropriate $5,000,000, or to pledge the Congress so that there will be an appropriation of $5,000,000 to assist in an exposition at St. Louis for the purpose of celebrating really the treaty of acquisition. I suppose that is the object of it. I have not heard this explained very fully by the friends of the measure, either as to their plan and purposes or as to the objects to be attained or the general scope of the exposition.

I do not know under what rules and regulations the exposition is to be conducted. I do not know whether the State of Missouri is contributing anything or whether it is to be done entirely by private subscription, but to appropriate $5,000,000 or pledge the Government of the United States to appropriate that sum is a very great tribute to Mr. Jefferson and a much greater tribute to the doctrine of expansion than we have made to the declaration of the independence of the United States.

The plea of expansion is put up here as the justification of this very romantic expenditure of public funds. While it is not supported by Senators who have been very much committed to that doctrine, so far as I understand, I am very happy to know that we are now celebrating, or about trying to celebrate, the expansion of our commerce, of our population, and our enterprising vigor and of the influence of our institutions as it was in 1803 by the acquisitions that we made from France. The argument is very appropriate to existing conditions, and it answers a great many objections that have been made by gentlemen who have been rather flambuoyant in their speeches on the opposite side of this question.

But I still believe that a sum of money equal to what was actually appropriated, without requiring any of it to be returned to the United States, for celebrating the independence of this country is quite sufficient for the purpose of celebrating the expansion that we had when we crossed the Mississippi River and commenced planting a field for the enterprise of our people beyond that great water course. If the Mississippi River had been 300 miles wide, as the La Plata is at Buenos Ayres, I suppose it is likely that the enterprise of the present generation would not have crossed it. That would be about the distance, I believe, from the nearest coast of the United States to Porto Rico, a much greater distance than that between Key West and the coast of Florida on the north.

The truth is that we have arrived at that period in our history when the American people receive with gratification the evidence of our success and prosperity under the doctrines that were laid down by Mr. Jefferson when he felt at first blush that he was really violating the Constitution of the United States in order to make that acquisition by treaty from France.

He soon got over his difficulties, however, when he realized the fact that the scheme of government which we had established here was not merely for the purpose of conserving the interests that were included in the original boundaries of the land, but that it really extended and spread itself out in one way and another, chiefly through its influence, but as largely as might be necessary through its physical power and its power of conquest, if you please, so as to comprehend all the nations of the earth that chose to accept it; not that we desired to force it upon anybody, not that we desired to become a propaganda for the purpose of spreading and confirming republican institutions in the world, but he saw, as we see now in the clearer light of experience, that it was a necessary element in the character of the people who occupied this country at the beginning of the last century that they should have room to expand all their genius and all their power and all their commercial enterprise and all their institutions of morality and religion to the uttermost parts of the earth.

Now I submit, Mr. President, that $5,000,000 is too much for this exhibition at St. Louis. I do not blame the people of Missouri or the people of St. Louis for attempting to excel the people of Chicago in the great Columbian Exposition, and I am quite satisfied that in that rivalry which is at the bottom of a good deal of the enterprise on this occasion and on this subject it is not necessary that the Government of the United States should lend itself to the rivalry between St. Louis and Chicago.

Neither is it necessary that the Government of the United States should pass laws and appropriate money for the purpose most largely of the encouragement of the income and the increase of the income of the great railroad companies that concenter at St. Louis. When we come to think it over and find out who is going to make any money out of this enterprise, it is quite obvious it is not the people who will visit St. Louis during the exposition, for they are expected to pay from $15 to $30 per capita as a contribution to the treasury of the exposition. The Government will not make any money out of it. This amendment does not contemplate that the Government of the United States shall ever receive a dollar back of the expenditure of the $5,000,000, and when we pass this amendment the expenditure will never be less than $5,000,000.

Who, then, makes the money? Not, perhaps, the exhibitors themselves. The merchants who live in St. Louis will make something, and I am gratified that they will have the opportunity of doing that. The hotel keepers will make a great deal. But the railroad companies will make the large bulk of the gain out of this contribution from the Treasury of the United States. Well, they are rich enough and they are strong enough. They have got power enough, and they use it with all possible severity.

They concenter at St. Louis and branch out to the Northwest as far as the State of Washington, and to the Southwest as far as the boundaries of Mexico, and across to the Pacific at various points where they tap that great ocean. They are carrying and will carry (and the Senate of the United States intends to help them to have the job) all the commerce between the center of this country and the Pacific Ocean. They have it monopolized now; and this amendment is a direct contribution to the assistance of that monopoly which now silences the voice of the Senate of the United States and makes it stand trembling before its master.

I had no reason, Mr. President, of comity or kindness; I have no prejudice of my Southern birth and my Southern sympathies to urge in behalf of this amendment or against it; but I have a keen sense of justice connected with it, and I am disposed to assert, and I think the Senate of the United States in its heart and mind will justify me in asserting, that we ought not to make contributions out of the Treasury of the United States to any great band of corporate authorities that are already reaping enormous harvests out of the people of this country.

This exposition is valued at $15,000,000 to start with. It is expected that St. Louis, of course, or the company that controls the exposition, will make that money all back out of the people. The money that we are contributing now, the $5,000,000 which we are called upon to contribute, comes out of the people of the United States. I made a little estimate about my own State, and I can not figure it down to less than $250,000 that will be taxed upon the people of Alabama for the purpose of this contribution to St. Louis.

We love St. Louis well enough to do that for her if we were able to do it, but our people are not in a condition to pay that amount of money, levied upon them by the tax collector, for the glory and honor of any place, and more particularly is that a fact when we get no sympathy from St. Louis or Missouri and no assistance, so far as we know, in the records and annals of the Congress of the United States in any great enterprise that we are connected with and upon which the resurrection of the South depends. We have no encouragement, no sympathy, no assistance.

Notwithstanding that, I would most cheerfully vote for any reasonable sum, and I think I am voting for a very large sum when I put the claims of St. Louis for celebrating Jefferson's expansion upon the same footing precisely that I put the claims of Philadelphia when she was celebrating that wonderful event, the independence of the United States. Can she not afford to put up with a sum of money from the Government of the United States for celebrating the expansion of our territory and of our power to the West that our friends in Philadelphia even thought might be extravagant, and they promised to pay a million dollars back, and did it, in order to get our assistance to celebrate the anniversary of American independence?

Well, this business, Mr. President, really has gone far enough. When we have spent $13,000,000 and upward in this work of expositions, and turn our attention to what results can be figured up and shown to the American people as having been accomplished by this expenditure, I think we will all feel that we have gone quite far enough in this direction. I do not propose to cut St. Louis off until she has had a full chance to compete with Chicago. She is entitled to it. That is what she wants, and I am in favor of giving it to her. I think that $3,000,000 from the Treasury of the United States is quite enough to enable her to accomplish that feat if she can do it.

Mr. VEST. Mr. President, I have heard a great many remarkable speeches in the Senate, but never one so extraordinary as that to which we have just listened.

The memory of the Senator from Alabama [Mr. MORGAN] is very short. When I as a Missouri Senator stood here at the expense of my health and the risk of my life to prevent legislation that I thought and the Senator from Alabama said would ruin his State and the entire Southern people, I was under the impression that I was the friend of the South and that I was doing all I could to rebuild her ruined industries and her desolated fields.

I do not know to what measure the Senator refers when he says that Missouri has no sympathy with the South. Missouri showed during the war and since the war her deepest and most earnest sympathy with the South and solicitude for her interests. There has never been a measure before the Senate that I have not supported earnestly and vigorously in order to rebuild the Southern people and bring them back to prosperity.

I can imagine no other bill to which the Senator refers than the Nicaraguan bill, to which he seems to give his entire time and attention. I have never been able to agree with the details of that measure as presented by the Senator, and I tell him now that

rather than give up my right of judgment and my honest convictions upon that or any other measure I would sink all hope of this exposition a thousand fathoms beneath the waves of the ocean. I shall do what I consider to be my duty as he will do his, but no such threat and no such reproach as he has made here to-day will have the slightest effect upon my action as a Senator.

The Senator says that under no circumstances could the United States receive anything from this exposition. He has not read the amendment. The amendment provides that the United States, in the event that this exposition is successful, shall receive its due proportion of the profits, if there be any. The municipality of St. Louis, the people of the State of Missouri, propose to give $11,000,000. Sixteen States and Territories are included in the Louisiana purchase, with more than twenty million people, and the valuation of billions of dollars, paying thousands of millions of revenues to the Treasury of the United States each year.

Are we asking too much when we consider what Chicago received? The Senator says, "This is a question of rivalry." If so, it is a generous and just and proper rivalry. Chicago received $5,700,000. He says that $5,000,000 in this instance is an enormous appropriation. It is true, by the list the Senator is now referring to, Chicago received $4,700,000; but it must be remembered that there were two and a half million of souvenir half dollars, the first half of which were sold at a dollar each, making about $5,700,000 that was appropriated in the bill for the establishment of the exposition in the city of Chicago.

It is not my purpose, Mr. President, to drag into this debate the question of expansion. I do not propose to be diverted from the legitimate question before the Senate by entering into that question, or the Philippines, or Porto Rico, or Cuba. Much is to be said upon that question. All I wish to say is that the people of this immense area, won to the Union by the prophetic genius of Thomas Jefferson—and all parties and men of all climes even bow before his shrine for that act, if for none other—deserve this $5,000,000, at least when the people of the State and the citizens of St. Louis put up $11,000,000 to this $5,000,000, which is not out of proportion to the geographical extent or the population of that vast area.

Now, Mr. President, I shall not detain the Senate by going into a detail of the vast resources and the great importance to the whole country of this exposition as developing what the American people are willing to do in that new country, which was the frontier at the time Mr. Jefferson made the purchase from France. We have celebrated the discovery of America. We celebrate each recurring year that great event, the declaration of American independence, and this, the next greatest event in the history of the American people, deserves to be celebrated in justice to the vast results which our civilization and the enterprise of our people have brought about.

We are not here as mendicants. We do not ask the Senator from Alabama for one single dollar in the way of a gratuity. We simply ask that in proportion to what we are willing to do ourselves in behalf of a great enterprise which brings to our shores visitors to go back and report the vast possibilities of this new Republic we shall have from the Treasury of the United States the same treatment that has been given to others.

The PRESIDENT pro tempore. The question is on concurring in the amendment.

The amendment was concurred in.

Mr. RAWLINS. I offer the following amendment——

Mr. MORGAN. I rise to a question of order. What amendment was agreed to? I offered to amend the amendment.

The PRESIDENT pro tempore. The amendment to the amendment proposing to reduce the amount from $5,000,000 to $3,000,000 was rejected.

Mr. MORGAN. By a vote of the Senate?

The PRESIDENT pro tempore. Yes, sir; by a vote of the Senate. The Senator from Utah offers an amendment, which will be read.

The SECRETARY. On page 53 strike out "station," in line 9, and insert "stations;" strike out the word "point," in line 11, and insert "points;" after the word "Idaho," in line 11, insert the words "and Utah;" so as to read:

For establishing fish-hatching and fish-culture stations, including construction of buildings and ponds, and equipment, at some suitable points in Idaho and Utah, to be selected by the United States Commissioner of Fish and Fisheries, $10,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be used for the purchase of a site.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUR OF MEETING.

Mr. ALLISON. I ask unanimous consent that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow, and at the same hour on the remaining day of this week. I make the request for the two days.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that when the Senate adjourn to-day it be to meet at 11 o'clock on both Friday and Saturday. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARNER, Mr. KNOX, Mr. GIBSON, Mr. LLOYD, and Mr. MCDOWELL as managers at the conference on the part of the House.

ALLOWANCE OF EXCEPTIONS.

Mr. HOAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8366) to amend section 953 of the Revised Statutes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recedes from its disagreement to the Senate amendment numbered 1, and agrees to the same with amendment as follows:

In lieu of the matter stricken out insert "but in case said judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause, that he can not fairly pass upon said motion and allow and sign said bill of exceptions, then he may, in his discretion, grant a new trial to the party moving therefor."

Strike out all of section 3; and the Senate agree to the same.

The House recedes from its disagreement to the Senate amendment numbered 2, and agrees to the same.

GEORGE F. HOAR,
O. H. PLATT,
A. O. BACON,
Managers on the part of the Senate.

JOHN J. JENKINS,
JULIUS KAHN,
W. L. TERRY,
Managers on the part of the House.

The report was agreed to.

EDWARD GOTTFRIED.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report from the Secretary of State, with accompanying papers, in response to the Senate resolution of April 16, 1900, calling upon that officer to furnish to the Senate copies of all papers in relation to the alleged depredations on the property and injuries and indignities upon the person of Edward Gottfried, a citizen of the United States, by Peruvian revolutionists.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *May 31, 1900.*

SAMUEL S. WHITE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 351) granting an increase of pension to Samuel S. White.

The amendment of the House was, in line 8, before the word "dollars," to strike out "thirty" and insert "twelve."

Mr. GALLINGER. I move that the Senate nonconcur in the House amendment and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. QUARLES, and Mr. KENNEY were appointed.

LOUISE D. SMITH.

The PRESIDENT pro tempore laid before the Senate the amendments of the House to the bill (S. 3662) granting an increase of pension to Louise D. Smith.

The amendments were, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-five;" and in line 9, after the word "receiving," to insert "and $2 per month additional on account of each of the minor children of said William H. Smith until they reach the age of 16 years."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

JOSEPH LONGMIRE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2938) granting an increase of pension to Joseph Longmire.

The amendment of the House was, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty."

Mr. GALLINGER. I move that the Senate concur in the amendment.

The motion was agreed to.

ANNIE D. M. WOOD.

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 1975) granting a pension to Annie D. M. Wood.

The amendment of the House was, in line 8, before the word "dollars," to strike out "fifty" and insert "forty."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CLARA H. INCH.

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 1593) granting an increase of pension to Clara H. Inch.

The amendment of the House was, in line 8, before the word "dollars," to strike out "fifty" and insert "forty."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ROBERT GAMBLE, JR.

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 294) granting an increase of pension to Robert Gamble, jr.

The amendment of the House was, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. GALLINGER. By unanimous consent it was agreed that half an hour should be devoted to pension bills after the sundry civil appropriation bill had been passed. I do not expect to call up that order this evening, but I beg to make the request, inasmuch as there are a large number of House pension bills on the calendar which ought to be passed, that the time be extended so that the committee will be given one hour.

The PRESIDENT pro tempore. One hour when?

Mr. GALLINGER. Immediately after the routine morning business to-morrow.

Mr. PLATT of Connecticut. I wish the Senator would not make that request to-night. There is a bill which the Senator from Indiana [Mr. FAIRBANKS], who has left the Chamber, has been trying faithfully for two or three days to get brought up for consideration, which I think is a bill of the utmost importance, and that is the extradition bill. Of course it can not interfere with appropriation bills, but I wish the Senator from New Hampshire would not ask that the order which has already been made be extended. He will find other opportunities before the time of adjournment to get all his pension bills through.

Mr. GALLINGER. I accept the suggestion, Mr. President.

Mr. SEWELL. I gave notice a few days ago that immediately on the conclusion of the bill which we have just passed I would ask the Senate to consider the Military Academy appropriation bill. It is too late, I suppose, to-night to go on with that bill, but immediately after the morning hour to-morrow I shall call it up.

Mr. GALLINGER. I shall insist that the unanimous-consent order shall not be vacated by a proposition of that kind. I may arrange it with the Senator from New Jersey, but I will not yield my right.

Mr. SEWELL. I was not aware that any unanimous-consent order had been made.

Mr. GALLINGER. Such is the fact.

Mr. McMILLAN. I was going to ask unanimous consent, with the consent of the Senator from New Jersey, to take up to-morrow morning as soon as possible House bill 11646, a short bill. It is called the "river and harbor bill," and it will not take more than fifteen or twenty minutes to dispose of it. There are a number of amendments to it, and I would like to send it over to the House to-morrow.

Mr. HALE. As there is a pretty full Senate, I want to present this consideration to the fair view of every Senator here: There are only two appropriation bills left—the general deficiency bill and the Military Academy bill.

Mr. PETTIGREW. And the river and harbor bill.

Mr. HALE. The river and harbor bill is not a regular appropriation bill.

Mr. ALDRICH. There is no appropriation in the river and harbor bill.

Mr. HALE. That is a distinctive bill.

Mr. ALDRICH. For surveys.

Mr. HALE. It is not claimed to be an appropriation bill, but is for surveys.

Mr. PETTIGREW. Still it proposes to appropriate four or five hundred thousand dollars.

Mr. HALE. Still it is not a regular appropriation bill, because it was determined that there should be no river and harbor appropriation bill this year.

Now, if the Senate will take up these two appropriation bills—and both can be passed, I think, to-morrow—then the appropriation bills will go into conference, and Saturday and Sunday will be spent upon them, and Monday, and in those days, after the appropriation bills have been passed, there will be opportunity for all these other bills. For the bill in charge of the Senator from Michigan, for the pension bills, for the extradition bill, and for all other bills there will be that space of time that can be taken up by their consideration.

I hope the Senate will allow the appropriation bills, which must be passed, to be passed first, so that we may get out of the way. Otherwise there will be a wrangle for precedence between different bills, and the appropriation bills will be postponed. They must come up, and they will come at a later time and interfere with everything. Let us get those bills out of the way of other Senators, and let us get them into the committee room—into conference—where Senators want us to be with them, and then the Senate can take up other matters.

Mr. PETTIGREW. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 1, 1900, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 31, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

PAIR.

Mr. GAINES. Mr. Speaker, I desire to make a correction. I have a general pair with the gentleman from Massachusetts [Mr. MCCALL], and thinking that he was here yesterday, I voted. I find he is reported in the RECORD as paired. I very much regret that the record appears that way. I would not have voted, of course, if I had known that the gentleman was absent.

TRUSTS.

Mr. DALZELL. Mr. Speaker, I submit a privileged report.

The SPEAKER. The gentleman from Pennsylvania calls up the following privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 273, have had the same under consideration and report the following as a substitute therefor:

Resolved, That House Joint Resolution 138, proposing an amendment to the Constitution of the United States, be made the special order in the House and taken up immediately on the adoption of this order; that general debate shall continue during the day and during a night session from 8 to 10.30 o'clock, and until 5 p. m. Friday, June 1, when the previous question on the resolution and amendments thereto reported from the committee to its final passage shall be considered as ordered, and the vote taken thereon without delay or intervening motion.

That the bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, be made the special order in the House and taken up immediately after the disposition of said House joint resolution 138; that general debate thereon be limited to one hour, thirty minutes on each side, and that the same be then considered under the five-minute rule as in the Committee of the Whole until 4 o'clock p. m., of Saturday, June 2, when the previous question on the bill and pending amendments shall be considered as ordered and the final vote taken; that at the opening of the general debate on House joint resolution 138 the amendments to H. R. 10539, proposed on the part of the minority in their views as filed, shall be read from the Clerk's desk and considered as pending when the vote is taken on said bill H. R. 10539, the time occupied in such reading not to be taken from the time of any member; that all members have leave to print upon such measures or either of them within five days after final vote taken.

This rule shall not interfere with the consideration of conference reports.

Mr. DALZELL. Mr. Speaker, I ask for the previous question.

Mr. RICHARDSON. I understand that will give us forty minutes for debate?

The SPEAKER. Certainly.

The question was taken; and the previous question was ordered.

Mr. DALZELL. Mr. Speaker, there are on the Calendar of the House two measures reported by the Committee on the Judiciary, one a joint resolution proposing an amendment to the Constitution that would place in the power of Congress the legislation upon the subject of trusts; the other is a proposed amendment to the Sherman anti-trust law. If this rule should be adopted, all of to-day and a night session lasting from 8 o'clock to half past 10 and all to-morrow until 5 o'clock would be devoted to general debate on the proposed constitutional amendment. At 5 o'clock to-morrow a vote is to be taken without intervening motion, and under the terms of the rule no amendment will be in order upon this first proposition.

Immediately upon the conclusion of this first proposition—that is to say, on Saturday morning, there will be general debate for one hour, thirty minutes on each side, upon the bill proposing an

amendment to the Sherman law, and after that general debate there will be debate under the five-minute rule until 4 o'clock in the afternoon, when the previous question shall be considered as ordered and a vote had on the bill and amendments. Upon this second proposition, under the rule, the bill would be open to amendment and a motion to recommit is in order. The amendments in the report of the minority upon the bill, it is provided shall be read at the beginning of the general debate upon the constitutional provision, so that they will be in the possession of the House during the whole of the debate. In addition to the opportunity to debate, provision is made for printing within five days after the vote is taken. I reserve the balance of my time, Mr. Speaker.

Mr. RICHARDSON. Mr. Speaker, the gentleman from Pennsylvania has explained the object of the rule, and the effect of its adoption. I will be pardoned if I repeat somewhat the explanation he has made. This resolution is framed for the purpose of bringing the House to a vote, first, upon the constitutional amendment proposed by the Judiciary Committee, and secondly, upon a bill it has reported, the vote on the constitutional amendment to be taken to-morrow afternoon at 5 o'clock, and the vote on the bill on Saturday at 4 o'clock.

The rule is framed to permit amendments to be voted upon as to the bill, but it is expressly framed to prevent any kind of motion to amend, modify, change, or alter in any way the constitutional amendment which is pending.

Mr. GAINES. Why is that done?

Mr. RICHARDSON. It is done for the very purpose I have stated, of bringing the House to a vote upon the amendment as tendered by the majority of the Committee on the Judiciary, and to deny to the minority or to anyone the right to offer any amendment to this proposition.

Mr. Speaker, we are confronted by a somewhat unique condition here. The Republican party came into control of the Government on the 4th of March, 1897. They placed in the White House their President; they have had the Senate and they have had the House of Representatives since that day. Within eleven days after that time the President convened Congress in extraordinary session, the object being, as stated in his message, to repeal the then existing law and to pass a new revenue law. Notwithstanding the party had won the canvass the preceding year upon the monetary issue, that question was not touched on, I think, in that message, and Congress was convened to legislate upon the tariff. The result of that session was the passage of what is known as the "Dingley bill," which I state here in my opinion has done more to create, foster, and propagate trusts than any other bill put upon the statute book in our history.

Mr. Speaker, that was in the Fifty-fifth Congress. That entire Congress, three sessions, passed into history and not one step was taken by the dominant party to legislate to protect the country from the injurious effects of trusts. No statute was altered or changed. The Fifty-sixth Congress commenced to sit last December, and now, after six months, in the dying hours of this session of Congress, after we have already passed a resolution to adjourn within less than one week from this hour, we are presented with this resolution from the Committee on Rules bringing us to the consideration of a constitutional amendment.

It is not proper, perhaps, for me at this stage to comment on the object and purpose of this resolution, but the papers of the country of both political parties, and of no political party, understand the situation. The independent papers, as well as party organs, have all characterized the effort now being put forth by the dominant party in respect to this proposed amendment, and they all unite in saying the only object is to make cheap political party capital. Your object is transparent and will fail. It is charged by some that the entire object is to seek to recoup some of the political advantages they have lost, and do something to benefit the grand old party politically as this session is about to expire.

Mr. Speaker, I undertake to say that the country will not be fooled by this legislation. The Democratic party has taken action in respect to this matter of trusts. We have decided to, and are anxious, to vote for any measure, I care not in what shape, for any bill that will prevent or control trusts. We will vote for any proper constitutional amendment to the same end, if one be necessary. We are ready to vote even for the bill now pending, if we can do no better, in order to put something on the statute books to enable Congress to do, and the States to do, what is necessary to suppress trusts, but this constitutional amendment presented to us will not, in the opinion of the Democratic party, serve that purpose. On the other hand, we have solemnly decided as a party that it will have the opposite effect.

It will, in our judgment, take away from the States the power which they now possess to suppress trusts, or at least greatly impair that power in the States. The most effectual remedy so far for the suppression of trusts, and their control and regulation, has been in the States. Mr. Speaker, this constitutional amendment, if passed, will serve to excuse Congress from acting and break down the power of the States to control these trusts. Now, I say, in view of that fact, our party has decided to oppose this constitutional amendment. We believe it is right to oppose it. We believe that these papers, and I might quote a number of them, Republican, Democratic, and Independent, voice the proper sentiment, such, for instance, as the great metropolitan paper here—the Washington Post—in an editorial of this date. It states the object and purpose and the effect most clearly of this proposed amendment, thrust upon us as this session of Congress is about to expire.

The Post says in the editorial this morning:

> By supporting this constitutional amendment Democrats would have deliberately connived at the permanent retirement of the trust issue, withdrawn it from the campaign, and thereby robbed their party of one of its most powerful engines of war.

I will publish the editorial as a portion of my remarks.

DEMOCRATIC POSITION ON TRUSTS.

> Our Democratic friends in Congress are to be congratulated upon the attitude they have assumed toward the constitutional amendment proposed by the House Committee on the Judiciary, of which Hon. GEORGE W. RAY, of New York, is the chairman. Mr. RAY's proposition is obviously impracticable, and, as many believe, was intended to be so. By supporting it the Democrats would have deliberately connived at a virtually permanent retirement of the trust issue, withdrawn it from the campaign, and thereby robbed their party of one of its most powerful engines of war. They express their utter disbelief in the sincerity of any representative Republican effort to curtail the power of the trusts. It would have been, therefore, suicidal on their part to commit themselves to an arrangement most palpably calculated to serve the alleged purposes of their antagonists.
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> There was still another serious objection, which is set forth in clause 3 of the resolution adopted by the Democratic caucus on Tuesday night:
>
> "3. We oppose and urge Democrats in Congress to vote against the constitutional amendment proposed by the Republican majority of the Judiciary Committee, unless amended by striking out section 1 thereof and adding thereto, in section 2, in lieu of these words, 'The several States may continue to exercise such power in any manner not in conflict with the laws of the United States,' the following: 'Nothing in this article, nor any act of Congress in pursuance thereof, shall operate to abridge or impair any of the rights or powers held by any of the States prior to its adoption.'"
>
> It seems to be the case, therefore, that the Democrats regarded the Ray proposition not only as a scheme to postpone, perhaps indefinitely, all governmental action against the trusts, and incidentally to entrap the Democrats into withdrawing the issue of the campaign of 1900, but also, in case the amendment should be finally adopted, as an abridgement of the rights and powers of the States. Certainly, holding such opinions, they could not have taken any course other than that referred to. Their present position, in this matter at least, seems to be unassailable.

If we pass this constitutional amendment, the effect of it will be to do just what the dominant party desires to do, and that is to eliminate the trust issue from the campaign this year. Now, are we going to help to do it? I hope not. I trust every Democrat who loves constitutional law and order, who believes in the rights of the State, will stand with his party here and vote down this constitutional amendment. [Applause on the Democratic side.]

Mr. LIVINGSTON. I would like to ask the gentleman a question before he sits down.

Mr. RICHARDSON. Yes.

Mr. LIVINGSTON. Section 2 of this joint resolution says:

> Congress shall have power to define, regulate, control, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

Now, if that is adopted, would it not give Congress the right to dissolve trade unions and federations of trade as much as any other trust or combination?

Mr. RICHARDSON. If Congress defines them to be trusts, I say yes. Mr. Speaker, how much time have I remaining?

The SPEAKER. Ten minutes.

Mr. RICHARDSON. Will the gentleman from Pennsylvania [Mr. DALZELL] use some of his time now?

Mr. DALZELL. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has seventeen minutes.

Mr. DALZELL. I yield to my colleague on the committee, the gentleman from Ohio [Mr. GROSVENOR], whatever time he may desire.

Mr. GROSVENOR. Five minutes will be all I shall want.

The SPEAKER. The gentleman from Ohio will proceed.

Mr. GROSVENOR. Mr. Speaker, I shall speak only or mainly upon the question of the propriety of the limitation of time provided in this rule. I admit that were this a new question, if the proposition to amend the Constitution by putting a measure so radical as this into the organic law were proposed now for the first time, there ought to be more, much more, extended debate than is contemplated by the rule now offered to the House. But it will be borne in mind that this is not a new question. This is not fallow ground; it is not virgin political soil into which we shall delve to-day and to-morrow. On the contrary, it is finally converging into a concrete written proposition the views that have been held on this mighty question of policy.

Into every debate which we have had during all this session of Congress, from the very ablest men upon both sides of the House, has come the discussion of this question. It began upon the very threshold of the session in December last, and it has permeated

the whole discussion of the times. Hundreds of thousands—yes, millions—of speeches have gone out to the country already on this subject; most of them claiming that the Republican party would not do anything on this question. So we have given time enough, in my judgment, and I trust in the judgment of the House, for the discussion of this question.

One other matter. It is said there is possible injustice in the resolution, because we will not allow any amendment to be offered, and because we take away the ordinary privilege of a motion to recommit with instructions. What justification is there for that? I think a perfect one. This is the proposition of the majority. We shall be held responsible for every word in this proposition. You on the other side of the House will not help us bear that burden, if there is a burden. You on that side will not claim any of the credit, if there should be any credit. Therefore, we come to you with our proposition, stating frankly, "This is ours: it shall be accepted without the dotting of an "i" or the crossing of a "t;" we will be responsible for it; you can have your choice to condemn it by your votes or array yourselves on our side of this question."

I may say as we go along, and it is perfectly proper to say it, that to open the door to promiscuous amendment of a constitutional proposition is a very dangerous matter. We have had some experience in this matter on the floor of the House when a proposition to amend the Constitution brought in here a series of provisions that nobody understood and nobody was willing to be responsible for when the climax was reached, and we were compelled at last to lay it aside, not because there was not intrinsic merit in the main proposition, but because by patchwork of amendments and concessions and compromises there had been an impossible amendment forced upon us.

So, Mr. Speaker, I claim that this is a proper time for this amendment to go forth. There is to be no legislation under it until it is ratified by the constitutional number of States; so that between now and next December, or between now and the close of the short session of this Congress, or between now and the close of the long session of the Fifty-seventh Congress, there will be ample time for the people of the country to understand what is necessary in this matter and to act upon it. I know this is somewhat radical legislation. I know that when Mr. Bryan at Chicago announced, as he did, the very proposition, in effect, as a cure for trusts, I myself criticised it as un-Democratic and in plain violation of the Democratic teaching of State rights. But Mr. Bryan took occasion to remain absolutely silent from that day to this, although he had gone to the great convention that was spoken of on the floor of this House by the gentleman from New York [Mr. SULZER] as the dawning of the day of a great revolution, upon this trust question in the United States.

So, Mr. Speaker, we submit this proposition as our proposition; and we yield time enough to the other side to either concur with us or state their objections.

Mr. RICHARDSON. I yield to the gentleman from Texas [Mr. BAILEY] the remainder of my time.

Mr. BAILEY of Texas. Mr. Speaker, on both sides of this Chamber the gentleman from Ohio is regarded as one of the most skillful debaters in this House; and when he can not give a good reason to justify a procedure of his party we are warranted in concluding that no good reason exists.

The gentleman asks the House and the country to approve the refusal of the majority here to allow an amendment to be offered, upon the ground that this is the proposition of the majority and that the minority must take it or reject it as a whole. Surely the gentleman's partisan zeal must have blinded his usually clear intellect, for he can not expect the country to accept that as a sufficient reason. This is not only a great question, but it is a comparatively new one; and in common fairness the majority ought to have insisted upon the minority proposing our plan of dealing with it. It is well enough for you to say to the country, "This is our plan;" but you ought to challenge us to submit ours side by side with yours and leave the country to judge who offers the safer and wiser one. But instead of pursuing that obviously fair course of procedure, you bring your ironclad rule into this Hall and say we must either vote for your proposition or vote against it without any opportunity to offer ours.

Do the gentleman from Ohio and his party associates imagine that the country will not understand the purpose of this extraordinary procedure? You deceive yourselves if you think you can deceive the people. They will understand that this is a mere play for partisan advantage. You have no real purpose to dissolve or destroy the trusts. You have been in session for six months, and yet not until within six days of the time for final adjournment as fixed by your own resolution have you allowed the House to take up this question for consideration. Not a gentleman on that side will hazard his reputation for candor and truth by standing up and declaring that he expects either this constitutional amendment or the bill which is to follow it to pass the Senate during the present session of Congress. You have waited until the session is about to expire under your own resolution, and then you pass through the House a constitutional amendment and a bill, leaving them on the Senate Calendar until the next Presidential election shall have come and gone; and if the people vote you, as you hope they will, a renewal of confidence, you may or may not pass either bill or amendment through the Senate.

That you can never put this amendment into the Constitution of the United States is plain to every thinking man. You have purposely drawn it so that three-fourths of the States can never be induced to adopt it. You know as well as we do that no State in this Union that believes in the preservation of the right of local self-government will ever vest in the Congress of the United States the power to come within its borders and take control of its domestic industries. [Applause on the Democratic side.] You know that the trusts understand that there is not the remotest danger to them in this constitutional amendment. If you had sincerely desired to make it a part of our organic law, you could have accomplished your object by a very slight amendment. If you had merely added to the phraseology which it now contains, and, after enumerating the trusts, combinations, and monopolies which Congress should have the power to dissolve, you had merely added the words "engaged in commerce among the several States or with foreign nations," you would have received every vote on this side of the Chamber and the sanction of every sovereign State in this Union. [Applause on the Democratic side.]

For one I will never vote to vest in the Congress of the United States the power to deny the State of Texas the right to define and punish her own domestic conspiracies against her own trade. If she has a corporation that in her wisdom ought to be permitted to engage in a given business, the States of Illinois and Pennsylvania ought to have no right to say her nay. If there be one that in her own imperial will she desires to crush, the States of Pennsylvania and New York have no right to stay her arm. Your safety consists in the fact that whenever an article of merchandise or manufacture produced within her borders is loaded upon a train or ship to become the subject of interstate or foreign commerce, then the power of Congress attaches.

That power is ample to protect every State in this Union against the industrial evils of every other State within it. If the State of New Jersey chooses to sanction any enterprise, the State of Pennsylvania has no right to complain until the evil brood begins to cross the border lines into Pennsylvania. The moment it begins the journey across the line, the power of Congress attaches and is ample. The moment the brood of evil reaches and attempts to remain in the State of Pennsylvania, the power of Pennsylvania is ample. I say to the gentleman from Pennsylvania and to that side if you will limit the power of Congress over these organizations to those engaged in interstate and foreign commerce, which is as far as Federal jurisdiction ought to extend, you can pass your amendment by a unanimous vote; and I venture to record the prophecy here that if you do not amend it in some such sensible manner, it can never become a part of the Constitution of the United States.

There are two ways to encourage crime. One is to close your eyes against the existence of it, and another is to propose an impracticable and impossible method of its punishment. You have chosen to do the latter, and you have chosen deliberately, because nobody doubts that you know exactly what you are doing. I have many times doubted your sincerity, I have sometimes doubted your absolute political integrity, but I have never doubted your ability. You may sometimes be hypocrites, and a few of you may sometimes be rascals, but none of you are ever fools, and you knew your purpose when you framed this amendment so as to prevent its adoption. [Laughter and applause on the Democratic side.]

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] has ten minutes remaining.

Mr. DALZELL. Have the other side exhausted their time?

The SPEAKER. They have.

Mr. DALZELL. Mr. Speaker, there is no political party in this country, nor any individual who has any care for his political future, who is not against the trusts. [Derisive laughter on the Democratic side.] The difference between the two parties or the three parties upon this subject is that the Democratic party and the Populist party confine their opposition to trusts to mere speech. The Republican party addresses itself to legislation. [Applause on the Republican side and manifestations of derision on the Democratic side.] The interstate-commerce law is the product of Republican legislation. The Sherman anti-trust law of 1890 is the product of Republican legislation. When in 1892 the Democratic party entered the field for the Presidency, and nominated Grover Cleveland for President, it declared in its platform:

We recognize in the trusts and combinations, which are designed to enable capital to secure more than its just share of the joint product of capital and labor, a natural consequence of the prohibitive taxes which prevent the free competition which is the life of honest trade, but we believe their worst evils can be abated by law, and we demand the rigid enforcement of the laws

made to prevent and control them, together with such further legislation in restraint of their abuses as experience may show to be necessary.

And yet for four years the Democratic party, in control of legislation, entered upon no legislation in further repression of trusts, and being in control of the Executive Departments, took no steps to enforce the law that a Republican Congress had put upon the statute books. [Applause on the Republican side.] The great Populistic leader, after whom the Democratic party trails to-day, on the stump and at the trust conference in Chicago, declared that a constitutional amendment ought to be passed putting in the power of Congress the regulation of trusts, concurrently with the States.

He said:

That Congress should pass a law providing (1) that no corporation organized in any State should do business outside of the State in which it is organized until it receives from some power created by Congress a license authorizing it to do business outside of its own State. (2) That such license should only issue upon these three conditions.

* * * * * * *

As to the constitutionality of such a law my thought is that Congress should enact it, and if it should be declared unconstitutional by the Supreme Court, then I am in favor of so amending the Federal Constitution as to give Congress the power to destroy every trust in the country.

[Applause on the Republican side.]

But when we come here to-day and offer you the remedy suggested by your own leader, the leader upon that side of the House addresses himself in impassioned terms to his Democratic colleagues to stand together and oppose this proposed legislation. You say that we are hypocrites; that we are not acting in good faith. Why, we are exercising every power that is within our reach to put upon the statute books that which we believe will end the power of these great combinations. Then you complain that we do not allow you to offer an amendment. You stand up and say no constitutional amendment should be passed, because it infringes the power of the States, and then you complain that we do not allow you to amend that which you say under no circumstances could be passed. Your objection is not to the form of this legislation. Your objection as announced is to the substance, and no amendment, therefore, can cure that which you claim to be radically wrong in substance.

The remedy proposed by the gentleman from Texas in respect to interstate commerce is a remedy that already exists. The Supreme Court of the United States, on several occasions, in several cases, have declared that with that remedy alone Congress is powerless to resist these trusts; and so now, following those decisions, following the way pointed out, we propose to remedy the evil by this new legislation. The gentleman from Texas [Mr. BAILEY] says the trusts are not frightened by this proposed legislation. The trusts are not frightened because they know that between them and the proposed legislation in solid phalanx stands the Democratic party in their protection. [Applause on the Republican side.]

I conclude, Mr. Speaker, as I began. The fundamental difference between you gentlemen on that side of the aisle and us upon this side of the aisle is that you believe in mere demagoguery upon the stump. We believe in effective legislation upon the statute books. [Applause on the Republican side.]

The SPEAKER. The question is on agreeing to the resolution.

Mr. RICHARDSON. Mr. Speaker, in pursuance of the notice I gave on yesterday we want to move to recommit this rule with instructions to report some amendments to it. The gentleman from Arkansas [Mr. TERRY] has the form of the motion to recommit, and I ask that he be recognized to offer the motion to recommit the rule.

Mr. DALZELL. I make the point of order that that is not in order.

The SPEAKER. The point of order is sustained.

Mr. RICHARDSON. I hope the Chair will hear me a moment before the Chair sustains the point of order.

The SPEAKER. The Chair has ruled in this session on this question, following the ruling of Speaker Crisp, who made the ruling distinctly——

Mr. RICHARDSON. I respectfully ask the Chair to hear me, to call attention to the precedents cited here in Parliamentary Precedents, a book prepared by the present parliamentarian of the House, who is the clerk at the Speaker's desk. He says, on page 814, Parliamentary Precedents, that "after the previous question is ordered on a report from the Committee on Rules, the motion to recommit is admitted under the more recent practice of the House, although the rulings conflict."

The SPEAKER. The Chair will say that he has thoroughly examined all of these authorities, that he did so before making the ruling he made in the early part of the session, and therefore the Chair follows the ruling that he then made. The Chair will hear arguments when the Chair has not made up his mind and is in doubt; but when his mind is clear, of course there is no use in making arguments and unnecessarily taking up the time of the House.

Mr. RICHARDSON. I desire respectfully to ask——

Mr. STEELE and others. Regular order!

Mr. RICHARDSON. I desire to ask the Chair, for information, if the Chair has read the two decisions by Mr. Speaker Reed that the motion to recommit was in order.

The SPEAKER. The Chair is entirely familiar with his (Mr. Reed's) rulings, and referred to them when he made the decision at this session, and he is also familiar with the rulings of Speaker Crisp.

Mr. RICHARDSON. We have not the decision of the Speaker at this session before us.

Mr. TERRY. Mr. Speaker——

The SPEAKER. The Chair has ruled on this question.

Mr. TERRY. Does the Chair rule that we can not even read the motion to recommit?

The SPEAKER. It is out of order. The point of order is made against it. The question is on agreeing to the resolution. The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. RICHARDSON. Division.

Mr. LOUDENSLAGER. The yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 118, answered "present" 12, not voting 81; as follows:

YEAS—141.

Adams,	Dayton,	Joy,	Pugh,
Aldrich,	Dick,	Kahn,	Ray, N. Y.
Alexander,	Dolliver,	Lacey,	Reeder,
Allen, Me.	Eddy,	Landis,	Reeves,
Babcock,	Emerson,	Lane,	Roberts,
Bailey, Kans.	Esch,	Lawrence,	Rodenberg,
Baker,	Faris,	Linney,	Shattuc,
Bartholdt,	Fletcher,	Littauer,	Shelden,
Bishop,	Fordney,	Littlefield,	Showalter,
Boreing,	Foss,	Long,	Sibley,
Boutell, Ill.	Fowler,	Lorimer,	Smith, H. C.
Bowersock,	Freer,	Loudenslager,	Smith, Samuel W.
Brosius,	Gardner, Mich.	Lovering,	Spalding,
Brown,	Gardner, N. J.	McCall,	Sperry,
Burke, S. Dak.	Gibson,	McCleary,	Steele,
Burkett,	Gill,	McPherson,	Stevens, Minn.
Burleigh,	Gillett, Mass.	Mahon,	Stewart, N. Y.
Burton,	Graham,	Marsh,	Stewart, Wis.
Butler,	Greene, Mass.	Mercer,	Sulloway,
Calderhead,	Grosvenor,	Metcalf,	Tawney,
Cannon,	Grow,	Miller,	Thomas, Iowa
Capron,	Hamilton,	Mondell,	Tongue,
Clarke, N. H.	Haugen,	Moody, Mass.	Van Voorhis,
Cochrane, N. Y.	Hawley,	Moody, Oreg.	Vreeland,
Connell,	Heatwole,	Morgan,	Wadsworth,
Cooper, Wis.	Hedge,	Mudd,	Wanger,
Corliss,	Hemenway,	Needham,	Warner,
Cousins,	Henry, Conn.	O'Grady,	Waters,
Cromer,	Hepburn,	Olmsted,	Watson,
Crumpacker,	Hitt,	Otjen,	Weeks,
Curtis,	Hoffecker,	Overstreet,	Wise,
Cushman,	Howell,	Parker, N. J.	Wright,
Dahle, Wis.	Hull,	Payne,	Young.
Dalzell,	Jack,	Pearson,	
Davenport, S. A.	Jenkins,	Phillips,	
Davidson,	Jones, Wash.	Prince,	

NAYS—118.

Adamson,	Driggs,	Lester,	Rucker,
Allen, Ky.	Finley,	Levy,	Ruppert,
Bailey, Tex.	Fitzgerald, N. Y.	Lewis,	Ryan, N. Y.
Ball,	Fitzpatrick,	Little,	Scudder,
Barber,	Fleming,	Lloyd,	Shafroth,
Bartlett,	Foster,	McClellan,	Sheppard,
Bell,	Gaines,	McLain,	Sims,
Bellamy,	Gaston,	McRae,	Smith, Ky.
Benton,	Gilbert,	Maddox,	Spight,
Bradley,	Glynn,	Mann,	Stark,
Brantley,	Gordon,	May,	Stephens, Tex.
Breazeale,	Green, Pa.	Meekison,	Stokes,
Brenner,	Griffith,	Meyer, La.	Sulzer,
Brundidge,	Griggs,	Miers, Ind.	Sutherland,
Burleson,	Hall,	Moon,	Swanson,
Caldwell,	Hay,	Muller,	Talbert,
Clark, Mo.	Henry, Miss.	Neville,	Tate,
Clayton, Ala.	Howard,	Newlands,	Terry,
Clayton, N. Y.	Jett,	Noonan,	Thomas, N. C.
Cochran, Mo.	Johnston,	Pierce, Tenn.	Underhill,
Cooney,	Jones, Va.	Quarles,	Underwood,
Cowherd,	King,	Ransdell,	Wheeler, Ky.
Cox,	Kitchin,	Rhea, Ky.	Williams, J. R.
Cummings,	Kleberg,	Rhea, Va.	Williams, W. E.
Davenport, S. W.	Kluttz,	Richardson,	Williams, Miss.
De Armond,	Lamb,	Riordan,	Wilson, Idaho
De Vries,	Lanham,	Rixey,	Wilson, N. Y.
Denny,	Lassiter,	Robb,	Zenor.
Dinsmore,	Latimer,	Robinson, Ind	
Dougherty,	Lentz,	Robinson, Nebr.	

ANSWERED "PRESENT"—12.

Bankhead,	Knox,	Morris,	Packer, Pa.
Bromwell,	Livingston,	Naphen,	Southard,
Brownlow,	McAleer,	Otey,	Wilson, S. C.

NOT VOTING—81.

Acheson,	Boutelle, Me.	Campbell,	Cusack,
Allen, Miss.	Brewer,	Carmack,	Daly, N. J.
Atwater,	Brick,	Catchings,	Davey,
Barham,	Broussard,	Chanler,	Davis,
Barney,	Bull,	Cooper, Tex.	De Graffenreid,
Berry,	Burke, Tex.	Crowley,	Dovener,
Bingham,	Burnett,	Crump,	Driscoll,

Elliott,	Lybrand,	Ryan, Pa.	Taylor, Ala.
Fitzgerald, Mass.	McCulloch,	Salmon,	Thayer,
Fox,	McDowell,	Shackleford,	Thropp,
Gamble,	Mesick,	Sherman,	Tompkins,
Gayle,	Minor,	Slayden,	Turner,
Gillet, N. Y.	Norton, Ohio	Small,	Vandiver,
Graff,	Norton, S. C.	Smith, Ill.	Wachter,
Grout,	Pearce, Mo.	Smith, Wm. Alden	Weaver,
Henry, Tex.	Pearre,	Snodgrass,	Weymouth.
Hill,	Polk,	Sparkman,	White,
Hopkins,	Powers,	Sprague,	Ziegler.
Kerr,	Ridgely,	Stallings,	
Ketcham,	Robertson, La.	Stewart, N. J.	
Loud,	Russell,	Tayler, Ohio	

So the resolution was agreed to.

The following pairs were announced:

Until further notice:

Mr. MORGAN with Mr. DAVEY.

Mr. BARHAM with Mr. TURNER.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. BULL with Mr. NAPHEN.

Mr. BROMWELL with Mr. MCDOWELL.

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Mr. GAMBLE with Mr. BURNETT.

Mr. CRUMP with Mr. ATWATER.

Mr. MORRIS with Mr. MCCULLOCH.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. STEWART of New Jersey with Mr. MCALEER.

Mr. SOUTHARD with Mr. NORTON of Ohio.

Mr. BOUTELLE of Maine with Mr. ROBERTSON of Louisiana.

Mr. BROWNLOW with Mr. CARMACK.

Mr. POWERS with Mr. BANKHEAD.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. KNOX with Mr. HENRY of Texas.

Mr. MESICK with Mr. BURKE of Texas.

Mr. GILLET of New York with Mr. NORTON of South Carolina.

Mr. DOVENER with Mr. CATCHINGS.

Mr. HOPKINS with Mr. CUSACK.

Mr. PEARCE of Missouri with Mr. VANDIVER.

Mr. GRAFF with Mr. OTEY, for one week.

Mr. WACHTER with Mr. SMALL, until June 5.

Mr. BINGHAM with Mr. LIVINGSTON, until Friday at 3 p. m.

For this day:

Mr. SMITH of Illinois with Mr. RYAN of Pennsylvania.

Mr. BARNEY with Mr. DE GRAFFENREID.

Mr. GRAHAM with Mr. SLAYDEN.

Mr. HILL with Mr. CROWLEY.

Mr. SPRAGUE with Mr. GAYLE.

Mr. RUSSELL of Connecticut with Mr. FITZGERALD of Massachusetts.

Mr. BRICK with Mr. BERRY.

Mr. BOREING with Mr. SALMON.

Mr. ACHESON with Mr. COOPER of Texas.

Mr. LOUD with Mr. ELLIOTT.

Mr. KERR with Mr. ALLEN of Mississippi.

Mr. DRISCOLL with Mr. ZIEGLER.

Mr. KETCHAM with Mr. DAVIS.

Mr. LYBRAND with Mr. THAYER.

Mr. MINOR with Mr. DALY of New Jersey.

Mr. PEARRE with Mr. RIDGELY.

Mr. THROPP with Mr. STALLINGS.

Mr. TOMPKINS with Mr. BREWER.

On this vote:

Mr. SHERMAN with Mr. CHANLER.

Mr. GROUT with Mr. SPARKMAN.

Mr. WEAVER with Mr. SNODGRASS.

Mr. MORRIS. Mr. Speaker, I am paired with the gentleman from Arkansas, Mr. MCCULLOCH, and I desire to withdraw my vote and answer "present."

The name of Mr. MORRIS was again called, and he answered "present," as above recorded.

Mr. BROMWELL. Mr. Speaker, I am paired with Mr. MCDOWELL, and I wish to withdraw my vote and be marked "present."

Mr. BROMWELL'S name was again called, and he answered "present," as above recorded.

Mr. BANKHEAD. Mr. Speaker, I am paired with the gentleman from Vermont, Mr. POWERS, and I desire to withdraw my vote and answer "present."

Mr. BANKHEAD'S name was again called, and he answered "present."

Mr. PACKER of Pennsylvania. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. POLK, and I desire to withdraw my vote and be marked "present."

Mr. PACKER'S name was again called, and he answered "present."

The result of the vote was then announced as above recorded.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that the time for general debate be equally divided between the Republican and Democratic sides of the House and that the gentleman from Arkansas [Mr. TERRY], senior member of the minority of the Judiciary Committee, control the time on that side and that I may control the time on this side.

The SPEAKER. The gentleman from New York asks unanimous consent that the time for general debate be equally divided between the two sides of the Chamber, he to control the time on the Republican side and the gentleman from Arkansas, Judge TERRY, the time on the other side. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. TERRY. Mr. Speaker, under the rule just adopted, providing that certain amendments embracing the minority views be offered and read at the Clerk's desk, on consultation with the gentleman from New York [Mr. RAY], in order to save time, it is agreed that these shall be sent in a body to the Clerk's desk and be considered as separately offered in the proper part of the bill, considered as read, and be printed in the RECORD.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the proposition of the minority referred to in the rule just adopted be considered as pending and be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the House joint resolution which is now pending for consideration.

The Clerk read as follows:

House joint resolution 138, proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States:

"SECTION 1. That in all cases mentioned in this article the United States shall mean and include the several States of the United States, the Territories of the United States, and all territory under the sovereignty of and subject to the jurisdiction the United States.

"SEC. 2. That the Congress shall have power to create any corporation for the purpose of commerce between the States, including railroad, telegraph, telephone, transportation, express, and sleeping-car companies.

"SEC. 3. That all corporations in the United States shall be under the control of Congress, including the power to impose a franchise tax, terminate the existence of corporations, forfeiture of the franchise, control, and disposition of the property of the corporation.

"SEC. 4. That Congress shall have power to enforce this article by appropriate legislation.

"SEC. 5. That in the absence of legislation on the part of Congress all powers conferred upon Congress by section 3 of this article may be exercised by the several States."

With the following amendments recommended by the committee:

Line 6, after "States," insert "Article XVI."

Strike out all of lines 7, 8, and 9, and insert in lieu thereof the following: "All powers conferred by this article shall extend to the several States, the Territories, the District of Columbia, and."

Strike out the word "of" in line 10.

Strike out sections 2, 3, 4, and 5, and insert in lieu thereof the following:

"SEC. 2. Congress shall have power to define, regulate, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

"The several States may continue to exercise such power in any manner not in conflict with the laws of the United States.

"SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation."

Amend the title so it will read: "Joint resolution proposing an amendment to the Constitution of the United States conferring power on Congress to define, regulate, prohibit, and dissolve trusts, etc."

The following are the amendments offered by the minority:

Amend the new section 9 as reported by the committee as follows: Strike out all after figure 9 in said section and amend it so as to read as follows:

"SEC. 9. That every corporation, association, joint stock company, or partnership formed or made, or managing or carrying on its business, in whole or in part, for the purpose of controlling or monopolizing, *or in such manner as to control or monopolize, or tend to control or monopolize,* the manufacture, production, or sale of any article of commerce or merchandise *intended for interstate commerce or commerce with foreign countries,* or for the purpose of controlling or increasing or decreasing the cost or price of the same to the purchaser, user, or consumer thereof, for the purpose of preventing, *or in such manner as to prevent,* competition, or of preventing competition in the manufacture, production, or sale thereof, is, for the purposes of this act, hereby declared to be illegal *and a monopoly; and all such corporations, associations, joint stock companies, and partnerships, and their officers, agents, managers, and attorneys, are hereby forbidden and prohibited from shipping or putting in transit any such article of commerce or merchandise to any State, Territory, foreign country, or place, outside the State, Territory, or place in which it was manufactured or produced, and from selling or offering to sell any such article or merchandise to be so shipped or put into any such transit, unless for the private or personal use of the consignee; and for any violation of this provision shall be deemed guilty of an offense against the United States, and on conviction shall be punished by a fine of not less than $500 nor more than $5,000, and by imprisonment not less than thirty days nor more than six months.*

"*All such corporations, associations, joint-stock companies, and partnerships as above declared illegal shall be, and hereby are, forbidden and prohibited the use of the United States mail in aid or furtherance of any such business or purposes, and all laws now in force for the prevention of the fraudulent use of the mails, so far as the same may be applicable, shall apply in the execution of such prohibition.*

"*Any such corporation, association, joint-stock company, or partnership* may be proceeded against at the suit of any person or persons, or corporation, or association, or by and in behalf of the United States, and perpetually enjoined and restrained from doing or carrying on any interstate or foreign commerce whatever, either with the States or the Territories of the United States or the District of Columbia, or any foreign country; and no article of commerce produced, or manufactured, or owned and dealt in by any such corporation, association, joint-stock company, or partnership so organized, formed, managed, or carrying on business, shall be transported or carried without the State or Territory in which produced or manufactured, or in which same may be, or without the District of Columbia if produced, manufactured, or found therein,

by any individual, corporation, or common carrier, in any manner whatever. All such articles of commerce, shipped in violation of the provisions of this act, shall be forfeited to the United States, and may be seized by any marshal or deputy marshal of the United States, or by any person duly authorized by law to make such seizure, and when so seized shall be condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law."

The language in italics indicates the important changes proposed in our amendment to said section 9.

I also offer as amendments to be added in after section 10, on page 8, the following:

First. A new section 11, as follows:

SEC. 11. That every contract, combine, device, trust, or combination in the form of trust or otherwise, or conspiracy, tending to create a monopoly in the manufacture, production, sale, exchange, transportation, or dealing in any article of commerce or merchandise, entering into trade or commerce among the States or with foreign countries, or designed to create impediments to, or resulting in restrictions to, such trade or commerce or aids to commerce, or to limit or to control the manufacture or production of such articles or merchandise, for the purpose of increasing or decreasing, or operating in such manner, or with such result, as to increase or decrease the price of such article or merchandise to the user or consumer, for the purpose of preventing competition in the manufacture, production, sale, exchange, transportation, or dealing in such articles or merchandise, or to give power to charge unreasonable prices for merchandise or articles produced or manufactured to be bought, sold, exchanged, dealt in, or transported in such trade or commerce, or for the purpose of imposing, or in such manner as to impose, unjust or onerous restrictions upon, or impediments to, the lawful business of any person, company, or corporation engaged in the production or manufacture of such merchandise or articles, is hereby declared to be illegal and a monopoly within the meaning of this act, and every person who shall make, or enter into, or engage in, any such contract, combine, device, trust, or combination in the form of trust or otherwise, or conspiracy, or shall be a promoter thereof or officer or agent therein, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not exceeding $5,000 and by imprisonment not less than six months and not exceeding one year.

Second. A new section 12, as follows, viz:

SEC. 12. That whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly as defined in this act, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspensions shall continue as long as such enhancement in price of such commodity or article of merchandise exists, and until revoked by the proclamation of the President.

Third. A new section 13, as follows, viz:

SEC. 13. That wherever any State or Territory shall, in any law against trusts, combines, combinations, or monopolies, provide that no foreign corporation, association, joint-stock company, or partnership, or stockholder, member, or officer belonging to or interested in any such trust, combine, monopoly, or combination of any kind, shall be permitted to carry on or do any business, or have any office or place of business, in such State, or shall make provision to regulate or suppress the business of any such corporation, association, or partnership, or prohibit the sale or offering for sale in such State of any article or merchandise produced by it, every such corporation, association, or partnership carrying on, or attempting to carry on, or do any business or have any office or place of business therein, and all its articles or merchandise carried thereto, shall be subject to the operation and effect of such law, to the same extent and in the same manner as though it had been incorporated, organized, or formed in such State and such articles or merchandise had been made and not brought therein; and no such law shall be regarded as in any way trenching upon the power of Congress to regulate commerce among the States or with foreign nations: *Provided, however*, That such articles or merchandise may be shipped and transported into any such State or Territory for the personal and private use of the consignee.

Fourth. A new section 14, as follows:

SEC. 14. That every corporation, association, joint-stock company, or partnership in the United States, or any Territory thereof, or in the District of Columbia, whether organized or formed under and pursuant to the laws of the United States or of a State or of a Territory, owning or controlling any plant or business, or a majority of the stock in any plant or business, similar to its own, in any other State, Territory, or place outside of the one in which it was first chartered, organized, or formed, shall, before being permitted to ship, consign, take, carry, or transport, or sell or deliver for shipment, to any other State or Territory, or into or from the District of Columbia, or any foreign country, any article of commerce or merchandise of its own production or manufacture, or receive consignments or shipments of articles of commerce or merchandise, manufactured or produced in any other State or Territory, or in the District of Columbia, or any foreign country, file in the office of the Secretary of State of the United States a certified copy of its articles of incorporation, association, or partnership, together with a duly verified statement showing the article or articles or merchandise manufactured, produced, or dealt in by it or intended to be manufactured, produced, or dealt in by it; a copy of its by-laws, rules, and regulations; the names and places of residence of its officers and stockholders; the amount of its capital stock and the amount thereof actually issued; the amount thereof actually paid in in cash; the nature and value of the property owned by it, and also a full statement of all its debts and liabilities; the number of its employees and wages paid; the dividends paid, if any; the amount of its surplus, if any; the character of additions and improvements made each year and the cost thereof, and a statement of its operating and other expenses, together with a balance sheet showing its profits and losses; and shall annually thereafter file in said office a report, verified by a majority of the directors of a corporation, or by a majority of the members of an association, joint-stock company, or partnership, showing the same facts as then existing, and shall, before shipping, or offering or attempting to ship, or sell or deliver for shipment, or put in the way for transit, to any other State or Territory, or the District of Columbia, or any foreign country, any article of commerce or merchandise manufactured, produced, or dealt in by it, plainly and conspicuously stamp thereon, when susceptible of being so stamped, and also on the outside of packages, boxes, or tanks containing the same, the name of the article or merchandise, and the name of the corporation, association, joint-stock company, or partnership manufacturing, producing, or dealing in the same, and the place from and to which it is to be shipped or transported.

Every such corporation, association, or partnership as referred to in this section, and every officer, agent, or attorney thereof, that shall ship, or offer or attempt to ship, or sell or deliver for shipment, or put in the way of transit, to any other State or Territory, or to the District of Columbia, or to any foreign country, any article or merchandise dealt in, manufactured, or produced by it, or shall violate or fail to comply with any of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not exceeding $5,000, and by imprisonment of not less than six months and not more than one year.

In order to provide for this numbering of the proposed new sections above set forth, amend section 6 by adding after the word "thirteen" the words "fourteen," "fifteen," "sixteen," and "seventeen," and change the numbers of the sections 11, 12, and 13, as proposed by the committee, to 15, 16, and 17.

Also the following amendment:

Amend section 7, as proposed by the committee, by inserting between the first words "that" and "this," in the first line of said section, the following words, to wit:

"Nothing in this act shall be so construed as to apply to trade unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BENNETT, its Secretary, announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Senate concurrent resolution 66:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the eulogies upon the late Richard P. Bland, a Representative from the State of Missouri, of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Senate concurrent resolution 67:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the acceptance of the statues of the late Thomas H. Benton and Francis P. Blair, presented by the State of Missouri, 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for the use and distribution by the governor of Missouri; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statues to accompany said proceedings, said engravings to be paid for out of the appropriation for the Bureau of Engraving and Printing.

Senate concurrent resolution 72:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the special expert reports as prepared under the direction of the committee of awards of the Columbian Exposition, held in Chicago in 1893, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives.

Senate concurrent resolution 73:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer shall print and bind 5,000 copies of Senate Document 209, Fifty-sixth Congress, first session, one-half in cloth and one-half in paper covers, the same to be delivered to the Superintendent of Public Documents for sale under the provisions of section 61 of an act approved January 12, 1895, providing for the public printing, binding, and distribution of public documents. The Public Printer is also authorized to print and bind extra editions of not less than 1,000 copies at a time of said document on requisition of the Superintendent of Documents, when required for sale.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4118. An act granting an increase of pension to Enos H. Kirk;

H. R. 6230. An act for the relief of Robert Smalls; and

H. R. 11283. An act to establish Calais, in the State of Maine, as a subport of entry, and to extend the privileges of the act approved June 10, 1880, to the ports of Eastport and Calais, in the State of Maine.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3419) making further provisions for the civil government for Alaska, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHOUP, Mr. CARTER, and Mr. BATES as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes, numbered 50, 51, 52, 53, disagreed to by the House of Representatives, had disagreed to the amendment of the House to the amendments of the Senate numbered 9 and 58, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 2826) authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company of the District of Columbia.

CODE FOR ALASKA.

Mr. WARNER. I ask unanimous consent that the bill S. 3419, known as the Alaska bill, which has just been returned from the Senate with the message that that body had disagreed to our amendments and asks a conference, be taken up in order that we may insist on the amendments and agree to the conference.

There was no objection; and the bill was taken up.

Mr. WARNER. I move that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER pro tempore (Mr. BOUTELL of Illinois) announced the appointment of Mr. WARNER, Mr. KNOX, Mr. GIBSON, Mr. LLOYD, and Mr. MCDOWELL as conferees on the part of the House.

TRUSTS.

Mr. RAY of New York Mr. Speaker, I regret that legislation in the interest of the people has been given a political turn by our Democratic opponents.

The existence within the United States of a great number of combinations, commonly known as trusts, formed for purposes of private gain, and which are detrimental to the growth and prosperity of the country and the well-being of the people, is well known. These combinations assume different forms as occasion demands. They may exist in the form of corporations, joint stock companies, associations, or partnerships. They exist under different names, but have a common purpose—the monopoly of manufacture and production, the destruction of competition, and the control of the cost to the user and consumer of articles of common use and many of the necessaries of life.

When allowed to exist and carry out their purposes in whole or in part, they become oppressive, interfere with labor and legitimate enterprise, and in effect rob the people of the fruits of their toil. No one denies the right of a person, or of an association of persons, or of a corporation to sell his or its labor, the product of his or their intellectual energy, or his or its property for the highest obtainable price in an open, free market, using fair and honest methods. No one denies the right of persons, associations, or corporations to use their skill, intelligence, and industry in any honest way to promote their business enterprises and secure pecuniary profit. Whether this profit is great or small is not a matter of legislative concern if the business or occupation from which it is derived is fairly, honestly, and openly conducted, if the methods employed are just and honorable, and if others desiring to engage in a like business or occupation are left free to do so.

Mr. COOPER of Wisconsin. I would like to ask the gentleman a question in regard to the construction of this proposed constitutional amendment. Will it permit special legislation by Congress in a case of individual corporations, to dissolve them?

Mr. RAY of New York. Individual corporations?

Mr. COOPER of Wisconsin. This does not say that Congress shall have power by general legislation to dissolve combinations, but that Congress shall have the power to dissolve combinations. Now, can Congress take a corporation in the State of Washington or Iowa or elsewhere and dissolve it?

Mr. RAY of New York. We say that Congress is to have the power to enforce the provisions of this amendment by appropriate legislation.

Mr. COOPER of Wisconsin. How is Congress to dissolve a corporation except by an act dissolving it?

Mr. RAY of New York. Oh, that is not the meaning of the provision any more than the power given to Congress by the Constitution to regulate commerce can confer the power the gentleman refers to. The language is broad and general, and it is undoubtedly true, or at least it may be true, that under that clause Congress could pass a special act referring to a special railroad company and not to others. Of course, under the broad language of this proposed amendment it might be possible for Congress, if it saw fit to do so, to indulge in some special legislation. But we must assume in our action that the Congress of the United States is composed of intelligent men and that it will exercise its powers with wisdom. But I think that a complete answer to the gentleman's question is this: Congress never has, never should, and never would indulge in any special legislation such as the gentleman refers to. These powers are to be enforced through appropriate legislation enacted by Congress.

Mr. COOPER of Wisconsin. The various State legislatures are prohibited from enacting special legislation in matters of this kind. They are limited to general legislation. This particular amendment would give to Congress the power practically to dissolve trusts and combinations, not by general legislation, but by special acts which the courts would be required to enforce.

Mr. RAY of New York. Oh, Congress would not act in that way, not unless some special occasion demanded special action.

Mr. COOPER of Wisconsin. That is the language of the proposed amendment.

Mr. RAY of New York. Read the language of the provision. How are we to enforce it? By "appropriate legislation." We provide the manner in which these powers are to be exercised "by appropriate legislation," which ought not to be and will not be special.

Mr. COOPER of Wisconsin. One clause of this amendment gives to Congress the power to dissolve trusts, and another says that Congress shall pass laws to do this. The gentleman admits that this language would permit us to take up an individual isolated corporation anywhere in the United States and by act of Congress dissolve it.

Mr. RAY of New York. I do not admit any such thing, so broadly stated. I deny it. Still, possibly, Congress might act directly in a particular case and the occasion might demand and justify the action.

Mr. COOPER of Wisconsin. It does not require that the dissolution of a trust shall be by general legislation.

Mr. RAY of New York. You can not legislate in the Constitution; and if, when the people confer a power upon Congress or upon the legislature of a State, you undertake to specify the legislation that shall be enacted, then, of course, you render the power nugatory, because the conditions requiring legislation are changing every day, every month, every year. As the years roll round, conditions so change that we require either new laws or new powers vested in the legislatures of the States or in the Congress of the United States.

Mr. COOPER of Wisconsin. Let me make a suggestion to the gentleman. Suppose the State of Wisconsin, for instance, provides in her constitution that there shall be no special legislation for the creation of corporations. Suppose, then, the legislature gets to work and under that provision passes a statute general in its terms, but requiring all corporations to come within the limitations of that statute.

Mr. RAY of New York. We used to pass special acts in New York, but we have now adopted the policy of general legislation.

Mr. COOPER of Wisconsin. This provision does not say that Congress shall suppress these combinations by general legislation, but permits Congress to do it by special legislation.

Mr. RAY of New York. Oh, the idea is that it will be done by general legislation, and we say so.

Mr. COOPER of Wisconsin. In other words, it may be done by a single act, making the business of a corporation subject to the party majority in this House and the Senate. That is all there is about it.

Mr. RAY of New York. The gentleman is all wrong. I am sorry he did not make his suggestions earlier.

Now, Mr. Speaker, I must hasten on. I desire to notice, in the first place, as I go on, this argument that competition should be free—that competition in manufactures, in production of every kind, in a State or in the United States, should be free, must be free, if we would have progress, if we would have development, if we would have an intelligent, progressive, prosperous people.

COMPETITION MUST BE FREE.

Competition in manufacture, production, trade, commerce, and intellectual effort must be free, or there is no liberty. The marvelous growth and development of our country is largely due to the fact that for a century and a quarter a free people has been at liberty by honest effort to openly contest for individual supremacy in every field of labor, to openly compete for supremacy in business enterprises and in the field of political preferment, and that we have enacted and latterly maintained protective laws enabling the people of the United States to keep to themselves and use for themselves the home field of industrial enterprise.

But the right to compete must be maintained. The right to live does not imply the right to live alone and occupy the world alone. The right to work, or manufacture, or produce, or trade does not imply the right to drive others out of business by unfair methods. Hence a necessity for restraining laws—laws maintaining fair and open opportunity to enter and engage in every honest pursuit, and preventing the use of improper and unfair methods of conducting business. Capital has the right to combine by honest methods for honest purposes and carry on any legitimate business. The world is the better off and the condition of every individual has been bettered because combined capital in the hands of intellectual excellence has supplanted the old coach and four with the magnificent railroads of the nineteenth century. The mule industry of Maryland was crippled when the electric cars came to occupy the broad avenues of Washington, but neither mules nor men complain to-day that combined capital has made the substitution. The complaint now is that fares are too high and transfers not liberally supplied. Five hours' time and $6.50 carry a person from Washington to New York—a journey of a week at an expense of $75 before combined capital entered the field of competition. So in presenting and advocating the pending measure we do not come with an outcry against corporations or stock companies or associations or combinations of capital when honestly formed and conducted. We come with no threat against or denunciation of associations of men in whatever form existing, however much capital they represent or employ, if engaged in honest business, conducted by honest methods for honest purposes.

We come with a proposition that this Congress submit to the several States and to the people thereof for ratification a proposed amendment to the Constitution of the United States giving to Congress power to define, regulate, prohibit, and if necessary dissolve trusts and combinations, whether existing in the form of corporations or otherwise. If this resolution is adopted, we have

made no law, but have given the people an opportunity to say whether or not their Representatives and Senators in Congress shall have the power to enact uniform laws controlling, repressing, and, if necessity demands, dissolving those illegal and oppressive trusts, combinations, and conspiracies which affect manufacture, production, trade, and commerce and fix prices at will.

This proposition is embodied in the following language:

SECTION 1. All powers conferred by this article shall extend to the several States, the Territories, the District of Columbia, and all territory under the sovereignty and subject to the jurisdiction of the United States.

SEC. 2. Congress shall have power to define, regulate, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

The several States may continue to exercise such power in any manner not in conflict with the laws of the United States.

SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation.

It has been suggested that there is no necessity for section 1 of the proposed amendment. This contention is correct if it shall be held that the Constitution ex proprio vigore extends to all the territory owned by the United States. Should the contrary be held, then the section is necessary. In no event does it do harm. It will prevent the organization of trusts, monopolies, etc., in the Territories, or at least bring them under Federal control. Already the threat is made that if adequate laws are enacted in all the States, these illegal combinations will find a habitat in Canada and then operate throughout the United States. Certainly no one desires them to find an asylum in any of the Territories of the United States.

I quote from the New York Tribune of January 7, which states that a representative of the Province of Quebec says that—

In case of the development of drastic "anti-trust" legislation in the United States to go to Quebec will be the easy and perhaps only solution for many of the large industrial combinations in the United States.

This threat of capital to emigrate, if it emanated from capital, only points to the necessity for the adoption of the amendment proposed. It has been suggested that it is unwise to amend or attempt to amend the Constitution of the United States. The plea is that it was framed by a body of wise men and that it is as perfect as can be made. It is a notable fact that our Constitution is a monument to the intelligence and patriotism of Washington, Adams, Jefferson, and the other great statesmen who framed it.

But it was by no means a perfect instrument. It founded a new government on a new basis and was framed to meet existing conditions, protect human liberty, and provide for the future, so far as the future could be foreseen. A provision for amendment thereto was inserted therein, and fourteen different amendments have already been proposed and adopted. All recognize the wisdom of each, and no patriotic person would recommend the abrogation of any one. Since the adoption of the Constitution new conditions have arisen—conditions not foreseen by the framers of that instrument, or if dimly foreseen and intended to be provided for, they are not covered by adequate or appropriate language.

The necessity for this proposed amendment grows out of the fact that the Supreme Court of the United States has decided that the word "commerce" as used in the Constitution does not include manufacture or production within its legitimate meaning. All articles of commerce are subjects of commerce, but not a part of it. Therefore the constitutional provision, section 8, Article I, that "The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," gives Congress no power whatever over corporations, combinations, associations, or conspiracies organized or formed for the purpose of monopolizing manufacture and production, or which by illegal means do monopolize manufacture and production and so control prices, really dominate commerce, and wring unjust exactions from the people.

WHAT ARE THESE ILLEGAL COMBINATIONS.

Combinations or so-called trusts formed for monopolistic purposes may be classified as follows:

1. Those created by a union or a combination of two or more corporations, associations, or companies.

2. Corporations or associations that have acquired control of other corporations or companies by purchasing their stock or by having their stockholders of the central corporation or association purchase the stock, etc., of the other corporations or companies, and so bringing all under the control of the same persons.

3. Corporations or associations which purchase the plants, including the real estate, personal property, stock in trade, and good will of a number of corporations, firms, or individuals engaged in a particular branch of business.

In the first class mentioned the stock of the combining corporations or associations is usually transferred to a board of directors or trustees. In lieu of the stock surrendered to this board the stockholders receive trust certificates. These directors or trustees thus become clothed with the absolute control of the entire business of the combination. They represent the holders of the stock certificates and are answerable only to them.

The second class mentioned is quite similar to the first. The effect is the same, but this form of combination is resorted to to escape the holdings of the courts that corporations can not enter into partnership. But few, if any, of the first class remain.

The third class referred to is even more dangerous than the others. When the mother corporation or association in the manner referred to gets hold of the stock, plants, property, etc., of the others, payment therefor is made in the stock or certificates of the corporation or association. The business is then carried on with reference to the interests of all. The mother corporation or association holds the legal and equitable title of all the property of all the corporations and companies brought in, and all the plants may be run at the same time or only one or more may carry on operations, and so the output of that business throughout the entire Union, and consequently the price is controlled by the directors of this mother corporation or association or "combine."

It is readily seen that the purpose of such a combination is to limit production, where such limitation is profitable to the stockholders, as well as to create a monopoly and control prices.

These or similar combinations can be made by joint stock companies and even by partnerships, although there is more difficulty in forming and sustaining such combinations.

It is readily seen how powerful these combinations with unlimited capital become. Care is taken to have the stock owned by men of wealth and influence in every State of the Union so far as possible, by the editors and owners of leading newspapers, and by men of both political parties, and the result is that the political influence wielded by such a combination is sufficient many times to prevent in a State, or possibly in several States, the enactment of any law restraining, controlling, or prohibiting the combination.

In the United States *vs.* Trans-Missouri Freight Association (166 U. S., 290), Mr. Justice Peckham, after speaking of these different combinations, said:

It is true the results of trusts or combinations of that nature may be different in different kinds of corporations, and yet they all have an essential similarity and have been induced by motives of individual or corporate aggrandizement against the public interests.

No one can deny with reason that all such combinations tend to the creation of monopolies and result in the control of production as well as prices, and that therefore their existence is against public policy.

This was held in substance in:

State *vs.* Standard Oil Company, 49 Ohio St., 138.

See, also, the following cases: American Biscuit and Manufacturing Company *vs.* Klotz, 44 Fed. Rep., 721; Merz Capsule Company *vs.* United States Capsule Company, 67 Fed. Rep., 414; Whittenton Mills *vs.* Upton, 10 Gray, 582; People *vs.* North River Sugar Refining Company, 121 N. Y., 582; State *vs.* Nebraska Distilling Company, 29 Nebr., 700; Mallory *vs.* Oil Works, 86 Tenn., 598; People *vs.* Chicago Gas Trust Company, 130 Ill., 268; Bishop *vs.* American Preservers' Company, 157 Ill., 284-311; Distilling and Cattle Feeding Company *vs.* The People, 156 Ill., 448-490; Gould *vs.* Head, 38 Fed. Rep., 886; Ricker *vs.* American Loan and Trust Company, 140 Mass., 346.

DEFINITIONS.

The words "trust," "combination," and "monopoly" used in the proposed amendment, are defined as follows (Standard Dictionary): Trust—industrial and commercial sense:

A combination of interests for the purpose of regulating and controlling by means of a common authority the use, supply, or disposal of some kind of property, usually of a personal nature; a commercial or proxy trust.

An organization or association of industrial corporations, a majority of the stock in each of which is transferred to a central committee or board of trustees, who, while issuing to the stockholders certificates showing their interests and right to dividends, exercise the voting power of the stock in electing boards of directors for the various associated corporations and in other ways, and thus direct their policy for the common object of lessening competition, regulating production and lowering its cost, and increasing profits; a corporate trust.

Said Ely, introduction to Political Economy:

As corporations are combinations of individuals, we now have trusts which are combinations of corporations, and a great part of many industries is now carried on under one general management.

It is evident that when such a "trust" is formed competition is, or may be, stifled, the cost of the product to the user and consumer fixed at the will of the combination, and money exacted from the people unjustly.

Monopoly:

The exclusive right, power, or privilege of engaging in a particular traffic or business, or the resulting absolute possession or control; especially in political economy, such control of a special thing, as a commodity, as enables the person or persons exercising it [the monopoly] to raise the price of it above its real value, or above the price it would bring under competition.

Industrial trusts are essentially monopolies; they are intended to serve monopolistic purposes.

Combination is—

The union or alliance of persons for the prosecution of a common object; also the association thus formed; formerly almost always with the implication of confederacy as of employers or workmen for illegal or interested ends.

Mr. LINNEY. In almost every case, is not that the result of a conspiracy, too, on the part of these large operators that the gentleman has spoken of?

Mr. RAY of New York. If two or more corporations or two or more men get together and combine their capital, with the agreement or understanding that they will drive out or suppress competition, or that they will put prices up or down for the purpose of stifling competition, or of increasing the cost of an article to the consumer, that is a conspiracy. I have described a conspiracy without calling it such. Of course we aim at such combinations; and when you hit an illegal combination or a monopoly, you will always hit a conspiracy.

Now, what are these illegal corporations, and how are they formed? A gentleman said to me the other day that he wished I would tell him what we meant in this proposed amendment by a combination or a monopoly. He said he wanted to know what a monopoly was. I have defined all but a "combination."

Combine, as a noun—

A combination of persons, especially a union, to effect by underhanded dealings what honest efforts openly employed can not obtain; cabal; conspiracy.

Corporations, companies, and associations of individuals may combine and form trusts and monopolies.

SUCH COMBINATIONS AND MONOPOLIES ALWAYS DENOUNCED.

Combinations in restraint of trade and commerce and those affecting and controlling manufacture and production and intended to affect and control prices and profit the few financially strong at the expense of the many have existed in all civilized countries from early times. Even in Solomon's time monopoly in food products seems to have been denounced. Said the King of Israel:

He that withholdeth corn, the people shall curse him; but blessing shall be upon the head of him that selleth it.

In the year 483 A. D. Emperor Zeno issued an edict:

We command that no one may presume to exercise a monopoly of any kind of clothing, or of fish, or of any other thing serving for food, or for any other use whatever its nature may be, * * * and if anyone shall presume to practice a monopoly, let his property be forfeited and himself condemned to perpetual exile. And in regard to the principals of other professions, if they shall venture in the future to fix a price upon their merchandise, and to bind themselves by agreements not to sell at a lower price, let them be condemned to pay 50 pounds of gold if it shall happen, through avarice, negligence, or any other misconduct, the provisions of this salutary constitution for the prohibition of monopolies and agreements among the different bodies of merchants shall not be carried into effect.

Code IV, 59. See also 23 Am. Law Rev., 261. In fifth and sixth of Edward VI will be found "An act against regrators, forestallers, and engrossers."

"Regrators" were those who conspired, etc., to enhance prices. "Forestallers" were those who bought up food and other products on the way to market so as to control the supply and price, or who dissuaded the owners to bring their goods to the market or persuaded them to enhance prices when there. "Engrossers" were those who bought up large quantities of an article so as to control the supply and sell at unreasonable prices.

The monopolies and combines of to-day are practicing old tricks by improved methods and are operating under new and more aristocratic names.

In 3 Inst., chapter 85, Lord Coke said:

A monopoly is an institution, or allowance by the King by his grant, commission, or otherwise to any person or persons, bodies politique, or corporate, of or for the sole buying, selling, making, working, or using of anything, whereby any person or persons, bodies politique, or corporate, are sought to be restrained of any freedom or liberty that they had before, or hindered in their lawful trade.

In Richardson *vs.* Buhl, 77 Michigan, 632 to 660, Chief Justice Sherwood, of the supreme court of Michigan, said:

Monopoly in trade or in any kind of business in this country is odious to our form of government. It is sometimes permitted to aid the Government in carrying on a great public enterprise or public work under governmental control in the interest of the public. Its tendency is, however, destructive of free institutions and repugnant to the instincts of a free people, and contrary to the whole scope and spirit of the Federal Constitution, and is not allowed to exist under express provisions in several of our State constitutions.

* * * All combinations among persons or corporations for the purpose of raising or controlling the prices of merchandise, or any of the necessaries of life, are monopolies and intolerable, and ought to receive the condemnation of all courts.

In the same case Mr. Justice Champlin, with whom Mr. Justice Campbell concurred, said:

Such a vast combination as has been entered into under the above name (Diamond Match Company) is a menace to the public. Its object and direct tendency is to prevent free and fair competition, and control prices throughout the national domain. It is no answer to say that this monopoly has in fact reduced the price of friction matches. That policy may have been necessary to crush competition. The fact exists that it rests in the discretion of this company at any time to raise the price to an exorbitant degree. Such combinations have frequently been condemned by courts as unlawful and against public policy. (See Raymond *vs.* Leavitt, 46 Mich., 447, and Texas Standard Oil Company *vs.* Adoue, 83 Texas, 650.)

After quoting the above with approval, Mr. Justice Harlan, of the Supreme Court of the United States, who gave the dissenting opinion in the Knight case (156 U. S., 1), said:

Any combination, therefore, that disturbs or unreasonably obstructs freedom in buying and selling articles manufactured to be sold to persons in other States or to be carried to other States—a freedom that can not exist if the right to buy and sell is fettered by unlawful restraints that crush out competition—affects, not incidentally, but directly, the people of all the States, and the remedy for such an evil is found only in the exercise of powers confided to a government, which, this court has said (McCullough *vs.* Maryland, 4 Wheat., 316, 405), was the government of all exercising powers, delegated by all, representing all, acting for all.

Beach, in his legal treatise on Monopolies and Industrial Trusts (Chapter XVI), says:

Indeed, one can hardly study the law of monopolies and trusts without receiving a very deep and lively impression of the vast and increasing importance of the subject. So extensive and strong has this conviction become that the literature of the subject, in its general aspects, has already become a library. The aggregation of capital with a view to the creating of a practical monopoly is the prominent feature of the industrial conditions of the present. The closing decades of the century will go into history as trust period; as the time at which the trust took form and assumed its gigantic proportions. The massing of capital and of business organizations has created a revolution in the business of the country. One of the effects of this change is a large increase in the productiveness of capital thus employed, while the profits of the small producer and dealer are proportionately diminished.

In very numerous instances it converts the man who has been engaged in business on his own account into a laborer or other employee of the trust. But this is not a desirable change. It is not for the public weal. In its tendency to degrade that great middle class of our people, which constitutes the strength and stability of our political institutions, to the position of employees, it is in a high degree prejudiced to the public welfare. It materially detracts from the power and glory of the nation. The introduction of a system of business that is adapted to increase the wealth of a small class, while it diminishes the resources of the mass of the people, is a national evil. The prosperity and elevation of the people of the land as a whole is essential to the highest measure of national prosperity and greatness. The multiplying of his millions and the corresponding increase of his power is not a personal benefit to the millionaire, and the corresponding contraction of the pecuniary resources of the middle and lower classes means the diminishing of their happiness and well being and, in consequence, of their value to the State as citizens. The tendency and the effect are altogether evil.

This evil is attracting the attention of wise and far-seeing statesmen, and, as well, of the thoughtful patriot and philanthropist.

Monopoly has always been denounced as against public policy and detrimental to the growth of the nation and the prosperity of the people.

It has never been sanctioned except in particular cases to carry out a public policy. Our patent laws encourage inventive genius and skill and reward the highest intellectual effort. They do not destroy but encourage competition. They may, however, operate for a time to prevent competition in the production of the particular invention, and enable the owner of the patent to fix the price. But the good of the policy far exceeds the evil.

MONOPOLIES SHOULD NOT EXIST.

It is self-evident that such combinations, in whatever form or under whatever name existing, should be suppressed. Congress has passed laws to repress monopoly in restraint of trade or commerce. Twenty-five of the States have passed stringent anti-trust laws. Twenty, so far as I can find, have no laws on the subject.

The following list is given:

1. Alabama, approved February 18, 1897. Applies simply to insurance companies.
2. Arkansas, approved March 16, 1897. Quite general in its extent and application.
3. California, approved February 27, 1893. Relates to live stock only.
4. Delaware, passed February 15, 1891. Relates exclusively to insurance companies.
5. Florida, approved June 11, 1897. Applies to beef cattle and meats solely.
6. Georgia, approved December 23, 1895. Quite general in its application.
7. Illinois, approved June 10, 1897. Quite general in application.
8. Indiana, approved March 5, 1897. Quite general.
9. Iowa, approved May 6, 1890. Quite general.
10. Kansas, approved March 8, 1897. Very broad and sweeping.
11. Kentucky, approved May 20, 1890. Quite general in application.
12. Louisiana, in effect July 7, 1892. Quite broad and general.
13. Maine, approved March 7, 1889. Quite broad and general.
14. Michigan, in effect July 1, 1889. Broad and general.
15. Minnesota, approved April 20, 1891. Quite general.
16. Mississippi, approved March 11, 1896. Quite broad. First in effect in 1892.
17. Missouri, approved April 2, 1891. Since amended and broadened. Quite general and efficient.
18. Montana, enacted in 1895. Quite general.
19. Nebraska, enacted April 8, 1897, but there was an act in 1895. Quite broad and general.
20. New Mexico, approved February 4, 1891. Quite general.
21. New York, in effect May 7, 1897. Quite broad and general.
22. North Carolina, ratified March 11, 1889. Quite general.
23. North Dakota, approved March 9, 1897. Quite general.
24. Oklahoma, in effect December 25, 1890. Quite general.
25. South Carolina, approved February 25, 1897. Quite general.
26. South Dakota, approved March 1, 1897. Quite general.
27. Tennessee, approved April 6, 1889. Quite broad and general.
28. Texas, approved March 30, 1889. Broad and general.
29. Utah, approved March 9, 1896. Quite broad and general.
30. Washington, in constitution and law approved March 21, 1895.
31. Wisconsin, approved April 27, 1897. Broad and general.

These enactments of so many States and Territories show a demand for efficient remedial legislation and that the demand has been responded to so far as possible by some of the State legislatures. The people feel the oppression and demand relief. The demand is growing. In recent years a library of literature has been written on the subject. The courts have been appealed to and the common law invoked. The efficiency and constitutionality of the laws of the States and of the United States have been questioned and passed upon. These laws have been enforced so far as applicable. But driven from cover in one direction, these

trusts have organized under a different name and in different forms and taken shelter in another.

The result of each succeeding judicial determination has been to suggest new modes of organization and operation, and the result is that the illegal combinations and monopolies referred to were never stronger, never more active, and never more exacting than to-day. Labor is oppressed and driven from employment in many instances, while in others it is compelled to submit to the absolute domination of these combines and monopolies or seek new fields of employment. Young men of education, refinement, and great ability desire to enter business and become a component part in industrial enterprise and progress, but they find the doors barred.

Combined capital stands at the entrance to the highway along which they would move and along which they have the right to move and cries a halt. The young man may enter the mercantile world if he desires, but finds that the manufacture and production of the articles in which he would deal are absolutely controlled by a great combination, a monopoly, chartered by a State, which has bought up all competing concerns, and that he must purchase of it or not at all, pay its arbitrary price, which it may fix at will, and that therefore he at best can become but a mere agent for the disposition of the products of the monopoly. He may enter the manufacturing world if he desires, but finds that monopoly controls the mine, the output of raw material he would use, and the tools he must have and that there is but one price in whatever direction he turns.

He accepts the terms offered, invests his capital, produces a fine article of use or consumption at a cost to him of $1, only to find the same or a similar article offered in the market for 75 cents. A great combination in manufacture, with millions of capital, has determined to drive him out, and so has reduced the selling price far below the cost of production. The capital of the combination can stand the strain, but his can not. He must sell out, drop out, or be crushed out. He may become a mere employee of the monopoly, but here his ambition ends. His wings are clipped; the would-be eagle has become a chicken in the monopolistic coop. I might multiply instances, but time will not permit. I boldly assert that the social evils consequent on the existence of these combinations and monopolies are alone sufficient to demand their suppression.

LABOR IS OPPRESSED AND THE PUBLIC PEACE DISTURBED.

A condition of things that enables a combination of men with large capital to control not only the manufacture and production of articles of necessity, general use, and consumption, the employment of labor, and the wages paid to it, but also to control and fix the price these laborers must pay for the articles they necessarily use and consume daily is oppressive. Labor is hampered and harassed and impoverished. Such combinations naturally result in the formation of opposing organizations and a resort to means or methods that often result in violations of the public peace. Oppression may be long endured, but sooner or later turbulence, violence, and possibly crime will result. Oppression in any form degrades both the oppressor and the oppressed. The character of the people of all classes is affected for the worse; the law is frequently appealed to; criminal courts are busy; the military arm of the State, and possibly of the nation, is used, and a government by force succeeds that of general submission to law made by all for all and respected and obeyed by all.

CAPITAL AND LABOR.

There should be mutual confidence between capital and labor. They should work hand in hand for a common purpose—the prosperity of both and the growth and development of the nation. They should be willing to equitably divide the profits and share the losses of every business enterprise in which mutually engaged. Capital is interested to educate and elevate its labor. Intelligent, well-fed, and well-clothed laboring men are generally contented and may be relied upon to protect the interests of capital and also of the State. Employer and employee are both interested in the success of the business in which engaged, and neither has the moral or legal right to peril or destroy the property or property rights involved. The laborer is deeply interested in agriculture, manufacture, and commerce. He is beneficially affected by the prosperity of each of these pursuits. They give him employment. The freer competition in business of any kind the better his chance for employment, the greater his opportunities for advancement, the brighter and more promising the future for his children.

AGGREGATED CAPITAL THE FRIEND OF LABOR.

Aggregated capital in the hands of corporations and combinations honestly formed and conducted is the friend of labor and of all mankind. So formed, they are desirable and, in fact, indispensable. Modern civilization demands their existence. What is the Government itself but a vast corporation, an aggregation of millions of people and billions of wealth. Thus organized, it becomes a vast power for good in the world. Each enfranchised citizen is a director and every citizen is a stockholder. Unorganized, the people would accomplish nothing. Aggregated capital in honest hands and applied by intelligent minds has reared and sustained institutions of learning, affording opportunities for intellectual development and culture which, embraced by thousands, have given to the world inventive and mechanical genius in its most finished form.

Aided by this, combined capital has applied itself to the improvement and uplifting of mankind. The result has been that our country is united with a network of railroads, affording easy and speedy means of communication; the business man in Boston converses with his agent or coworker in San Francisco; ocean has been connected with ocean; continent with continent, for purposes of communication, and, utilizing great discoveries made possible by it, combined capital has brought education and the comforts and many of the luxuries of life to the doors of all. Capital has erected and endowed charitable institutions throughout the land, and thereby alleviates human misery. Combined capital, encouraging and utilizing modern improvements, has erected great factories, employed labor, builded cities, created markets for farm products, and added to the industrial, intellectual, and moral wealth of our country. [Applause.]

CONDEMNED WHEN OPPRESSIVE.

It is not the existence but the abuse of corporate powers and combined capital that merits condemnation or denunciation and calls for remedial legislation. When combined capital in any hands abuses its legitimate powers, becomes oppressive, or assumes the form of gigantic monopolies, it becomes detrimental and dangerous to the nation. It then affects injuriously every citizen, unless it be the very few who fatten at the expense of the many. It then becomes greedy, extortionate, monarchical in its tendencies and practices, and invades the political field and legislative halls and corrupts or seeks to corrupt both.

MERE DENUNCIATION HARMFUL.

The mere denunciation of these combinations, monopolies, and conspiracies by the press, on the floors of Congress, or in party platforms neither prevents their organization, operations, nor the evils flowing from their existence: Mere agitation unless accompanied or followed by wise and helpful suggestions or remedial measures, legislation, and action, is positively harmful. It ferments discord and creates discontent, but permits the continuance of the wrong. How frequent it is that a partisan press denounces trusts and monopolies in one issue and ridicules attempts to control and suppress them in the next.

How frequently do we hear the demagogue in Congress and elsewhere denouncing trusts, monopolies, and conspiracies in speeches, but obstructing and opposing the consideration of legislation designed to suppress them. We have had in this Congress a bright and shining example of this kind of statesmanship. A gentleman who has introduced several bills to prevent the transportation of alleged trust-made goods, and who has frequently condemned trusts in his speeches and arraigned the Republican party and Republican side of this House for not acting, going to the extent of alleging that it did not propose to do anything, has distinguished himself as the great objector to anti-trust and anti-monopoly legislation.

DEMOCRATS OPPOSE AND IMPEDE.

On Monday, May 21, the chairman of the Judiciary Committee made the following request in the House, and this is the exact language and will be found at page 6262 of the RECORD:

Mr. Speaker, I ask unanimous consent that H. J. Res. 138, with the amendments thereto reported from the Committee on the Judiciary, be made a special and continuing order for three days, commencing immediately after the disposition of the Alaska bill, not to interfere with conference reports.

Mr. MIERS of Indiana objected on the ground that it might interfere with the consideration of pensions on Friday.

Mr. RAY of New York. I will modify it by excepting pension Friday.

Mr. RICHARDSON then objected to the request. No member on the other side has submitted any request for the consideration of the anti-trust and anti-monopoly legislation reported to the House. Comment is unnecessary. In order to secure consideration at all we have been compelled to bring in a special rule. In response to what has been said in the "Views of the minority," submitted by the gentleman from Missouri [Mr. DE ARMOND] and wherein he says:

If, as we believe to be true, the public welfare should be the chief concern of the legislator, the American people may have cause to regret that the trust question has been seized upon for party advantage.

I beg to submit that the American people has cause to regret that the alleged statesmen of the Democratic party have seen fit to inject politics and political discussion into almost every measure brought before the House.

In season and out of season, sometimes when relevant, but always when irrelevant, we have heard denunciations of the Administration, of party policy, and of trusts and combinations, always accompanied with assertions that the Republican party is responsible for and the protector of trusts. Accused of not doing anything, not intending to do anything, we were met at the very

outset of active legislation to control and repress these illegal monopolies with Democratic objection, even to consideration of the subject. We have adopted a course of procedure that will compel the minority members of this House to register themselves in favor of this resolution, and therefore against trusts, combinations, and monopolies, or against the resolution, and therefore in favor of them and in favor of their continuing operations.

Equally groundless and untrue is the insinuation of the Democratic minority that they were excluded from the consideration and framing of the proposed legislation. The subcommittee, consisting of four Republicans and three Democrats, was appointed and directed to report. Days passed, to enable every gentleman opportunity to formulate and present his views. The subcommittee was called together and all given full opportunity to present proposed measures. But aside from the presentation of the majority measures but little, if anything, was presented, except words and denunciation of proposed legislation and lengthy advocacy of the doctrine of "State rights."

We were compelled to listen to a rehearsal of the John C. Calhoun arguments of ante-bellum days, until the shades of that hero of Democracy seemed to loom before us. By a party vote measures were directed to be reported to the full committee, measures well known to the minority. Three weeks went by, to enable our Democratic friends time in which to collect their scattered thoughts and rally their cohorts. When the matter was laid before the full committee, the most of the time was used in a repetition of the declarations of Davis and Calhoun. But an end came, and the measures came to the House; and by force of a majority vote we have been enabled to fix a day for consideration. We appeal to an intelligent people to determine where responsibility rests and where it shall be placed.

It is noteworthy that the "views of the minority" contain no substitute for, propose no amendments to, the joint resolution; do not deny our legal contentions or conclusions; do not assert that efficient laws can be enacted by Congress under its present constitutional powers. The main argument, if dignified by that name, is that under the proposed amendment the States are called upon to surrender some of their power. At the same time the monopolies are referred to as "the growing and most burdensome evil popularly known as the trust." The minority also concedes that there "is a loud and imperative call." But the "views of the minority" propose no response to that call.

It is true that it is urged that the protective tariff is responsible for the existence of monopoly and that free trade will remedy the existing evils. But this amounts to little more than denunciation of a system advocated and established by the Republican party. It is but a repetition of the stale and oft-refuted charge that protective tariffs are onerous and destructive of the prosperity of the country. But of this more later on. It is also true that the "views of the minority" complain that the proposed amendment does not leave the States free to legislate in opposition to Congress, annul its laws. "Concurrent jurisdiction" is what is wanted, so that if a State can get ahead in its legislation the rule may be applied that "first come, first served;" the one first taking jurisdiction shall hold it.

But all this trash of "views" is intended as denunciatory of the proposition of the majority to control and repress combinations and monopolies operating to the injury of the people and of the country. It is not designed to throw light on the subject or suggest wise action. The whole tenor of the "views of the minority" is in that vein of sarcasm, abandoning truth or reason, for which some writers are noted. It is a mere attempt to give an excuse for preventing the adoption of this joint resolution, if possible, by drawing the State rights lines taut on the party. The minority well know that two-thirds of each House must vote in the affirmative or action will fail.

Mr. KITCHIN. I want to ask you if your own platforms in 1888 and 1892 did not condemn these combinations of capital?

Mr. RAY of New York. Certainly; and our platforms this year in all the States are condemning them when illegal or oppressive. But what I am bringing your attention to is that Democratic orators upon the floor of this House and Democratic newspapers all over the country have been denouncing monopolies and trusts, and have been asserting that the Republican party has not done anything, and that the Republican party does not intend to do anything to relieve the people; and while you have been making these declarations on the floor of the House you knew well that the Committee on the Judiciary, charged with this subject, was engaged in framing laws to cover this very subject, and I have just invited attention to the history of this, and explained why action has been delayed.

Mr. KITCHIN. Let me ask you one more question about the platforms. If your people are opposed to trusts, why is it that they put a plank in the platform of 1888 against trusts, and a plank in the platform of 1892 against trusts, but in the platform of 1896 your people deliberately left out any reference to trusts.

Mr. RAY of New York. Well, I do not know why they left it out. I was not there. Perhaps they forgot it, and perhaps——

Mr. KITCHIN. No, they did not forget it.

Mr. RAY of New York. I do not know why that was, if it was so, in that particular year, but in almost every year the Republican platform has contained a declaration against oppressive trusts and monopolies. The Republican party always keeps its promises and is trying to do it now. We are met, however, by Democratic opposition. The Democratic party is always full of promises, but it never fulfills or attempts to.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. RAY of New York. I ask leave to complete my remarks.

The SPEAKER pro tempore. The gentleman from New York asks leave to continue his remarks without limit. Is there objection?

There was no objection.

Mr. GAINES. Will my friend yield for two questions of law?

Mr. RAY of New York. Now, I have some propositions here as to the necessity for this amendment——

Mr. GAINES. I want to get exactly your view on this matter. You stated that Congress now has the right to prohibit interstate commerce.

Mr. RAY of New York. Not to prohibit it, but to regulate it.

Mr. GAINES. Does not that give Congress the power to prohibit it under the construction given by the courts and Congress?

Mr. RAY of New York. No.

Mr. GAINES. Did you not vote for the anti-convict bill to prohibit convicts' products from being sent from one State to another and the products of foreign convict labor from being brought into this country? Did you not vote for that, and did you not vote for the Lacey bird bill here the other day?

Mr. RAY of New York. That is a different proposition.

Mr. GAINES. I say the Supreme Court have decided that the power to regulate interstate commerce gives the power to prohibit it, and we did prohibit it in the embargo act and a lot of other acts.

Mr. RAY of New York. You think, then, do you, that the Congress of the United States has power to say that bread and meat and flour shall not be carried from one State into another State?

Mr. GAINES. Congress has the power to say that very thing under these decisions.

Mr. RAY of New York. It does not have such absolute power.

Mr. GAINES. I say the Supreme Court have so held.

Mr. RAY of New York. And the Supreme Court of the United States, as I will show you, have decided explicitly that it does not have such power.

Mr. GAINES. Then it has no power to control interstate commerce, has it?

Mr. RAY of New York. Yes; it has full power to control interstate commerce.

Mr. GAINES. Can we declare——

Mr. RAY of New York. The trouble with the gentleman is that he does not know the difference between commerce and manufacture and production, between "regulate" and "control" and "prohibit." With him all words mean the same thing, and the gentleman uses them indiscriminately and profusely without regard to their meaning. Congress may "regulate" commerce, and if necessary regulation results in prohibition in a given case, then the power so operates. But to prohibit for the sake of prohibition Congress can not.

Mr. GAINES. You do not know what the law is. That is the trouble with you.

Mr. RAY of New York. Let me tell you what the court has decided with regard to commerce in liquors and other things. The Supreme Court has decided that Congress has no power to consent that a State shall refuse to allow any article of commerce, I do not care what it is, to be brought into the State for use.

Mr. GAINES. My proposition is that the courts hold Congress has the power to prohibit interstate commerce.

Mr. RAY of New York. Oh, no; it does not have that power.

Mr. GAINES. And the Supreme Court has so held, and with reference to international commerce, too; and with the Indian tribes.

Mr. RAY of New York. Oh, no. It has power to prohibit in certain cases, under certain conditions, and for certain purposes.

Mr. GAINES. You are receding from your proposition now. You are taking my position now.

Mr. RAY of New York. I am not receding at all. Your position was broad, and I am telling you the facts; that is all, and I will call your attention later on——

Mr. GAINES. Can you not prohibit foreign commerce?

Mr. RAY of New York. Prohibit it absolutely?

Mr. GAINES. Yes.

Mr. RAY of New York. Not constitutionally; certainly not.

Mr. GAINES. Did not Congress pass the embargo acts and the anti-convict provision in the Wilson and Dingley tariff laws?

Mr. RAY of New York. Oh, Congress can under certain conditions and with certain limitations and for certain purposes.

Mr. GAINES. Well, what are those conditions, circumstances, and purposes?

Mr. RAY of New York. I can not take time now to state all that, but I refer you, however, to some cases which you will find cited in my remarks and some cases that you will find in the report of the majority. I have pointed out there just what Congress may do and just what it may not do.

But other gentlemen desire to be heard on this proposition, and I must hasten on.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. RAY of New York. What is your question?

Mr. RIDGELY. I will take but a moment, and it is right on the point.

Mr. RAY of New York. Very well.

Mr. RIDGELY. Do you understand that this amendment, if adopted, will permit Congress to levy a graduated tax upon such corporations as it may deem proper?

Mr. RAY of New York. I think it would permit the Congress of the United States, in controlling monopolies, combinations, and so forth, when it has once defined them, to control them in any way it saw fit not in conflict with the other provisions of the Constitution. Therefore, if the proposed taxation was in accordance with the other provisions of the Constitution, it might do it. Certainly it might levy a tax if it did not violate other provisions of the Constitution.

Mr. RIDGELY. Just one other question, please. Would not other provisions of the Constitution prevent a higher rate of taxation being levied upon them than upon others?

Mr. RAY of New York. That might be. I am not going to split hairs with the gentleman as to just what Congress might do and might not do in a given case. That would take me all the afternoon.

Mr. RIDGELY. Ought we not to provide the taxing power?

Mr. RAY of New York. When you have written into the Constitution a general power, then you must trust to Congress or to the legislature of the State, if it be a State constitution, to do what is right, just, and proper and to pass appropriate laws. You can not legislate wisely, well, or intelligently in a constitution.

Mr. RIDGELY. But while we are amending the Constitution to deal with these trusts and combines, why not give Congress the power to put a graduated tax upon them if it sees fit?

Mr. RAY of New York. Why, I have said you can do it under the power which Congress is to possess under this amendment if that graduated tax be in accordance with the other provisions of the Constitution.

Mr. RIDGELY. Yes; and if not, then let us make it so that we can.

Mr. RAY of New York. Undoubtedly it will be so. Adopt this amendment and we can absolutely control all trusts and all monopolies.

Mr. RIDGELY. The courts will hold that we can not, under the amendment you are offering.

Mr. SNODGRASS. I would like to ask the gentleman a question. Your committee has studied this question, and I would like the benefit of the gentleman's information. You say here Congress shall have power to dissolve combinations. You attach no qualifying terms to the combinations. I should like to ask the gentleman if, in his opinion, there are no combinations existing which are now lawful?

Mr. RAY of New York. Why, certainly; a great many are lawful; the great majority are lawful.

Mr. SNODGRASS. Would you think it wise to give to Congress the power to dissolve lawful combinations, such as, for instance, those that have no monopolistic tendency?

Mr. RAY of New York. I do not assume that because Congress has power to regulate commerce it will interfere with legitimate commerce. If Congress is given the power proposed by this resolution, it has first to define and then determine by judicial inquiry what is an illegal combination, and then the court will, pursuant to law, dissolve it. The majority of this House feel in this way on that subject: That if the people of the country grant them the power, they will act in the interest of the people.

We do not so distrust ourselves as to believe for a single moment that we would go to work and dissolve a lawful combination or a lawful corporation. We think we would do right. I do not blame some gentlemen on the other side of the House, in view of past history and some of the tariff bills that you have enacted into law, which so oppressed the people, for distrusting yourselves and fearing to give Congress power over these illegal trusts and combinations.

Mr. SNODGRASS. I wish you would confine yourself to an answer to my question.

Mr. RAY of New York. We grant Congress general power, first to define, second to control or absolutely prohibit the existence. Of course if they become illegal and oppressive, the Congress of the United States, in the exercise of its intelligence, judgment, wisdom, and patriotism, will believe that their continued existence will be improper. Then Congress will dissolve or prohibit when necessary. It might act directly, possibly, but the purpose is to make laws giving power to the courts to act pursuant to laws enacted by Congress.

Mr. SNODGRASS. The point of my inquiry was if, under this great power that you propose to give to Congress, it would have power to dissolve any kind of a combination made.

Mr. LITTLEFIELD. I will ask the gentleman whether he thinks that language used in the connection in which it appears does not answer the gentleman's own question?

Mr. SNODGRASS. This is a technical definition.

Mr. RAY of New York. In the first place, we are to define.

Mr. SNODGRASS. You simply define this as a combination.

Mr. RAY of New York. Now, there may be an agreement between two or more parties——

Mr. SNODGRASS. And Congress is to have power to define or dissolve or control or prohibit?

Mr. RAY of New York. First it defines, and in defining a combination it will prescribe what are legal and what are illegal; then it may dissolve, and possibly it may abuse this power. Congress may misuse its power, and you can not frame a constitution and so limit Congress that it may not abuse its power. Now, I need not split any more hairs over that.

I want to call attention to the fact that the Supreme Court of the United States having declared in the Knight case and the Addystone pipe case, recently decided, that the Congress of the United States is without any power whatever over manufacture and production, therefore a combination or a conspiracy or a monopoly existing in the form of a corporation or otherwise to monopolize manufacture or production, putting the price up or putting the price down for the purpose of oppressing the people, a constitutional amendment is absolutely necessary if you would reach a monopoly in manufacture or in production.

Mr. GAINES. But the court did dissolve the interstate-commerce combine attacked in that bill.

Mr. RAY of New York. That is a different thing, and I hope gentlemen will please not take up my time. This amendment is to give power over manufacture and production, not commerce.

The SPEAKER pro tempore. The gentleman from New York declines to yield.

Mr. RAY of New York. Now I want to call your attention to the fact.

Mr. GAINES. Is it not a fact that that is all that case decided?

Mr. RAY of New York. Oh, no; it decided a great deal more; but I have stated the gist of it.

Mr. GAINES. Did it not say interstate commerce had been interfered with contrary to the statute, and perpetuate the injunction, affirming the opinion of the lower court? Of course it did.

Mr. RAY of New York. Why, there you are mistaken. It affirmed in part and reversed in part.

Mr. GAINES. That is exactly it, because it came from my own State. It reversed that part of the decree enjoining the business done totally within the State, but perpetuated it as to the interstate contracts and broke it up.

Mr. RAY of New York. The Knight case came from your State? It came from the State of Pennsylvania.

Mr. GAINES. The pipe case was from Tennessee.

Mr. RAY of New York (continuing). And the State of New Jersey, and related to the great sugar trust.

Mr. GAINES. You also alluded to the pipe case.

Mr. RAY of New York (continuing). Do not claim that you had any such case down in your State.

Mr. GAINES. I am referring to the pipe case.

Mr. RAY of New York (continuing). Do not, pray, take all the credit for this illegal combination. You are claiming the benefits of the sugar trust, that it belongs to you. It is ours, and therefore no amendment to the Constitution should be made.

Mr. GAINES. That sugar trust exists in the Republican State of Pennsylvania. It does not exist in my State.

Mr. RAY of New York. It is in New Jersey. I know the evils of that combination, and we are trying to prevent such evils.

Mr. GAINES. And I will help you; but I will not go as far as you are going in this proposition.

Mr. OLMSTED. There is no sugar trust in Pennsylvania.

Mr. GAINES. You are all very fond of sugar.

Mr. RAY of New York. Now, let me call the attention of the House, and I want gentlemen to listen to this proposition. I want to state in legal language that the States are now powerless in this matter, and that is the reason why I am calling your attention to it. The States have no power whatever over interstate commerce. The State has no power to prevent a corporation or association, company, or citizens of another State from going into it and doing business therein, if engaged also in interstate commerce.

Mr. GAINES. I want to ask the gentleman another question, and then I will stop.

Mr. RAY of New York. Oh, close your mouth and open your ears and listen to what I state. That will be more fair, and you can reply later on.

Mr. GAINES. If the gentleman will shut his mouth and open his ears, perhaps he will say about as much as he is saying now. I want to put one more question to the gentleman, and then I will not interrupt him again.

Mr. RAY of New York. What is it?

Mr. GAINES. Did not Judge McKenna, in a Texas case, hold that the State has a right to prohibit a foreign corporation coming into that State?

Mr. RAY of New York. He did not hold any such thing.

Mr. GAINES. He did; and I will show you the opinion before the debate is over.

Mr. RAY of New York. Oh, the gentleman gets up and contradicts me before I am half through with a sentence. I will tell you what the courts have held, and the holding is uniform. A State may prohibit a corporation or an association formed and organized in another State from coming into it and doing business in that State, provided that corporation so coming in is not also engaged in interstate commerce.

But if so engaged, as well as in other business, they can not interfere with it. So a corporation in New York may send its agent into Texas to carry on the business of that corporation, and the State of Texas can not interfere with that agent in Texas or touch the business of the corporation if that corporation that he represents is engaged also in sending its goods or products into Texas or Texas and other States.

Mr. GAINES. The State could not interfere with interstate commerce; I know that; but did not they hold that they could exclude a foreign corporation?

Mr. RAY of New York. The gentleman said he would keep still if I would answer that question.

A MEMBER. He never will. [Laughter.]

Mr. RAY of New York. Now, I have cited a dozen cases holding what I have stated. The result is a monopoly in New Jersey or a monopoly in New York may send, in spite of any law this Congress can make, in spite of any law that any State can make—it may send its monopoly-made goods, the price of which is absolutely controlled by the monopoly, into any State in this Union for use, not for sale. We prohibit such product of a monopoly being sent for sale in the other States, and what is the result?

We simply change the mode by which the business will be done. The merchant in Iowa, we will say, the people of that State being the victims of the monopoly in New Jersey and New York, the Congress and the State of Iowa prohibiting the sending in for sale, but not being able to prohibit its coming in for use, will pursue this course: He will receive the orders of his customers, and in their name will send to the monopoly in New York for one, ten, or twenty thousand dollars' worth of these goods, asking that they be sent to Iowa for the use of these people.

There is no power in Congress under the Constitution of the United States and no power in any State to prevent the goods being sent, and the Supreme Court of the United States has explicitly decided it. Take the report and read it. Take my remarks, when printed, and read these cases. I call upon my colleague, Mr. LITTLEFIELD, and others on the committee to corroborate what I say. I challenge any man on the Judiciary Committee on the other side of the House to deny the assertions I have made.

Mr. SNODGRASS rose.

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. RAY of New York. I suppose I might as well.

Mr. SNODGRASS. Can Congress prohibit a corporation from extending its business into another State?

Mr. RAY of New York. What is that?

Mr. SNODGRASS. Can Congress prohibit the extension of the business of a corporation into another State?

Mr. RAY of New York. Not when it does not engage in commerce. I will tell you what Congress can do, and all it can do, and you ought to know it.

Mr. SNODGRASS. I am asking you.

Mr. RAY of New York. When a manufacturing corporation or a combination, located in a State and not chartered by Congress, is engaged in manufacture it may carry on that business and monopolize that business throughout the United States by buying up every competing plant in the United States and driving every competitor out of the business throughout the length and breadth of the United States, and fix prices at will, and Congress can not intervene.

Mr. SNODGRASS. Neither Congress nor the State.

Mr. RAY of New York. I will tell you when Congress can come in. When the article is produced and is taken to a railroad station and is delivered over to the agent of the railroad company for transportation into another State for sale in that other State, then Congress may step in and say that because that article is produced by a monopoly it will prohibit its being sent. There the power of Congress can attach, and there the power of Congress ends. If I am in a monopoly, assuming that I am—and I am monopolizing all the time—suppose I am running a monopolistic business, and control that business throughout the United States; I take these trust-made articles, these monopoly-produced articles, produced by me, to the railroad station; I ship them to another State for the use of A, B, and C, and present their orders or an order given by their agent. I can not be interfered with nor can transportation be denied, nor can Congress or a State prevent such transportation.

The State can not touch the transaction, neither the State where the corporation exists nor the State where the goods are to be received; because the Supreme Court of the United States has declared in a recent case that the right to buy articles of necessity—the right of a citizen to buy and have transported from anywhere in the United States any article of commerce for use—can not be restrained or interfered with by the United States or by any State.

Mr. SNODGRASS. That was not the question.

Mr. RAY of New York. You come then perhaps to the use of mails, which we touch on in our bill. The United States having absolute power over the mails, Congress may prohibit the carrying of anything in the mails.

Mr. SNODGRASS. But can any local corporation establish its plant or its agencies in any other State, independent of any power now existing in Congress or the States?

Mr. RAY of New York. Why, certainly, if also engaged in interstate commerce.

NECESSITY FOR THIS AMENDMENT.

As already stated, the necessity for this proposed amendment to the Constitution of the United States arises from the fact that the Supreme Court of the United States, a court to which we all bow with deference, and to which all must bow, has, with but one dissenting voice, held that manufacture and production are not a part of commerce.

That therefore the constitutional power of Congress to regulate commerce among the several States does not give it any power to regulate or control manufacture or production, however much it affects or dominates that commerce. That commerce within a State is wholly beyond the reach of Congressional action. That manufacture and production, and combinations, associations, and corporations organized within a State and by the authority of a State, or its laws, to monopolize the production and absolutely control the price of articles of common and daily use and necessity, are wholly within the control of the State and can not be reached or directly affected by any laws Congress can make.

The only power Congress has in the premises is derived from the interstate-commerce clause of the Constitution, and this extends only to laws affecting the product of a monopoly or "combine" when in course of transit to another State or to a foreign country. Such transportation begins when actually delivered and surrendered to a common carrier doing interstate business for transportation to another State or country. The fact that the article is manufactured for parties in another State or is intended for transportation to and use or sale in such other State makes no difference. Such facts do not bring the article within the laws applicable to interstate commerce. The manufacturer or owner of such goods may change his mind. The articles may be used up, destroyed, or otherwise disposed of and never become an article of interstate commerce.

Mr. FLEMING. Will the gentleman allow me an interruption?

Mr. RAY of New York. I do not like to yield my time to interruptions.

Mr. FLEMING. I want to direct your attention to one part of the majority report.

Mr. RAY of New York. What is it?

Mr. FLEMING. On page 3 of the majority report you say:

> No power to repress or control monopolies of any kind is conferred on Congress by the Constitution, unless it be a monopoly to control interstate commerce, which may be doubted.

Mr. RAY of New York. Yes, but immediately following are words explanatory of it. The statement about interstate commerce refers to cases, as for instance, it might be possible, and probably is possible under the Constitution as it exists to-day, for a great combination of capital to buy up and own every railroad and transportation company in the United States, and Congress, if that should be done, is powerless under the Constitution to prevent such purchase. But I will call attention to such conditions later on, and to the necessity for this amendment. That would be monopoly of the means for carrying on interstate commerce, and would include power to control such commerce itself. Congress and State acting in harmony can not prevent such action. The power to purchase and own property is unlimited, except that a corporation may be prohibited by the State creating it to own more than a fixed amount of property.

THEREFORE CONGRESS IS POWERLESS.

In the Knight Case (156 U. S., page 11), Fuller, C. J., in giving the opinion of the court, said:

> It can not be denied that the power of a State to protect the lives, health, and property of its citizens, and to preserve good order and the public morals,

"the power to govern men and things within the limits of its dominion," is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States, and essentially exclusive.

The relief of the citizens of each State from the burden of monopoly and the evils resulting from the restraint of trade among such citizens was left with the States to deal with, and this court has recognized their possession of that power even to the extent of holding that an employment or business carried on by private individuals, when it becomes a matter of such public interest and importance as to create a common charge or burden upon the citizen; in other words, when it becomes a practical monopoly, to which the citizen is compelled to resort and by means of which a tribute can be exacted from the community, is subject to regulation by State legislative power. On the other hand, the power of Congress to regulate commerce among the several States is also exclusive. The Constitution does not provide that interstate commerce shall be free; but, by the grant of this exclusive power to regulate it, it was left free, except as Congress might impose restraints.

He also says:

That which belongs to commerce is within the jurisdiction of the United States, but that which does not belong to commerce is within the jurisdiction of the police power of the State.

And—

The argument is that the power to control the manufacture of refined sugar is a monopoly over a necessary of life, to the enjoyment of which by a large part of the population of the United States interstate commerce is indispensable, and that, therefore, the General Government, in the exercise of the power to regulate commerce, may repress such monopoly directly and set aside the instruments which have created it. But this argument can not be confined to necessaries of life merely, and must include all articles of general consumption.

Doubtless the power to control the manufacture of a given thing involves in a certain sense the control of its disposition, but this is a secondary and not the primary sense; and although the exercise of that power may result in bringing the operation of commerce into play, it does not control it, and affects it only incidentally and indirectly. Commerce succeeds to manufacture and is not a part of it. The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly. But it may operate in repression of monopoly whenever that comes within the rules by which commerce is governed or whenever the transaction is itself a monopoly of commerce.

Mark the holding, which is that Congress can not deal with monopoly in manufacture and production, because that power is, by the Constitution, left with the States respectively. Such monopoly may bring interstate commerce into play, set it in motion, but, still, its effect thereon, however great, is only incidental and indirect, and therefore not within the power of Congress.

The power to regulate commerce * * * is a power independent of the power to suppress monopoly.

And again the court says in the same case——

Mr. KITCHIN. May I ask the gentleman from New York a question?

Mr. RAY of New York. These interruptions have already consumed two-thirds of my time. I am not getting along with my remarks as I would wish; and the gentleman must excuse me.

Mr. KITCHIN. If the gentleman prefers not to yield, of course, I will not press my question.

Mr. RAY of New York. Mr. Speaker, in view of the facts which I have so hurriedly described, let me state—and I will do so briefly—what the Supreme Court says on this subject in the Knight case (156 U. S., p. 13).

It will be perceived how far-reaching the proposition is that the power of dealing with a monopoly directly may be exercised by the General Government whenever interstate or international commerce may be ultimately affected. The regulation of commerce applies to the subjects of commerce and not to matters of internal police. Contracts to buy, sell, or exchange goods to be transported among the several States, the transportation and its instrumentalities, and articles bought, sold, or exchanged for the purposes of such transit among the States, or put in the way of transit, may be regulated, but this is because they form part of interstate trade or commerce. The fact that an article is manufactured for export to another State does not of itself make it an article of interstate commerce, and the intent of the manufacturer does not determine the time when the article or product passes from the control of the State and belongs to commerce.

And at page 16 says:

Contracts, combinations, or conspiracies to control domestic enterprise in manufacture, agriculture, mining, production in all its forms, or to raise or lower prices or wages, might unquestionably tend to restrain external as well as domestic trade, but the restraint would be an indirect result, however inevitable and whatever its extent, and such result would not necessarily determine the object of the contract, combination, or conspiracy. * * * Aside from the provisions applicable where Congress might exercise municipal power, what the law struck at was combinations, contracts, and conspiracies to monopolize trade and commerce among the several States or with foreign nations; but the contracts and acts of the defendants related exclusively to the acquisition of the Philadelphia refineries and the business of sugar refining in Pennsylvania, and bore no direct relation to commerce between the States or with foreign nations.

The object was manifestly private gain in the manufacture of the commodity, but not through the control of interstate or foreign commerce. It is true that the bill alleged that the products of these refineries were sold and distributed among the several States, and that all the companies were engaged in trade or commerce with the several States and with foreign nations; but this was no more than to say that trade and commerce served manufacture to fulfill its function. Sugar was refined for sale, and sales were probably made at Philadelphia for consumption, and undoubtedly for resale by the first purchasers throughout Pennsylvania and other States, and refined sugar was also forwarded by the companies to other States for sale. Nevertheless it does not follow that an attempt to monopolize, or the actual monopoly of, the manufacture was an attempt, whether executory or consummated, to monopolize commerce, even though, in order to dispose of the product, the instrumentality of commerce was necessarily invoked.

The effect of this lack of constitutional power in Congress and of this decision is thus described by Mr. Justice Harlan, a member of the court pronouncing it, and I quote his language because of its weight and clearness and fairness:

And yet by the opinion and judgment in this case, if I do not misapprehend them, Congress is without power to protect the commercial intercourse that such purchasing necessarily involves against the restraints and burdens arising from the existence of combinations that meet purchasers, from what ever State they come, with the threat—for it is nothing more nor less than a threat—that they shall not purchase what they desire to purchase, except at the prices fixed by such combinations. A citizen of Missouri has the right to go in person, or send orders, to Pennsylvania and New Jersey for the purpose of purchasing refined sugar.

But of what value is that right if he is confronted in those States by a vast combination which absolutely controls the price of that article, by reason of its having acquired all the sugar refineries in the United States in order that they may fix prices in their own interest exclusively. In my judgment, the citizens of the several States composing the Union are entitled, of right, to buy goods in the State where they are manufactured or in any other State without being confronted by an illegal combination whose business extends throughout the whole country, which by the law everywhere is an enemy to the public interests, and which prevents such buying, except at prices arbitrarily fixed by it. I insist that the free course of trade among the States can not coexist with such combinations.

And again, at pages 44 and 45:

We have before us the case of a combination which absolutely controls, or may at its discretion control, the price of all refined sugar in this country. Suppose another combination, organized for private gain and to control prices, should obtain possession of all the large flour mills in the United States; another, of all the grain elevators; another, of all the oil territory; another, of all the salt-producing regions; another, of all the cotton mills; and another, of all the great establishments for slaughtering animals and the preparation of meats. What power is competent to protect the people of the United States against such dangers except a national power—one that is capable of exerting its sovereign authority throughout every part of the territory and over all the people of the nation?

And at pages 42 and 43 he shows further the effect of the decision, and that it declares Congress powerless to repress or even control monopoly when it controls the output of an article and fixes at will the cost to the user and consumer in every State of the Union. He says:

While the opinion of the court in this case does not declare the act of 1890 to be unconstitutional, it defeats the main object for which it was passed; for it is in effect held that the statute would be unconstitutional if interpreted as embracing such unlawful restraints upon the purchasing of goods in one State to be carried to another State as necessarily arise from the existence of combinations formed for the purpose and with the effect not only of monopolizing the ownership of all such goods in every part of the country, but of controlling the prices for them in all the States.

This view of the scope of the act leaves the public, so far as national power is concerned, entirely at the mercy of combinations which arbitrarily control the prices of articles purchased to be transported from one State to another State. I can not assent to that view. In my judgment the General Government is not placed by the Constitution in such a condition of helplessness that it must fold its arms and remain inactive while capital combines, under the name of a corporation, to destroy competition, not in one State only, but throughout the entire country, in the buying and selling of articles—especially the necessaries of life—that go into commerce among the States. The doctrine of the autonomy of the States can not properly be invoked to justify a denial of power in the National Government to meet such an emergency, involving as it does that freedom of commercial intercourse among the States which the Constitution sought to attain.

Mr. Justice Harlan gave the dissenting opinion and was urging that the Constitution now confers the necessary power; but the Court held otherwise.

STATES POWERLESS TO PROTECT THEMSELVES.

The States can not protect themselves against monopoly, combinations, and conspiracy to monopolize manufacture and production and fix and control prices, for the following reasons:

1. The State has no power whatever over interstate commerce; interstate transportation of persons or property.

2. The State has no power to prevent the corporation, associations, companies, or citizens of another State from coming into it and doing business therein if engaged in interstate commerce.

3. No State has power over the corporations, associations, companies, or citizens of another so long as they remain outside of her territorial limits.

4. No State has power to prevent the sending or bringing into her limits the manufactures or products of corporations, associations, companies, or individuals, organized, doing business or residing in another, for use, even with the consent of Congress, or for any other purpose without such consent.

5. No State can prevent the purchase or control of the stock, property, etc., of its corporations, associations, companies, or citizens by those chartered, organized, or residing in another.

The result is that a monopoly existing in one State and controlling the production, ownership, and price of an article of general use and necessity may, unless Congress intervenes when sent for sale (and the State legislature controlled by the monopoly may not ask the interference of Congress), send its productions into every State and supply the market there. The only way by which a State can protect her citizens against the unjust exactions of such a monopoly, combination, or conspiracy is to obtain laws on the part of Congress and supplement them by laws of her own, denying to the citizens the power to purchase such articles in the State. This denies to the citizens the right to purchase in the State, but not the right to purchase of the monopoly without the State and send the articles into the State for use.

No power exists in Congress or the State, or in both combined, to prevent the purchase anywhere in the Union of trust or monopoly made and monopoly-controlled articles, and the sending of them anywhere to the purchaser for his or her use. That

right of a citizen is a constitutional right. It could be taken away by an amendment to the Constitution, and I presume our Democratic friends prefer that remedy, as it would be directly aimed at and oppressive to the citizen and not a blow at monopoly except indirectly. If such laws as I have indicated should be enacted by State and Federal power, they would operate only to deprive the people of the benefit of articles of necessity of daily use and consumption.

Neither State nor Federal power, nor both combined, can prevent the free sale and purchase of property by monopolies and combines as the Constitution now stands. It can not prevent individuals or combinations of individuals residing in one State from going into another and purchasing and owning any species of property lawfully dealt in there or from carrying on any lawful business there. Therefore every competing plant in the nation may be purchased and owned by a monopoly located in a State permitting its existence. Congress can not interfere for want of constitutional power. The State will not interfere, for it finds it profitable to become the habitat of monopolies. These employ thousands of laborers, pay out millions of dollars in wages, and put thousands of dollars annually, by way of taxes, into the public treasury. It may be—indeed, it is probable—that if the 45 States would enact uniform laws, and enforce them, and Congress, under the interstate-commerce clause, should enact a broad and comprehensive law in harmony therewith, the evils of monopoly might be largely, if not entirely, suppressed. But it is hopeless to expect such action.

Attention has already been directed to the fact that only twenty-five of the forty-five States have anti-trust and anti-combination laws denouncing such combinations, conspiracies, and monopolies, and the result is that they flourish in some of the States and even meet with protection and encouragement by the legislatures. It is true that in creating a corporation or corporations the legislature of a State may forbid it to enter into any such combination or conspiracy, but it can not prevent its stockholders from selling their stock and thus passing under the control of a corporation or combination existing in another State. It is apparent, then, that capitalists desiring to monopolize any manufacturing business may incorporate under the laws of a State imposing no restrictions and, under the protection of that charter, monopolize a particular business throughout the Union.

There is no power in Congress to interfere with such a corporation or combination so long as it confines itself to manufacture or to commerce entirely within the State where it has a plant. Its power to fix prices becomes absolute, in spite of Federal power, which can only interfere to prevent the transportation of the manufactured article from one State into another for sale therein. When this mode of suppression is attempted, unsurmountable difficulties are met, and it becomes evident that monopoly in manufacture and production can not be prevented by the mere prohibition of interstate commerce in such products.

The Congress may by law permit a State to prohibit the sale in original packages within its limits of intoxicating liquors brought therein by the medium of interstate commerce. (But see dissenting opinion in 170 U. S., page 461; In re Rapier, 140 U. S., 545.)

But it may not permit a State to prohibit such bringing in for use and the use by a citizen. (Vance *vs.* Vandercook Company, 170 U. S., 438, 452, 453, 455; Scott *vs.* Donald, 165 U. S. 58-107.) This right is one given by the Constitution of the United States, and therefore Congress can not impair, restrict, or limit it (same case) unless, perhaps, when exercising its power to regulate interstate commerce. We think it would be incorrect to say that Congress may limit the right. The truth is that the one constitutional provision limits the other, but only so far as to prevent the citizen in the enjoyment of his liberty from interfering with commerce. There is a wide distinction between the right to sell in original packages and the right to use or bring into the States for use.

In the exercise of the police power a State may say that certain articles shall not be sold because their use or consumption is detrimental to the citizens and consequently to the State. But can it prohibit the use of such articles by the citizen if in such use he interferes with no other person, injures no one but himself? Can he be forbidden by law to eat meat on the ground that wholesome meat is injurious to the health of the consumer? If, then, a citizen has the constitutional right to bring intoxicating liquors into the State of his residence for his personal use (and if it be a constitutional right, the State and, perhaps, the United States can not interfere to prevent), the State can not, even with the consent of Congress, prohibit the introduction for use by the citizens of a State of the products of a monopoly or combination existing in another State, especially if such products be necessaries of life or articles of daily or frequent use and necessary for the prosecution of a lawful business or lawful occupations.

Can Congress prevent such introduction of such products for such purpose by the citizens themselves? Can it, under the pretense of regulating interstate commerce, deprive citizens of any State of articles of necessity produced in another State and purchased and sought to be taken to the home of the consumer for his personal use on the ground that the articles were produced by a monopoly in manufacture?

Has the interstate-commerce clause of the Constitution so limited the constitutional rights of the citizens? In the Addyston pipe case the court did hold that the interstate-commerce clause does somewhat limit the provision regarding the liberty of the citizen; but I think this is true only so far as necessary to prevent interference with commerce. It would seem that such denial of transportation of such articles may be an unconstitutional interference with manufacture in a State, with sales, and with the rights of citizens. Such action by Congress does not "regulate" commerce, but prohibits it.

The exercise of such a power does not make commerce free or regulate it, but prohibits it. Does the power to "regulate" carry the greater power to prohibit transportation on the ground that the article so carried or sought to be carried, while pure and a necessary of life, was manufactured or produced by a monopoly?

Can it be claimed that such power exists as incidental to the right to regulate commerce? Can it be justified as a national police power? The aim or purpose of such a law is to prevent manufacture by a monopoly and the evils flowing therefrom. These questions demand most serious consideration. They point directly to the necessity for power in Congress to directly regulate and repress monopoly in manufacture and production.

But, on the other hand, to come within the police power of a State or of the United States, the act need not relate to the public health, the public morals, or the public safety. (Barbier *vs.* Connolly, 113 U. S., 27; Mugler *vs.* Kansas, 123 U. S., 623-663; Scott *vs.* Donald, 165 U. S., 91; Foster *vs.* Kansas, 112 U. S., 201-206.)

In license cases (5 How., page 628), Mr. Justice Woodbury said the power related to that affecting the "public prosperity."

In Barbier *vs.* Connolly (113 U. S., 31) the court said:

> But neither the amendment—broad and comprehensive as it is—nor any other amendment was designed to interfere with the power of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people, and to legislate so as to increase the industries of the State, develop its resources, and add to its wealth and prosperity.

Then, may not the Congress of the United States, in regulating commerce and as incident thereto, so legislate as to "increase the industries of the State (the United States), develop its resources, and add to its wealth and prosperity." Clearly when it denounces or restricts monopoly, so detrimental to all industries and to all the people, it strikes at that which is detrimental to the prosperity of the people and the growth of the nation. Fair and open competition is necessary to the welfare, growth, and prosperity of any people, and monopoly in manufacture and production must be destroyed if we would increase our industries and develop our resources.

This power to monopolize manufacture and production or the sale of articles of commerce is of the highest interest to the General Government itself.

In times of war sudden emergencies arise, and if any corporation or combination is permitted to so monopolize manufacture or production or control prices, the Government itself may be compelled to submit to unjust exactions and great inconvenience when purchasing supplies for its armies. It may find the supplying power of the existing plants so limited or restricted that it is impossible to meet the wants of the Government and also of the people, and so prices go to an exorbitant figure, and possibly the people may be deprived of the necessaries of life.

Every consideration of public policy demands that Congress have power to regulate, repress, and dissolve all such combinations and monopolies and leave competition open and free. If it would be improper and unwise to create monopolies by law, it is unwise to permit their existence and most unwise to leave the General Government without power to regulate and repress them.

NATIONAL POWER NECESSARY.

Congress being powerless and the States impotent, where shall we turn? There is but one answer, and that is: Let the people of the nation through their respective State legislatures confer upon Congress—representing all the people of all the States, all the interests of this grand and mighty Republic—plenary power to define, regulate, prohibit, or dissolve all industrial trusts, monopolies, or combinations, whether existing in the form of corporations or otherwise. Let each State retain all the powers it now possesses and aid or add to Congressional legislation in any way and to any extent not in conflict with national action. The monopolies and combines mentioned injuriously affect all the people of all the States, the industrial enterprise and prosperity of nearly every section of every State, and therefore constitute a national evil. It is a matter of national and not of local or State concern alone, and therefore should be and must be dealt with by national power if dealt with effectively. This is the policy and genius of the Government of this Union.

In Gibbons *vs.* Ogden (9 Wheaton, 1) the Supreme Court of the United States said:

The genius and character of the whole Government seems to be that its action is to be applied to all the external concerns of the nation and to those internal concerns which affect the States generally.

In the Knight case, at page 25, Mr. Justice Harlan remarks:

But a general restraint of trade has often resulted from combinations formed for the purpose of controlling prices by destroying the opportunity of buyers and sellers to deal with each other upon the basis of fair, open, free competition. Combinations of this character have frequently been the subject of judicial scrutiny, and have always been condemned as illegal because of their necessary tendency to restrain trade. Such combinations are against common right and are crimes against the public. To some of the cases of that character it will be well to refer.

And at page 24 says:

If it be true that a combination of corporations or individuals may, so far as the power of Congress is concerned, subject interstate trade, in any of its stages, to unlawful restraints, the conclusion is inevitable that the Constitution has failed to accomplish one primary object of the Union, which was to place commerce among the States under the control of the common government of all the people, and thereby relieve or protect it against burdens or restrictions imposed, by whatever authority, for the benefit of particular localities or special interests.

And again he says:

In my judgment the General Government is not placed by the Constitution in such a condition of helplessness that it must fold its arms and remain inactive while capital combines, under the name of a corporation, to destroy competition, not in one State only, but throughout the entire country, in the buying and selling of articles—especially the necessaries of life—that go into commerce among the States. The doctrine of the autonomy of the States can not properly be invoked to justify a denial of power in the National Government to meet such an emergency, involving, as it does, that freedom of commercial intercourse among the States which the Constitution sought to attain.

And again, at pages 44 and 45:

We have before us the case of a combination which absolutely controls, or may at its discretion control, the price of all refined sugar in this country. Suppose another combination, organized for private gain and to control prices, should obtain possession of all the large flour mills in the United States; another, of all the grain elevators; another, of all the oil territory; another, of all the salt-producing regions; another, of all the cotton mills; and another, of all the great establishments for slaughtering animals and the preparation of meats. What power is competent to protect the people of the United States against such dangers except a national power—one that is capable of exerting its sovereign authority throughout every part of the territory and over all the people of the nation?

Mr. Speaker, let us inquire what power except national power is competent to meet and suppress these illegal combinations and conspiracies representing and backed by millions of capital, which combine and conspire to destroy competition in production, fix prices, control the cost to the consumer throughout the Union, control labor, and so sap the industrial life of the people of all the States.

Congress ought not to interfere with matters of local concern in the States. With these the State is able to cope successfully.

DIVIDED POWERS.

In creating our General Government the framers of the Constitution sought to maintain the right and power of each State to control matters of purely State concern, and to confer upon the General Government plenary power over matters of national concern, those affecting all the people of all the States similarly. But in this division of power it was impossible to provide for conditions unforeseen, or which, if foreseen, were seen so dimly that they were not appreciated or understood and therefore not efficiently provided for.

Who foresaw the 13 infant States, with 4,000,000 people scattered along the Atlantic seaboard, increased to 45 powerful States, extending from ocean to ocean, with 70,000,000 people? Who foresaw the continent spanned with railroads carrying passengers and articles of commerce from State to State at a speed of 60 miles per hour? Who foresaw our telegraph and telephone lines which for purposes of communication almost annihilate time and space? Who among the most visionary pictured in mind's eye the great cities and thriving towns and busy workshops and factories scattered over the vast area then a wilderness?

Who foresaw that complex machinery in the hands of one or two persons and operated by harnessed steam and chained electricity and turning out the finished product ready for use would do the work of an hundred pairs of human hands? Who foresaw that a few or perhaps one or two great manufacturing or producing industries of an article of general use, located in one State, might supply all the people of all the States? Who foresaw that conditions would arise where aggregated capital might control the production and price of articles of daily use and consumption necessary to the existence and prosperity of all the people of all the States? It was seen that interstate commerce so affected and would so affect all the people of the nation that Federal power was necessary. Provision was made for the existing conditions, and happily it was made a continuing power for all time.

The States were left to deal with manufacture and production. In this division of power it was not foreseen that conditions would arise, as they have, where competition would be stifled, commerce indirectly but seriously interfered with, and the general welfare and prosperity seriously affected. Congress and the legislatures of a majority of the States have struggled with the problem and in vain have sought a solution. Laws conflict, courts are divided, powers asserted and denied, but it all comes to this: That the highest tribunal in the land has at last held that national power to deal with the condition named has not been conferred, and therefore, while engaged in attempts to reach the evil indirectly and by experimental legislation, the conflict between the State and the Federal power goes on and the people suffer.

It is asserted by a learned writer that in this division of power nothing can have been lost, and that, therefore, concerted action between the Congress and the 45 States would remedy all evils. As I have already stated, it is hopeless to expect such action. I can not assent to the theory that all power resides in the legislatures of the States and in Congress, and that concerted action would exercise and exhaust all power over the subject. With us, and under our system of government, sovereignty, and therefore all governmental power, resides in the people. The people of the State have vested certain powers in its legislature. The people of the United States have vested certain powers in Congress. There are powers not vested in either legislative body, and therefore not capable of being exercised by either or by both when acting in concert.

True, no power is lost, but so long as it remains in or with the people themselves it is not susceptible of being utilized, and can not be made available by either body when engaged in making laws. This fact was recognized by the framers of the Constitution and by the people who in adopting the amendments said:

ART. IX. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ART. X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Then in the constitutional method let the people have the opportunity to say whether or not Congress, representing all the people of all the States, shall be clothed with power to control monopolies and combinations; whether or not this conflict of authority shall cease; whether or not powers now unused, inert in the people, shall be utilized, brought into activity for the general good of all.

THE STATE AND CONGRESS ACTING TOGETHER POWERLESS.

No State can exclude from its territory a corporation or association of individuals when engaged in interstate commerce and also in manufacture and production in another State. (Pensacola Telegraph Company *vs.* Western Union Telegraph Company, 96 U. S., 1; Crutcher *vs.* Kentucky, 141 U. S., 47.) Nor can a State regulate or control such a corporation or association by regulating or taxing its interstate trade or interstate business. (Brown *vs.* Maryland, 12 Wheaton, 419; State freight-tax case, 15 Wall., 232; Gloucester Ferry Company *vs.* Pennsylvania, 114 U. S., 196.) These cases dispose of the taxing theory of our Democratic friends. Such tax can not be imposed by a State, even on a corporation created by its own laws. (Philadelphia, etc., *vs.* Pennsylvania, 122 U. S., 326.)

The United States Government, by Congressional action or otherwise, can not exclude such a corporation or association from a State, or prevent its doing business therein, or limit or control its action in manufacture or production. (See Knight case; Addystone Pipe case.) Then when a corporation or an association of individuals is a monopoly, how can it be dealt with when engaged both in production and interstate commerce? As I have already demonstrated, while by the concerted action of the United States and of the State the transportation into it of the product of a monopoly for sale may be prohibited (although this is very questionable when applied to articles of necessity and general use), the interstate transportation for use can not be. Therefore all Congressional action to crush a monopoly by prohibiting interstate transportation of its product, even aided by the State, fails.

Such laws will annoy the monopolies themselves and inconvenience those people of the State who are able to submit to the exactions by reason of the enhanced price, and may prevent others who can not give orders outside their State from obtaining the product at all, and thus decrease sales; but here the usefulness of such a law, if it be useful, ends. A most able and learned professor in the law has thus stated this matter:

If one State offers a refuge to the manufacturing corporations, the other States are powerless. Forty-four States may pass uniform laws to control such combinations; the forty-fifth may render this combined action in large part nugatory by chartering and protecting the very combination which it is the object of the forty-four to suppress. In such case it would require a harmony of action among the States to prevent a monopolistic manufacturing combination and cooperative action on the part of the United States to prevent a monopolistic trading combination. In other words, 46 distinct jurisdictions must work in concert in order to protect all the people of the United States from combinations, formed to control the price of raw material and the output and price of the finished products.

Mr. OLMSTED. Will the gentleman allow me to cite a decision of the Supreme Court in the line of the remarks he is now making? In the case of the Norfolk and Western Railroad *vs.* The Commonwealth of Pennsylvania, reported in volume 136 of the Reports of Decisions of the Supreme Court of the United States, that court (Mr. Justice Lamar, a very good Democrat, delivering the opinion) held that the State of Pennsylvania could not exclude

nor regulate nor tax nor impose a license fee upon a Virginia corporation coming into Pennsylvania for purposes incident to the transaction of interstate commerce, thus supporting your contention and going even further than the case you have cited.

Another case to the same effect is that of the Western Union Telegraph Company *vs.* The State of Pennsylvania (128 U. S. 39), decided by Chief Justice Fuller—his first opinion filed in that court—sustaining the position you have taken that the individual States have no authority whatever in respect to the interstate commerce which a corporation of one State may transact in another. That a State can not exclude or regulate or even tax such commerce, even though conducted by a foreign corporation.

Mr. RAY of New York. There is no dispute, no question about that in the minds of well-informed people who have read the decisions on this subject. I was absolutely astonished when the gentleman from Tennessee came in here and claimed credit for the sugar trust, and also claimed that the Supreme Court had not decided as I stated. Of course I forgive him, because his errors are due to his zeal.

Now, I must hasten on to a conclusion. There is not any question as to the necessity for this amendment, as the Supreme Court has decided that Congress is powerless, that the individual States are powerless, and that Congress and the States acting together are powerless. The people must be permitted to speak and that is the proposition of this Republican Congress. [Loud applause.]

SHALL WE NOT TRUST THE PEOPLE?

Those who oppose this joint resolution or who vote against it are opposing the people and their interests. It does not propose a law on the subject of trusts and monopolies and conspiracies organized and carrying on business, or that may be organized, but if adopted simply permits the people to speak through their respective State legislatures and determine whether or not Congress, their immediate representatives, shall be clothed with power (1) to say what constitutes a trust, a monopoly, or a combination; (2) to regulate the organization and conduct and business methods of those permitted to exist; (3) to dissolve them when the interests of the people, the good of the State demands such action; and (4) absolutely prohibit the organization or existence of such as are clearly detrimental to the prosperity and welfare of a free people or the growth and development of the Republic.

The adoption of this joint resolution simply gives the people a chance to be heard on the subject. It is a measure of liberty. In passing upon it we determine whether or not we are for or against the people; whether or not they shall be heard; allowed to express themselves. In my judgment, those who oppose this joint resolution will hear from the people at the ballot box next November. The people of this country can be safely trusted. All intelligent judgment is not vested in Congress. The broad-minded, intellectual, reading masses have their eyes upon us and demand action, not theory, or planks in platforms or high-sounding declamation. Give them a chance at these illegal monopolies and conspiracies and they will first give Congress power to act and then elect a Congress that will act, and act effectively.

DEMOCRATIC APPREHENSION.

The "views of the minority" approach the subject with fear and trembling lest Congressmen themselves be corrupted, terrorized, weakened, and destroyed by the infinite devices and unbounded resources of the trusts. In opposing this proposed amendment, the minority says:

> The proposed amendment would take power from the States and lodge it in Congress. * * *
>
> Experience has shown conclusively that the devices of the trusts are almost infinite, its resources unbounded, and the talent at its service the highest that money can buy. Some of this talent is employed in sleepless effort to circumvent the lawmakers, and to corrupt, terrorize, weaken, and destroy all who happen in the way of trust schemes. The trust has become a great factor in politics, and how many honest voters are overborne by it no one could state with accuracy, but certainly the total is appalling.
>
> Men and parties put into power and kept there by trust money and trickery may not unnaturally continue to prove subservient to the trust and neglectful of popular rights.

Is there greater danger that the monopoly will corrupt and control Congress than that it will corrupt and control the legislature of a State? Is the opposition to this amendment the result of a meeting with some of the infinite devices and "resources unbounded" and high talent of the trust? The majority of the committee was not, and the majority side of this House will not be deterred from doing its duty to the people because "talent is employed in sleepless effort to circumvent the lawmakers and to corrupt, terrorize, weaken, and destroy all who happen in the way of trust schemes," which so intimidate the opponents of this measure. The Republican party is not afraid, never has been, and never will be afraid to do right, deal justly with and trust the people. [Applause.]

If it has met with success, it has been because, consulting the popular will, it has obeyed its behest. And by "popular will" I do not mean popular clamor—that hue and cry that accompanies temporary excitement begotten by demagogues and agitators. I refer to that second, sober thought of an intelligent people which settles itself into a steadfast conviction of what is right and just.

THE AMENDMENT NOT ALL WE PROPOSE.

Mr. Speaker, it is not the purpose to leave the people in their present condition with a proposed constitutional amendment as the only suggested remedy for existing and growing evils. Such is the impression conveyed by the "views of the minority" submitted on this joint resolution.

Such, I think, was the impression intended to be conveyed when these words were written therein, "the constitutional amendment recommended by the committee is but a feeble response to what the committee regard as a loud and imperative call," and when the subject was finally left by the minority without reference to the broad and comprehensive bill reported by the committee, opposed by the Democratic minority, which reaches to the very confines of constitutional power and is generally regarded as a most sweeping and drastic measure. In framing and reporting that bill, and with it this proposed amendment, the Committee on the Judiciary considered the subject in every possible and suggested aspect and from every standpoint.

The scheme of Federal taxation; of the substitution of Federal for State corporations and associations for carrying on interstate commerce and the prohibition of such privileges to State organizations by means of excessive taxation; the harmony scheme; the branding scheme; the publicity theory, that is, a system of reports; and the experimental scheme of exclusive State control over both manufacture and interstate commerce, of which its author says—

> While it might create some confusion and inconvenience and even hardships, it would eventually furnish a basis for a comparative study of the differing experiments.

Of this I say that this is a progressive nation, and we will not go back an hundred years and start out on a new theory (abandoning all that has been settled and gained by way of legislation and judicial interpretation) for the mere purpose of finding "a basis for a comparative study of the differing experiments." Give Congress plenary power to control and repress monopoly and there will be enough experimental legislation and enough judicial interpretation before exact justice is done.

PROPOSED GOVERNMENT MONOPOLY.

It has been suggested that the General Government should own all railroads and all telegraph and telephone lines so as to prevent excessive charges for the transportation of merchandise or persons, or the transmission of messages, and also have absolute control of all interstate transportation. Shall the Government of the United States thus itself monopolize such or any business enterprises and prevent competition by individuals? Shall we undertake to meet monopoly in manufacture and production by incorporating all transportation corporations and giving them exclusive control of interstate commerce in all articles of commerce, or by incorporating manufacturing corporations which engage in interstate commerce also?

The answer to this last proposition is that as manufacture and production are no part of interstate commerce the probability is that there is no constitutional power in Congress to create corporations for such purposes. Congress can incorporate railroad and transportation companies for the purpose of carrying on interstate commerce, and can incorporate telegraph and telephone companies for the purpose of transacting all interstate business by telegraph or telephone, and by imposing a heavy tax upon State corporations for doing a like business can drive them out of interstate commerce and confine their operations to the State in which organized.

It has been the proudest boast of the American people that under our form of Government every man is free to engage in any lawful and legitimate business enterprise, and by the use of his capital and the exercise of his talents earn an honest livelihood in the prosecution of such business. It seems to me that we not only degrade our people but reflect upon the efficiency of our form of government when we propose the establishment of a government monopoly in any business for the purpose of preventing individual or corporate monopoly. The remedy is to prevent all monopoly, either in individual, corporate, or governmental hands, by conferring on Congress the power to absolutely control and repress monopoly. This can be done by the adoption of the Constitutional amendment proposed and the enactment of proper laws pursuant thereto. If this is done legitimate individual enterprise and the legitimate operation of combined capital will not be interfered with. At the same time the people will be amply protected against unjust exactions and fair competition in every industrial enterprise maintained. The remedy proposed is simple, easily understood, and most efficient. The only answer that can be made is that "State rights" are interfered with.

STATE RIGHTS.

The several State governments undeniably have the right to possess and may justly exercise all the powers and privileges not granted or surrendered to and vested in the Federal Government,

granted to and vested in them respectively by the people of the States respectively. But this is a nation, possessing all the powers of a nation, and should possess and exercise every power necessary for the establishment and enforcement of "justice" among all the people, the promotion of "the general welfare," and the securing and exercise of the "blessings of liberty." To accomplish these purposes, among others, the Constitution of the United States was framed and adopted by the people.

Just how these ends may be attained with a divided power that permits and is not competent to prevent the formation and operation of combinations, representing millions of capital, which prevent competition in manufacture and production, many of the ordinary occupations of life, drive enterprising and intelligent individuals out of business, and concentrate it and wealth and the ownership of property in a few hands, and thus enable the few to absolutely determine the price the many must pay for the necessaries of life, and so wring tribute from the toiling masses, is not perceived by me and can not be discovered by anyone. A century of industrial life has passed. During that time the effort has been constant to draw the line between the powers of the States respectively and the powers of the Federal Government.

The courts have ordinarily settled these disputes. But there came a time when courts were ignored and a resort was had to the power of the sword, which cut the Gordian knot and liberated 3,000,000 slaves. That constitutional question was thus settled without an amendment to the Constitution in the first instance. But the verdict of the people, recorded in blood, was then written in the fundamental law. We are now confronted with an industrial problem the solution of which is easy and may be speedy and peaceful. By the adoption of this proposed amendment no State will lose anything, but every State will gain much—absolute freedom from industrial monopoly. When States are powerless to protect themselves or their people against an existing evil of giant proportions and the General Government is also powerless, and all that is required is to awaken a sleeping power abiding in neither, but which is dormant with the people, it seems to me the very extreme of folly to deny for a moment an appeal to the people to surrender to their Representatives and Senators in Congress plenary power to release them from the chains of industrial monopoly.

THE PROTECTIVE TARIFF.

The stock in trade of the Democratic party is opposition to the protective tariff of Blaine, McKinley, and Nelson Dingley, those champions of the people and of Republicanism. Not a calamity that can befall mankind; not a disease that flesh is heir to but is attributed to protection. Even war, pestilence, famine, and expansion are evils having their origin and propagation in protection, if Democracy is to be relied upon. The committee examined this contention carefully and in a nonpartisan spirit. It has no merit. Protective tariffs have little, if anything, to do with monopoly. Monopolies and combinations to control production, trade, and prices grew to alarming proportions and were the subject of denunciation and governmental decrees in free-trade countries hundreds of years before protective tariffs were suggested or devised.

Free trade would be an incentive to monopoly and illegal combination. Our protective system has not only stimulated and protected competition, but it has protected the people against foreign monopoly. Should it be claimed that but for the existence of wealth there would be no capital to combine and therefore no monopoly; that protection has enabled our citizens to thrive and prosper, do business, keep money at home and bring it from abroad, and so by aggregating capital engage in great enterprises and form and capitalize great corporations necessary to the growth of the nation, some of which sometimes overstep the bounds of legitimate business and seek to stifle competition and control prices and production, we may be compelled to plead guilty.

If the true remedy for the evils of monopoly and "combines" is to destroy capital, tear down manufactories, deprive labor of employment, cripple the market for agricultural products, and impoverish the American people, then let us open wide the door for free trade and the product of foreign labor. Let the factories and workshops in the United States close their doors. Let the tide of exportation of American goods cease to flow and let each incoming wave bring to our shores the ships of Europe richly laden with the finished product of her labor. Let us return to the days of 1895 and 1896 when, under the operations of Democracy, in three years' time the deposits in national banks declined $1,000,000. In April last we exported $43,459,765 more than we imported, showing that balance in our favor, that addition to our wealth. Free trade, even a Wilson bill, would end all this prosperity.

Mr. Speaker, by abandoning protection and reducing all people to penury, closing all our industrial enterprises, we might possibly escape the exactions of some of the monopolies created and doing business in the United States, but not to our advantage. The great corporations would then crowd out the lesser ones having small capital, and combining together, and also with foreign monopolies, would absolutely crush industrial enterprise in the United States, and our people would be at the mercy of uncontrolled and uncontrollable foreign corporations and combinations. The old remedy of controlling crime was to drown the world, and so the deluge came. Only one pair of each species of living creatures was permitted to survive.

The opponents of this joint resolution seem to think that the only true remedy for the evils resulting from the existence of industrial trusts, combinations, and monopolies is to destroy the agencies out of which they may be created. Destroy wealth, therefore, and stifle all industrial enterprise, and monopoly will be impossible! Destroy all mankind, the guilty and innocent alike, and crime will cease to exist! This is the argument.

Mr. Speaker, we are not suffering because the manufacturers of Europe are not permitted to compete with our industrial enterprises and seize our markets if possible, but for the reason that competition among our own people is prevented. By this proposed amendment we purpose to remedy evils that would be unrestrainable by any possible legislation if tariff duties should be removed from imported material entering into the products of these combines or trusts.

The proposed remedy would only aggravate the disease. It is not suggested by any, save those who are opposed to the protective policy of the Republican party. When we observe the present prosperity of our people, study the history of legislation, reason from cause to effect, and contemplate the magnificent growth of the nation in education, religion, enterprise, and material wealth, we are more than content with the operation of protective-tariff laws. We make no concession to the free traders or "calamity howlers." The happiness and contentment of the American home is too sacred, the growing strength of the Republic too dear to every heart, to permit the thought of an abandonment of a system that has made this the most intelligent, the most wealthy, and, above all, the freest nation of the earth.

THE RIGHT AND MODE OF AMENDMENT.

Articles IX and X of the amendments to the Constitution, heretofore adopted, declare:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Article V of the Constitution declares:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, * * * which * * * shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

The method is simple and easily understood and inexpensive. The "loud and imperative call" made by the people, and which ought to be regarded and heeded as a demand upon Congress, has been heard, and a Republican House responds by presenting a bill exhausting Congressional power. Knowing that to be inadequate to correct existing and growing evils, it also requests our Democratic brethren to unite with us in granting permission to the people of the States to confer full power in the premises. Our action will not bind a single individual or legislative body in any State. If the people see fit to deny to the National Congress this power, well and good; but I regard it unwise, unjust, and unpatriotic to deny to the States the opportunity to express themselves.

WILL COMBINED CAPITAL OBJECT?

Aggregated capital, if honest in its purposes, will approve, not oppose, the submission of this question to the States, to the people. The amendment is designed, if adopted, to permit the enactment of laws restraining wrong. Is it not wise to let the people express themselves on a governmental question of such vast importance? Aggregated capital asks and receives the protection of the laws of a just and an intelligent people. Doubtless it desires—certainly it needs—the confidence and respect of the people. This it will have if willing to submit to reasonable restraints imposed by just and equitable laws.

Combined capital extends its operations into many States, frequently into all. Will it not find greater safety and less vexation when submitting to the power and under the protection of uniform national laws than when operating under and seeking to comply with the diverse and conflicting laws of forty-five States? Those corporations and associations engaged in interstate transportation are now subject to the control of uniform Federal laws. Is there any good reason why the great manufacturing and producing corporations and associations whose products are carried to every State, enter into the commerce of every State, and supply the necessities of the people of every State, should not be controlled by uniform Federal laws?

Many of the great corporations and associations whose operations are legitimate and lawful meet with denunciation for the reason that a corporation conducted in an illigitimate manner and for wrongful and oppressive purposes exists and carries on business in spite of State and Federal power combined. This fact is

seized upon and used as the basis for denouncing every corporation and association. All suffer and are brought into ill repute because of the existence and questionable character of the one. When this amendment is adopted and appropriate laws are enacted and enforced by virtue thereof the black sheep may be taken from the fold and popular confidence restored. Let this resolution pass and be adopted by the States and corporate rights will be respected and guarded by juries and the prejudice will disappear. One good effect of the Sherman law against combination and conspiracy in restraint of trade and commerce has been the removal of prejudice against corporations engaged in that business.

THE EXTENT OF POWER NECESSARY.

It has been suggested, and even urged, by some of our Republican colleagues, that all corporations, associations, and partnerships ought to be chartered by and under the control of Congress. It is decidedly true that the business of manufacture and production has grown to such proportions and is controlled so largely by corporations, combinations, and associations, has become so national in its character, scope, and purpose, that a single corporation or association may affect all the people of the Republic. Therefore Congress should have plenary power over all of them, for that which is national in its character and scope ought to be controlled by national power—uniform laws. As I have stated, this is the genius and character of our Government. Said Mr. Justice Harlan, of the Supreme Court, in discussing monopolies and combinations in the Knight case:

> What power is competent to protect the people of the United States against such dangers except a national power—one that is capable of exerting its sovereign authority throughout every part of the territory and over all the people of the nation?

But it is not at all necessary or indeed proper that Congress have power over all corporations. Many are formed and carry on business for purposes and with objects purely local in their operation. It is not the purpose to raise the cry of "centralization." All that is desirable is to reach conditions or evils that the States can not or will not and that Congress is now powerless to control or repress. There is no desire or disposition to interfere with legitimate industries and enterprises in the several States, or interfere with corporations chartered by a State, further than found absolutely necessary for the protection of the people of the United States.

ACTION BY INDIRECTION.

It has been urged, and I suppose will be urged, that an illegal and oppressive trust, combination, or conspiracy to monopolize, manufacture, and control prices may be reached and repressed by indirect action, by forbidding interstate transportation of its products, denying it the use of the mails, forbidding it the ownership of more than one plant, confining its business to a single State, etc. I have already demonstrated that the right to carry property of any kind from one State to another for use can not be denied by the State or by the nation, or both acting in harmony.

In the bill which we submit we deny interstate transportation to the products of illegal trusts and monopolies except for use, and provide for their forfeiture if so carried. We also deny the use of the mails to such illegal concern. It must be remembered that section 9 of the bill is experimental legislation, as was the original Sherman law. The constitutionality of the proposed section 9 may be reasonably and seriously questioned. The goods are in themselves innocuous necessaries of life, and the question is whether eggs, beef, wheat, and other pure foods, necessaries of life, articles of common use, coal, found only in certain sections of the country and in certain States, and necessary to the people of all the States, may be denied interstate transportation because the production thereof has fallen into the hands of bad or grasping men, or soulless, monopolistic corporations. And if so forbidden for purposes of sale, the law will be evaded and its purposes largely defeated by sending orders and receiving consignments for use.

THE EFFECTIVE REMEDY.

The only real effective remedy is to give Congress the power to control and, if necessary, repress and dissolve such illegal combinations and monopolies, in whatever form existing. The mails can not be denied them until adjudged illegal, and this will be evaded in many ways. Postmasters can not be made judge and jury and executioner in such cases. And who is to determine, and when, and how, as to what letters may be sent and what stopped? Must the letters of every citizen be opened and read by prying and garrulous postmasters in searching and watching for communications supposed to be sent by a monopoly or an illegal combination? We may harass and annoy under our present constitutional power, but remedy the evils we can not. May it not be that such a power had better not be exercised at all?

THE TRUE COURSE.

I assert that the Congress of the United States should have the power to maintain an open field for honest competition in all industrial enterprise and occupation throughout the entire Union; that in efforts to accomplish this we should not be compelled to act by indirection, or resort to methods of questionable expediency or to legislation of doubtful constitutionality. I assert that when corporations or associations of individuals so conduct their business as to become a menace to the welfare of the people generally throughout this Republic, or in the territory belonging thereto, the Congress of the United States, representing that people and answerable to them, should possess the constitutional power to control, repress, and dissolve the illegal and dangerous organization. [Applause.]

Upon this platform I am willing to stand. Upon this platform the Republican party can safely stand and confidently go to the people for a renewal of power. Our broad domain as a whole sees not the rising or the setting sun. Some part of it is always in the sunlight. Behold its magnificent people, grand in their industry and patriotism, noble in their purpose and ambition! Let us answer "the loud and imperative call" for action on our part that we have done all we can, and that with the concurrence and approval of the people we will in the year that marks the beginning of the twentieth century give them complete freedom from the chains of industrial monopoly. The Republican party has ever been, ever will be, the party of progress, expanding ideas, and courageous action. Honest capital and the honest masses of the people are with us, and if we do our duty by that people we shall add new stars to the already brilliant constellation of Republican successes and Republican achievements. [Loud and continued applause.]

LEAVE TO PRINT.

Mr. TERRY obtained the floor.

Mr. SHATTUC. Before the gentleman from Arkansas begins his remarks, will he yield to me a moment?

Mr. TERRY. Certainly.

Mr. SHATTUC. Mr. Speaker, on the 14th of May I made some observations on the floor of this House, and I had ten days' leave to extend those remarks. I was unexpectedly called home, so my time lapsed. I now ask that I may have ten days more to complete that beautiful speech.

Mr. RICHARDSON. The gentleman was ill, as I understand?

Mr. SHATTUC. No, sir; I was not.

Mr. RICHARDSON. I so understood the gentleman.

There being no objection, leave was granted.

Mr. LENTZ. I ask unanimous consent that I have leave until Tuesday morning next to extend the remarks which I made last Monday.

There was no objection, and leave was granted accordingly.

TRUSTS.

Mr. TERRY. Mr. Speaker, owing to the very limited time allowed under the rule for discussion of the bill (10539), it becomes necessary to take up the bill and joint resolution together, and as a great many members upon this side are asking for time, I prefer to put my remarks in as condensed a form as possible, and hope to be able to proceed rapidly without any unnecessary interruptions.

I regret that in so grave an issue as that of submitting an anti-trust amendment to the Constitution of the United States the Republican majority here has seen fit to present it in a form and manner so objectionable as to preclude the idea that it can ever become a part of the fundamental law of the land. When men sincerely desire to carry through any particular proposition they submit it in the least objectionable form.

They cast aside all unnecessary makeweights and cut it loose from all connection with other propositions whose entanglements might cause its defeat, and if there be any hope that by striking off a little here and adding a little there they can obtain the support necessary to secure its adoption, they are always careful to leave the proposition open to change or amendment for that purpose.

The exact reverse of that has been the course and conduct of the Republican majority here in everything connected with the proposed amendment to the Constitution. In the very outset of its consideration in the special committee to which it was referred, it seems to have been regarded as a partisan question, to be treated from the standpoint of a party exigency.

Finally it was brought forth in substantially the form in which it now appears, and to prevent that form being changed in the slightest particular, it is put before the House under an iron-bound rule that shuts off any substitute or amendment whatever. Men who sincerely desire the final adoption of a constitutional amendment do not usually set about to secure it in that way.

You Republicans know that this joint resolution can not obtain a two-thirds majority without the aid of Democratic votes. Why, then, have you worded its very first section in such form as to force every Democrat who votes for it to thereby impliedly subscribe to your doctrine that the Constitution does not extend to Porto Rico, that the Constitution does not follow the flag? Grant even that you were correct in your contention on that point, why

should you lug that question into your proposed legislation against monopolies?

Are you afraid that without section 1 you will not be able to reach some trust or monopoly in Porto Rico or in the far-off Philippines? If, as we contend, the Constitution follows the flag, and your Article XVI became a part of the Constitution, it will go there too. If, on the other hand, you are correct, and the Constitution does not extend to Porto Rico, then the power of Congress is practically unlimited and it does not need any constitutional amendment to enable it to legislate against monopolies in any of that country. Why, then, have you handicapped your amendment with the weight of a matter in grave dispute between your party and ours?

Then, if it is not necessary, either under your construction or under our construction, why do you put it in here? You have deliberately put it in a form to insure its defeat. You can not deceive the American people when you put your proposition in its most obnoxious form and then go and tell them that the Democrats were not willing to pass it in that form; that you advocated it, but that the Democrats would not consent to it.

Do not imagine that you are going to fool anybody in that way. You can not do it. Putting it in its most objectionable form, does that look as though you are sincere in your expressed desire to secure the adoption of this amendment? In view of all the facts, the country will not believe that you are.

Now, let us look at your section 2. It reads as follows:

SEC. 2. Congress shall have power to define, regulate, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

The several States may continue to exercise such power in any manner not in conflict with the laws of the United States.

You thereby propose to give to Congress an unlimited power to define what shall be considered a trust or monopoly, and you then say "the several States may continue to exercise such power in any manner not in conflict with the laws of the United States." Is this not tantamount to putting it in the power of Congress to pass such legislation as will oust the States of all their present powers of legislation against trusts, or what amounts to the same thing, to render void all their laws upon that subject?

Suppose Congress should pass a law to the effect that the elements a, b, c, and d should be necessary to constitute a trust and a State should pass a law that the two elements a and b should be sufficient to constitute a trust, would not such State law conflict with the law of Congress? The absolute power of definition, granted by a constitutional amendment, is a sovereign power and as broad as the charter of the winds. The States could not legislate against anything as a trust which Congress by its definition had said was not a trust.

With that power Congress could so legislate as to destroy every statute in every State to-day against trusts, and one of the ablest members upon your Judiciary Committee admitted it and said that was what he wanted. Ah, you try to veil the claws of the tiger of centralization by which you expect to overthrow the last of the rights of sovereign States to deal with matters of this kind, affecting their people in the very highest degree!

You have endeavored to veil your purpose, but it will stand revealed before the American people, and you know it will, and you know when it is revealed you can not hope to get such an amendment adopted, and you do not want it adopted. Some of you may, but the powers behind the throne that know where "the sinews of war" come from do not want it, and they want it put in a form to insure its defeat.

Up to the present time the only legislation against trusts that has amounted to anything has been State legislation honestly enforced. Texas has brought the Waters-Pierce Oil Company monopoly to its knees. Missouri has brought the insurance trust to its knees, and under the laws of Ohio, had your party there but upheld the hands of Attorney-General Monett, the Standard Oil monopoly would have been driven from the State.

You know it, and yet you propose to legislate in such a way as to strike down those powers that so far have been of benefit to the State. Can you expect three-fourths of the States to virtually surrender those powers so important to the welfare of their people? But some of you have argued that in my construction of this section I am in error.

On that point I only desire to say that if I am in error, I err in company with many of the ablest lawyers both in the House and in the Senate, irrespective of politics. If, however, you are right in claiming that this will not interfere with the powers of the State, why not place the whole matter beyond dispute by striking out the second clause of your section 2 and adding in lieu thereof the following, which is the Democratic proposition that we endeavored to submit this morning——

Mr. RICHARDSON. And that was ruled out.

Mr. TERRY. Yes; that was ruled out:

Nothing in this article nor any act of Congress in pursuance thereof shall operate to abridge or impair any of the rights or powers held by any of the several States prior to its adoption.

That was the amendment that we sought to obtain the privilege of voting for.

That would have put the matter beyond cavil and would leave to the States the undisturbed exercise of the powers they now possess. Do this, and strike out your unnecessary section 1, and I will vote for your resolution and will insure you enough votes on this side to carry the resolution through the House.

But some say, "How can there be concurrent jurisdiction?" Easily enough. Of course the powers of the States as they now exist can not extend to interstate powers. You would have a right under this constitutional amendment to legislate not only as to interstate commerce, but you would have a right under it to reach such things as the sugar trust in Pennsylvania, which the United States Supreme Court held they could not reach under the present law. I think, however, it was more defect of proof than a want of law in that particular case.

Another familiar example of concurrent jurisdiction without any clash is this: That States prosecute men for passing counterfeit money of the United States, and the United States prosecute likewise. Has there ever been any trouble about that? Yet you say that Congress and the States can not both have power to legislate. When you come to examine the law, what becomes of that argument?

Now, if you want this amendment adopted, why object to putting it in such a way that there will be no doubt about what some of you say is the natural effect of it? Let this amendment be put in: Strike out section 1, to the effect that the Constitution does not follow the flag. Strike out that odious part. Why encumber the joint resolution with that? Strike that out and recognize the powers of the States to do what they are now trying to do.

Put these things into your proposition in that way, and I will vote for it, and I am sure you will get enough Democratic votes not only to pass it through the House but to have it adopted by three-fourths of the States. Will you do it? No. No; you do not want it adopted. You do not want to strike out even the unnecessary section 1. You will not do anything of the kind. You have purposely fixed your rule so that nothing of the kind could be done, and so that we can not get even a direct vote upon the question in any form whatever.

You have deliberately put your proposition in a most obnoxious form. You have tied our hands by your rule, so that we can not even offer two amendments, the adoption of which would not only enable you to get for your amendment a two-thirds majority here, but also to get it ratified by three-fourths of all the States. And yet you expect the people to believe you are in earnest in your pretended effort to get a constitutional amendment against the trusts.

You think you can go before the country and throw dust in the eyes of the people by saying: "We tried to put through an amendment against trusts, but the Democrats would not let us." You misjudge the character and insult the intelligence of the great body of the American people if you think they can be deceived by any such "stage tricks" and "grand-stand play" as you are going through in this important matter.

Even now the trust magnates who fill your campaign coffers are laughing at the high antics you are cutting up. [Applause on the Democratic side.] You frame constitutional amendments and put anti-trust planks in your platforms, but the trusts are not scared even a little bit at any such performances. They know that all your noise is only stage thunder; that it is "only thunder in the index," and that the after chapters will be entirely lovely and serene. [Laughter on the Democratic side.]

Now, in reference to H. R. 10539, with amendments proposed by the committee, I submit that it is not sufficient legislation upon the subject. I can not indorse the belief your committee have expressed, that section 9 of their measure "exhausts the constitutional power of Congress in controlling, by penal provisions, trusts or monopolies in the manufacture and sale of articles of commerce."

Weak, indeed, must be the constitutional power that would be thus exhausted! A close inspection of this section 9 will show that it is weak in many particulars. In the first place, it hinges everything upon the "purpose" or intent with which the corporation or association it refers to was organized or formed. In this particular it is extremely weak.

The decisions of the United States Supreme Court clearly indicate that it is the direct effect of the operations of such a corporation, and not the purpose for which it was formed, that must be mainly looked to. In Addyston Pipe Company *vs.* United States, decided December 4, 1899, the court said:

If the necessary direct and immediate effect of the contract be to violate a law of Congress and also to restrain and regulate interstate commerce, it is manifestly immaterial whether the design to so regulate was or was not in existence when the contract was entered into.

Further on the court said:

Where the contract affects interstate commerce only incidentally and not directly the fact that it was not designed or intended to affect such commerce is simply an additional reason for holding the contract valid and not touched

by the act of Congress. (See page 16 of No. 51, October term United States Supreme Court, December 4, 1899.)

In order to strengthen section 9, I offer this amendment: Strike out all after the figure "9," in said section 9, and make it read as follows:

SEC. 9. That every corporation, association, joint stock company, or partnership formed or made, or managing or carrying on its business, in whole or in part, for the purpose of controlling or monopolizing, *or in such manner as to control or monopolize, or tend to control or monopolize*, the manufacture, production, or sale of any article of commerce or merchandise, *intended for interstate commerce or commerce with foreign countries*, or for the purpose of controlling or increasing or decreasing the cost or price of the same to the purchaser, user, or consumer thereof, for the purpose of preventing, *or in such manner as to prevent*, competition, or of preventing competition in the manufacture, production, or sale thereof, is, for the purposes of this act, hereby declared to be illegal *and a monopoly; and all such corporations, associations, joint-stock companies, and partnerships, and their officers, agents, managers, and attorneys are hereby forbidden and prohibited from shipping or putting in transit any such article of commerce or merchandise to any State, Territory, foreign country, or place, outside the State, Territory, or place in which it was manufactured or produced, and from selling or offering to sell any such article or merchandise to be so shipped or put into any such transit, unless for the private or personal use of the consignee; and for any violation of this provision shall be deemed guilty of an offense against the United States, and on conviction shall be punished by a fine of not less than $500 nor more than $5,000, and by imprisonment not less than thirty days nor more than six months.*

All such corporations, associations, joint-stock companies, and partnerships as above declared illegal shall be, and hereby are, forbidden and prohibited the use of the United States mail in aid or furtherance of any such business or purposes, and all laws now in force for the prevention of the fraudulent use of the mails, so far as the same may be applicable, shall apply in the execution of such prohibition.

Any such corporation, association, joint stock company, or partnership may be proceeded against at the suit of any person or persons, or corporation or association, or by and in behalf of the United States, and perpetually enjoined and restrained from doing or carrying on any interstate or foreign commerce whatever, either with the States or the Territories of the United States or the District of Columbia, or any foreign country; and no article of commerce produced or manufactured or owned and dealt in by any such corporation, association, joint stock company, or partnership so organized, formed, managed, or carrying on business shall be transported or carried without the State or Territory in which produced or manufactured, or in which same may be, or without the District of Columbia if produced, manufactured, or found therein, by any individual, corporation, or common carrier, in any manner whatever.

All such articles of commerce shipped in violation of the provisions of this act shall be forfeited to the United States, and may be seized by any marshal or deputy marshal of the United States, or by any person duly authorized by law to make such seizure, and when so seized shall be condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

The language in italics indicates the important changes proposed in this amendment to said section 9.

As section 10, as proposed by the committee, when properly construed imposes no punishment except upon the common carriers, their officers, agents, etc., we provide for punishment of the monopoly, its officers, agents, etc., in section 9, which was omitted in that section as proposed by the committee.

I have offered to amend section 10, as follows:

Strike out the words "corporation association, joint stock" in line 23 and the first word "company" in line 24, page 7, and the same words in line 2, on page 8. These words, placed as they are, in section 10, are misleading, and their proper place is in section 9, as we propose.

I have also offered as amendments to be added in after section 10, on page 8, the following:

First. A new section 11.

Second. A new section 12.

Third. A new section 13.

Fourth. A new section 14, as follows, to wit:

SEC. 11. That every contract, combine, device, trust, or combination in the form of trust or otherwise, or conspiracy, tending to create a monopoly in the manufacture, production, sale, exchange, transportation, or dealing in any article of commerce or merchandise, entering into trade or commerce among the States or with foreign countries, or designed to create impedimenta to, or resulting in restrictions to, such trade or commerce or aids to commerce, or to limit or control the manufacture or production of such articles or merchandise, for the purpose of increasing or decreasing, or operating in such manner, or with such result, as to increase or decrease the price of such article or merchandise to the user or consumer, for the purpose of preventing competition in the manufacture, production, sale, exchange, transportation, or dealing in such articles or merchandise, or to give power to charge unreasonable prices for merchandise or articles produced or manufactured to be bought, sold, exchanged, dealt in, or transported in such trade or commerce, or for the purpose of imposing, or in such manner as to impose, unjust or onerous restrictions upon, or impediments to, the lawful business of any person, company, or corporation engaged in the production or manufacture of such merchandise or articles, is hereby declared to be illegal and a monopoly within the meaning of this act, and every person who shall make, or enter into, or engage in, any such contract, combine, device, trust, or combination in the form of trust or otherwise, or conspiracy, or shall be a promoter thereof or officer or agent therein, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not exceeding $5,000 and by imprisonment not less than six months and not exceeding one year.

SEC. 12. That whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly as defined in this act, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspensions shall continue as long as such enhancement in price of such commodity or article of merchandise exists, and until revoked by the proclamation of the President.

SEC. 13. That wherever any State or Territory shall, in any law against trusts, combines, combinations, or monopolies, provide that no foreign corporation, association, joint-stock company, or partnership, or stockholder member, or officer belonging to or interested in any such trust, combine, monopoly, or combination of any kind, shall be permitted to carry on or do any business, or have any office or place of business, in such State, or shall make provision to regulate or suppress the business of any such corporation, association, or partnership, or prohibit the sale or offering for sale in such State of any article or merchandise produced by it, every such corporation, association, or partnership carrying on, or attempting to carry on, or do any business or have any office or place of business therein, and all its articles or merchandise carried thereto, shall be subject to the operation and effect of such law, to the same extent and in the same manner as though it had been incorporated, organized, or formed in such State and such articles or merchandise had been made and not brought therein; and no such law shall be regarded as in any way trenching upon the power of Congress to regulate commerce among the States or with foreign nations: *Provided, however*, That such articles or merchandise may be shipped and transported into any such State or Territory for the personal and private use of the consignee.

SEC. 14. That every corporation, association, joint stock company, or partnership in the United States, or any Territory thereof, or in the District of Columbia, whether organized or formed under and pursuant to the laws of the United States or of a State or of a Territory, owning or controlling any plant or business, or a majority of the stock in any plant or business, similar to its own, in any other State, Territory, or place outside of the one in which it was first chartered, organized, or formed, shall, before being permitted to ship, consign, take, carry, or transport, or sell or deliver for shipment, to any other State or Territory, or into or from the District of Columbia, or any foreign country, any article of commerce or merchandise of its own production or manufacture, or receive consignments or shipments of articles of commerce or merchandise, manufactured or produced in any other State or Territory, or in the District of Columbia, or any foreign country, file in the office of the Secretary of State of the United States a certified copy of its articles of incorporation, association, or partnership, together with a duly verified statement showing the article or articles or merchandise manufactured, produced, or dealt in by it or intended to be manufactured, produced, or dealt in by it; a copy of its by-laws, rules, and regulations; the names and places of residence of its officers and stockholders; the amount of its capital stock and the amount thereof actually issued; the amount thereof actually paid in in cash; the nature and value of the property owned by it, and also a full statement of all its debts and liabilities; the number of its employees and wages paid; the dividends paid, if any; the amount of its surplus, if any; the character of additions and improvements made each year and the cost thereof, and a statement of its operating and other expenses, together with a balance sheet showing its profits and losses: and shall annually thereafter file in said office a report, verified by a majority of the directors of a corporation, or by a majority of the members of an association, joint stock company, or partnership, showing the same facts as then existing, and shall, before shipping, or offering or attempting to ship, or sell or deliver for shipment, or put in the way for transit, to any other State or Territory, or the District of Columbia, or any foreign country, any article of commerce or merchandise manufactured, produced, or dealt in by it, plainly and conspicuously stamp thereon, when susceptible of being so stamped, and also on the outside of packages, boxes, or tanks containing the same, the name of the article or merchandise, and the name of the corporation, association, joint stock company, or partnership manufacturing, producing, or dealing in the same, and the place from and to which it is to be shipped or transported.

Every such corporation, association, or partnership as referred to in this section, and every officer, agent, or attorney thereof, that shall ship, or offer or attempt to ship, or sell or deliver for shipment, or put in the way of transit, to any other State or Territory, or to the District of Columbia, or to any foreign country, any article or merchandise dealt in, manufactured, or produced by it, or shall violate or fail to comply with any of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not exceeding $5,000, and by imprisonment of not less than six months and not more than one year.

In order to provide for this numbering of the proposed new sections above set forth, amend section 6 by adding after the word "thirteen" the words "fourteen," "fifteen," "sixteen," and "seventeen," and change the numbers of the sections 11, 12, and 13, as proposed by the committee, to 15, 16, and 17.

The purpose of the new section 11 is to apply the force and principle of the interstate-commerce clause of the Constitution to certain acts, facts, and conditions which the United States Supreme Court has held to be within the purview of said interstate-commerce clause, and which we think that Congress, in its power to regulate commerce, should declare against as hindrances to and interferences with such commerce. Where Congress, in its power to legislate upon a given subject, has adopted legislation declaratory of its judgment in the matter, the courts have always gone as far as they reasonably could to uphold such legislation.

In the case of McCulloch *vs.* State of Maryland, Chief Justice Marshall, delivering the opinion of the court, said:

> We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. (4 Wheaton, 316.)

See this case referred to on page 55, House Document No. 476, part 2, Report of the Industrial Commission.

It is notorious that there are scores of giant combines and monopolies that are engaged in destroying competition and swallowing up their competitors, to the injury of trade and commerce among the States and to the great oppression of the people in all the States. Is Congress to sit idly by and proclaim its power is exhausted, and that it can do nothing further to aid the people who are struggling in the folds of these mighty combinations?

Section 12, which I propose, relates to customs duties and imports over which the power of Congress does undoubtedly extend. Why not invoke that power in behalf of the people?

Section 13, which I have proposed, is for the purpose of applying against the trusts the principle of the Wilson law against

original packages. When the Wilson law came up in Congress in 1890, many of the smart set of lawyers then holding seats here made haste to give the opinion that such a law would be unconstitutional, but the United States Supreme Court upheld it all the same. (In re Rahrer, 140 U. S., 545; House Doc. No. 476, page 61.)

Mr. RAY of New York. Is it not true that the Supreme Court of the United States has decided that Congress can not give a State consent to prohibit the introduction into its limits, for use, of any article of commerce? I concede that they may prohibit its introduction for sale; but has not the Supreme Court of the United States decided that the States can not, and that the Congress of the United States can not confer upon the State power, or consent to its exercising the power, whichever way you put it——

Mr. TERRY. I understand your question, and I want to hurry through.

Mr. RAY of New York (continuing). Prohibiting the introduction for use of an article.

Mr. TERRY. I will answer your question. The Supreme Court has decided that Congress can not confer powers upon the States, and it does not take any lawyer or any Supreme Court to know that would be the law even if the Supreme Court had never decided it, because the States have conferred power upon Congress, not Congress on the States. Now, while the Supreme Court has decided that, they decided in construing the Wilson law that where Congress, which has power to regulate interstate commerce, has seen proper to waive, as it were, that privilege to the extent of saying that an article when it enters into a State should be subject to its law, that Congress had a right to do that.

Mr. LITTLEFIELD. In the same opinion did they not also hold that Congress could not authorize a State to prevent the importation of that article for use?

Mr. TERRY. I have already told you that the Supreme Court decided that Congress could not authorize the States to do anything.

Mr. LITTLEFIELD. Well, that is your full comprehension of that legal proposition, is it?

Mr. TERRY. I will take care of my comprehension, and I hope you will take care of yours. [Laughter.]

Mr. LITTLEFIELD. I will endeavor to. Don't you fret about me.

Mr. TERRY. And don't you fret any about me.

Mr. RAY of New York. Let me ask my colleague, Did not the court hold in those two cases that Congress could not, as you put it, "waive" this power?

Mr. TERRY. They did not use the word "waive;" but their holding was to that effect.

Mr. RAY of New York. No; but that is the way you put it, so I put it in the same way. Did they not hold that Congress could not waive its power so as to permit a State to prohibit the introduction into it of alcoholic liquors for use of a man bringing them in for his own use? Is not that true?

Mr. TERRY. They decided something like that, as I recollect, in the South Carolina case.

Mr. RAY of New York. Did they not hold that to be so?

Mr. TERRY. I think so, in the South Carolina case.

Mr. RAY of New York. That is all I want.

Mr. TERRY. But that was in reference to articles for the personal use of the consignee; and that condition would not exist as to articles shipped in or sold to merchants.

Mr. RAY of New York. That is right. Now, I do not want to interrupt the gentleman against his will.

Mr. TERRY. I am always glad to see your cheerful countenance before me. [Laughter.]

Mr. RAY of New York. That being true, then, if a monopoly exists, we will say, in New York, and it has absolute control of a production, so that it can fix the price of the article produced by it, Congress and the State acting together can not prohibit that article from being taken into Arkansas for use.

Mr. TERRY. For the use of the personal consignee, you may be correct, and that is the extent.

Mr. RAY of New York. Very good.

Mr. TERRY. But they can not introduce it there for the purpose of putting it in stores for sale to the people.

Mr. RAY of New York. I will state to the gentleman that that is right.

Mr. TERRY. And when you say that the people using goods made by monopolies throughout the various States will have to order them for personal use, the monopolies are destroyed. [Applause on the Democratic side.]

Mr. RAY of New York. Now, let us see if that is true. You are making a good deal of uproar over that. [Laughter.]

Now, then, the people of Arkansas and the United States in the case you put are perfectly powerless. Now, suppose the goods were produced in New Jersey, as in the whisky case. The people of South Carolina wanted whisky, and all they had to do was to send orders to New York, and it was sent down there in carloads for the use of the people of South Carolina, and nobody could prevent it. Now, you take monopoly-made goods. The people of your State want the goods; and say a thousand individuals make up an order and there are a thousand orders sent in one.

Mr. TERRY. Oh, "come off."

Mr. RAY of New York. Wait a minute. You take it down to a merchant, and he sends the orders to the monopoly.

Mr. RICHARDSON. A thousand of them get together and make the order!

Mr. RAY of New York. They do not need to get together. The orders are all sent.

Mr. RICHARDSON. Have they not got to get together to send the orders?

Mr. RAY of New York. A thousand orders are sent, and these articles are sent together.

Mr. TERRY. I think you have got enough in the RECORD for to-day. I can not yield to you for a speech.

Mr. RAY of New York. You said that you would permit me to ask you a question.

Mr. TERRY. I want to be courteous, but you are too long.

Mr. RAY of New York. I said I would not interrupt you against your will.

Mr. TERRY. I did not think I was yielding to a speech; I thought I yielded for a question.

Mr. RAY of New York. It was, but it is a long question. Well, now, you have heard my question. If you do not want to answer that, you need not; but the question is this: Is it not possible for a monopoly to carry on its business even against the interests of the people of Arkansas, the condition of the law being as I stated it?

Mr. TERRY. I think whenever you reduce the monopolies to such a state that every man would have to order for himself, their future usefulness (?) will be very greatly impaired. [Laughter.] I want to say, furthermore, to you gentlemen that if you do not believe Congress can authorize it, and if you do not think in the way the Supreme Court of the United States thinks, if you do not believe that, why then, in your bill to prevent the importation of convict goods you were trying to fool the people, were you?

Mr. RAY of New York. I want to say here, in all frankness, that I stated to my colleagues when they proposed to pass that bill that it was not constitutional. I knew it was not, and if it is enacted into law the Supreme Court of the United States will tell them so.

Mr. TERRY. Did you vote for it?

Mr. RAY of New York. I did not vote for it.

Mr. TERRY. All I desire to say upon that is simply this: That if the Republican majority of this House were willing to risk the Constitution upon a bill to allow the States to prohibit the importation of the products of convict labor, bad as convict labor is, against free labor, it will not compare with the vile extortions and outrageous oppressions of the trusts. Now, why do you not apply the very principles of your anti-convict made goods law and make it against the trusts? The American people will demand to know that. You answer that as best you can.

Mr. LITTLEFIELD. Will the gentleman excuse me for making an inquiry?

Mr. TERRY. I will yield to the gentleman.

Mr. LITTLEFIELD. Will you be kind enough to state to me the number of the section in your proposed amendment that proposes to accomplish this purpose that you now speak of?

Mr. TERRY. It is in the RECORD.

Mr. LITTLEFIELD. I have not been able to find it in the report.

Mr. TERRY. I have already referred to it in my remarks, and can not take up the time to go back to look for it now.

Section 14, as I propose, is for the purpose of securing publicity in the operations and business conduct of corporations owning or controlling business and plants, or the majority of the stock in any such, outside of the State or Territory in which their charters were first obtained. All such corporations are monopolistic and their business is carried on in such manner as to destroy competition, and that was the very object for which they bought up the plants of rivals in other States.

Certainly Congress has some power to deal with combines of this character, and an instructive case on this point is that of the United States *vs.* Coal Dealers' Association of California (85 Fed. Rep., 252). The court in its statement says:

Practically all the coal used in San Francisco is mined in Washington, Oregon, and British Columbia. A very large number of the coal dealers in San Francisco formed themselves into an association, agreeing not to sell coal below certain prices. This association entered into a contract with the producers of coal in Washington, Oregon, and British Columbia, whereby the producers agreed to cooperate with the association to carry out its purposes, and the producers agreed not to sell coal to any nonmember except for a much higher price than they charged members. United States seeks to enjoin proceedings under this arrangement.

OPINION OF THE COURT.

The combination affects the sale of coal as soon as it arrives in San Francisco from other States and before it has become a part of the mass of property in the State. Until it has become part of the mass of property in the

State it remains in interstate commerce, and therefore comes under the trust act. It is unnecessary to discuss whether the restraint is reasonable, for the trust act forbids all restraints, reasonable or not.

Now, if this Coal Dealers' Association of California had not "entered into contract with the producers of coal in Washington, Oregon, and British Columbia," but had bought up their plants and business and so conducted the operations of such combine as to bring about the same results as the court refers to, what would be the difference in principle? The same monopoly would result and the same obstruction to commerce and free competition.

In reading over the report of the committee on H. R. 10539, I can but think that our Republican colleagues upon the committee "threw up the sponge" too soon.

Witness the following language in their report No. 1506:

The Supreme Court has decided that however much trusts, combinations, and conspiracies to monopolize manufacture and production affect and restrain commerce, such results are indirect and incidental, and that therefore the power to regulate commerce does not include power to regulate or repress such monopolies, combinations, and conspiracies.

Now, I submit that a careful reading of the Supreme Court decisions on this subject will not sustain this statement of the committee in all its broadness and entirety. In the case of United States *vs.* E. C. Knight Company (156 U. S.), to which, with Addyston Pipe and Steel Company case, the committee doubtless refers, the court say this:

The fact that an article is manufactured for export to another State does not of *itself* make it an article of interstate commerce, and the *intent* of the manufacturer does not determine the *time when* the article or product passes from the control of the State and belongs to commerce.

But further on in that same opinion the court say:

It must be held that an article does not become a part of interstate commerce until it is *started* for another State.

And to show a still further qualification to the language last quoted, the court, in the Addyston pipe case, say:

The commodity may not have *commenced its journey* and so may still be completely within the jurisdiction of the State for the purposes of State taxation, and yet at the same time the commodity may have been *sold* for delivery in another State. Any combination among the dealers in *that kind* of commodity which in its direct and immediate effect forecloses all competition and enhances the purchase price for which such commodity *would otherwise* be delivered at its destination in another State would, in our judgment, be one *in restraint of trade or commerce among the States*, even though the article *to be transported* and delivered in another State were still taxable at its place of manufacture.

Such is the language of the Supreme Court, and yet, *strange to say*, section 9, as proposed by the committee, omits all reference to the question of *selling* or *putting in transit*, which is the most important *Federal* question in the case!

Further on the court say:

A contract or combination which directly related to manufacture *only*, was not brought within the purview of the act.

Of course not, if it related *only* to manufacture.

It must, therefore, be very apparent that the committee amendments fall *far* short and stand in need of further amendment. Congress has at present the *exclusive* power to *regulate* interstate commerce. Therefore no State or corporation or individual can have the right to do anything that amounts to a regulation or a restraint upon it. Now, what is meant by the term "regulate?" Here is the answer of the Supreme Court in the Addysten Pipe case:

If certain kinds of private contracts *do directly*, as already stated, *limit* or restrain, and *hence regulate* interstate commerce, why should not the power of Congress reach those contracts just the same as if the legislation of some State had enacted the provisions contained in them?

* * * * * * *

Commerce is the important subject of consideration, and anything which directly *obstructs* and thus regulates that commerce which is carried on among the States, whether it is State legislation or *private contracts* between individuals or corporations, should be subject to the power of Congress in the regulation of that commerce.

That preventing competition is a restraint and therefore a *regulation* on trade, mark this language of the court:

While no particular contract regarding the furnishing of pipe and the price for which it should be furnished was in the contemplation of the parties to the combination at the time of its formation, *yet it was their intention*, as it was the *purpose of the combination*, to directly and by means of such combination *increase the price* for which all contracts for the delivery of pipe within the territory above described should be made, and the latter result was to be achieved *by abolishing all competition* between the parties to the combination. The direct and immediate result of the combination was therefore *necessarily a restraint* upon interstate commerce in respect of articles manufactured by any of the parties to it to be transported beyond the State in which they were made.

* * * * * * *

We have no doubt that where the direct and immediate *effect* of a contract or combination among particular dealers in a commodity *is to destroy competition* between them and others, so that the parties to the contract or combination may *obtain* increased *prices* for themselves, such contract or *combination amounts to a restraint of trade* in the commodity, even though contracts to buy such commodity at the enhanced price are continually being made. *Total suppression of the trade* in the commodity is not necessary in order to render the combination one in restraint of trade. * * *

Where the contract is for the sale of the article and for its delivery in another State, the transaction is one of interstate commerce, although the vender may have also agreed to manufacture it in order to fulfill his contract of sale. In such case a combination of this character would be properly called a combination in restraint of interstate commerce, and not one relating *only to manufacture.*

The court also quote with approval the following language:

Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that its result should be a complete monopoly; it is sufficient if it really *tends* to that end and to deprive the public of the advantages which flow from *free competition.*

Coming to section 7, as proposed by the committee, I offer the following amendment as taken from the views of the minority:

Amend said section 7 by inserting between the first words "that" and "this," in the first line thereof, the following:

Nothing in this act shall be so construed as to apply to trade unions or other labor organizations, organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed.

The purpose of this amendment is perfectly plain. It is to deprive the Sherman anti-trust law of its present operative power to be used to the prejudice of laboring men in their unequal struggle against organized rapacity and corporate oppression, and to restore said law to that construction which was the original object of its enactment.

It is a curious commentary on a law against monopolies and trusts that it has found its most numerous victims in the ranks of those who are themselves the victims of trusts and monopolies. I can not believe that it was the intention of Congress to have this law applied to laboring men, as the courts have applied, and at least one Federal judge, reviewing the whole history of its enactment, has ruled that it was never intended to be so applied (see case of United States *vs.* Patterson, 55 Fed. Rep., 641), and the United States Supreme Court, in the Debs case, expressly refused to rest their decision upon its applicability to such a case. But other Federal judges have directly held that it was applicable. (See United States *vs.* Workingmen's Amalgamated Council, 54 Fed. Rep., 994.)

To relieve the law of such construction this amendment has been offered. The main amendments the committee offer to the Sherman law is to increase the punishment upon criminal convictions; but what trust magnate, agent, or officer has ever been put behind the bars? We have no doubt but what every trust magnate, and all their officers and agents will "tremble in their boots" when they learn that a Republican Congress proposes to increase the punishment for criminal convictions under the Sherman anti-trust law.

Having thus outlined the scope and objects of the amendments I have offered and the legal grounds upon which they are based, I desire to say, in conclusion, that while they may not reach all the evils of trusts, combines, and monopolies, they will at least go further in that direction than the bill and amendments proposed by the committee.

What your committee have proposed may be a little better than nothing, and I have my doubts of that. At best it is but a faint and feeble response to the mighty outcry that has come up from the American people, demanding speedy legislation against the monster trust evils that have multiplied so rapidly and waxed so strong and overbearing in the last four years.

The popular outcry is just, and the people are tired of being mocked by pretended efforts in their favor. They ask for results in the shape of positive laws. You get up lengthy excuses for your lack of legislation, and then point them to a constitutional amendment which you know will never be adopted. You have run roughshod over our rights here.

But we will meet you before another forum and in another field, where the power of monopolies is not entirely dominant and the baleful glare of imperialism has not yet shriveled native manhood nor dried up the healthy fountains of patriotic feeling and freedom-loving instincts in the hearts of the American people. [Loud applause.]

Mr. TERRY. I yield to my colleague on the committee, the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Speaker, before proceeding to discuss the joint resolution now under consideration, and the possibility, propriety, and policy of its ultimate adoption, I beg to invite attention to two phrases—or rather the repetition of the same phrase—as found at pages 1 and 14 of the report of the committee. The words which I shall bring to your notice you have heard before—indeed, they are destined to occupy a permanent place in the political literature and campaign parlance of this country for many years to come.

The circumstances that gave rise to their original utterance; the unique and notable legislative history with which they are indelibly associated and inseparably connected; the administrative embarrassment to which they relate; the dilemma they conspicuously mark, in which statesmen of varying degrees of prominence and responsibility found themselves involved; the inconsistency in conduct which they serve to designate and accentuate; the tergiversation they will always suggest—all these things combine to make these words memorable and monumental. These words are: "*It is the plain and imperative duty*," and "*It is the plain duty!*"

If my honored associates on the Committee on the Judiciary, the gentleman from Maine [Mr. LITTLEFIELD] and the gentleman

from Illinois [Mr. WARNER], have fully considered and are responsible for the use of these words, in the connection where they appear, I may be permitted, in the light of recent action on their part, and the courageous display of devotion to conviction which they have heretofore evinced, to indulge the belief that, in their conception, they mean what they say, and are an expression of the utmost good faith in all they import.

May I say that I believe these gentlemen have a fair and just estimate of what "plain duty" is, and are ready to follow wherever in their honest judgment it may lead, even though partisan wrath oppose. I would not for one moment intimate that their party brethren of the committee do not understand what the words imply, nor that they are unobservant of the requirements they impose, but if I were searching among them for reliable authorities on and correct expositors of "plain duty," I would, I think, prefer to consult the gentlemen whose names I have called, first in order. I confess, however, to a kind of "timeo Danaos" feeling when "plain duty" is suggested from some sources I could mention. [Applause.]

Mr. Speaker, the second section of this joint resolution is as follows:

> Congress shall have power to *define, regulate, control, prohibit*, or *dissolve* trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise. The several States may continue to exercise such power in any manner *not in conflict* with the laws of the United States.

The language employed is strong, emphatic, sweeping—perhaps more so than might be supposed from a casual reading and without stopping to weigh and measure its full significance and far-reaching effect. The obvious intention is to vest in Congress a jurisdiction which will be practically unrestrained and unlimited. This will be the more apparent when considered in connection with that provision of the Constitution which declares that—

> This Constitution and the laws of the United States which shall be made in pursuance thereof * * * shall be the supreme law of the land; anything in the constitution or laws of any State to the contrary notwithstanding.

If the proposed amendment were now a part of the Constitution, no State could pass or enforce any law on the subject of trusts, monopolies, or combinations not in keeping with the laws of Congress, and the States would, accordingly, be entirely subordinated to the Federal power. Any considerate man must, it seems to me, hesitate long before he can obtain his consent to commit himself to such a proposition and be willing to confer on Congress so vast a power. A vote affirming the support of such a change in our organic law is, from my standpoint, a very serious matter, and can not, I think, be justified on the ground of party *finesse*, play for position, or manœuver for party advantage on the one hand, nor can such a vote, on the other hand, be successfully defended by one whose conscience condemns the proposition, on the ground that it is cast as a tactical movement in a contest of party insincerity. I am one of those who believe that in politics, as well as everything else, "Honesty is the best policy," and I repose a supreme reliance in the ability of the American people to recognize and appreciate upright motives, and to detect and censure all manner of deception by whomsoever practiced.

Mr. Speaker, the report of the committee emphasizes by reiteration that the proposed constitutional amendment is the only remedy for the evils which all admit to obtain, and proceeds upon the hypothesis that all existing constitutional authority for effective Congressional action has been exhausted.

With these conclusions I do not agree. I fear that if the only "balm in Gilead and the only physician there" are to be found in the final adoption and incorporation into the Constitution of the amendment offered as a cure for the trust evil, then, indeed, are we "sick unto death," and that dissolution must result before the "physician" can be summoned and arrive and the "balm" be administered.

Mr. Speaker, we need immediate, heroic treatment and the application of every possible medicament at hand.

On a former occasion in this House, when referring to an amendment to the Constitution to authorize the imposition of a tax on incomes, I expressed these views:

> In my poor judgment, amendments to the Constitution of the United States can come, in this period of our national history, only through the process of revolution. Hedged in and surrounded as they are by that abatis which requires two-thirds of Congress to propose, and three-fourths of the States to ratify, the forces of no economic contention can transcend the obstruction. Our comparatively recent amendments are but the outgrowth of a most terrible and destructive war. Bayonet and bullet, saber stroke and shot and shell, and the harsh enginery of battle can alone work amendments to the Federal Constitution, and the record can only be written in the blood of men. Avarice, intrenched and defiant, will never consent to a peaceable change of the Constitution.

If the amendment suggested were indispensable and free from objection in its terms, there is, I think, no substantial foundation for indulging the hope that it could ever be ratified. When we reflect that only twelve States would be needed to "block the game" of its adoption, is it to be supposed that influences would be found wanting to control them? or that the beneficiaries of the trusts would not be fully advised as to where and how it would be most useful to concentrate their energies and resources in order to defeat the amendment?

I am profoundly convinced that there is an instant and pressing demand for antitrust legislation. The whole country is familiar with the troubles that afflict the people, and with painful anxiety is waiting and watching for their solution. I but reproduce my former utterances when I say that it is a serious and alarming matter to all men who really love their country and desire the perpetuity of our Government in its proper vigor and according to its original design, who believe in the just conservation of every right of every citizen, when we reflect that the time has come when great combinations of wealth can so employ their power as to practically destroy competition and crush individual enterprise; that "monied might can weary out the right;" that trusts can "accumulate while men decay."

It shocks the American conscience to realize that these great aggregations of capital can not only work their havoc upon the business affairs of others under existing conditions, but that they are potential to dictate legislation and continue their ability to oppress the people, and to "hold in the hollows of their hands" the commercial life of the individual tradesman. What well-informed, sensible man in all this broad land doubts that Congress was diverted from its "plain duty" toward the people of Porto Rico at the instance and through the behests of the sugar and tobacco trusts?

What else brought about the violation of the Constitution and the breaking of plighted faith in dealing with the poor and suffering people of that unfortunate island? What else caused Congress to say to them when imposing taxes upon them after the manner of Rehoboam of old, Spain "chastised you with whips, but we will chastise you with scorpions?" If Congress be thus subservient to trust magnates now, what is it that might not happen if the States were shorn of the jurisdiction they now enjoy over such conspirators? "For if they do these things in a green tree, what shall be done in the dry?"

Mr. Speaker, I noticed a few days ago, in a purported interview with one of the great multi-millionaires of New York, a statement which, I think, is of the deepest significance and calculated to arouse the profoundest solicitude of all right-thinking men. Mr. James R. Keene, who has been called the czar of Wall street, is reported to have said:

> The people of this country must arouse themselves. The coming election is of more importance, from the standpoint of a pure and true Americanism, than any that has transpired since the second election of Lincoln. Money is in the saddle; it is riding down the institutions of this country with a confident insolence that tells of its firm belief in its own invincibility. It is running the Government to-day in its every branch and arm.
>
> If money's power in molding public affairs goes forward for four years more as it has for four years past, the name of American liberty will only be worth a recollection as a matter of history. Money is pressing the people backward step by step. What is to be the end? If it goes on, there are, as matters trend, but two solutions. One is socialism, and the second is revolution. The American people must defend themselves from money just as they once guarded their forest frontiers from the savage. Unless they come solidly shoulder to shoulder for their rights, and come at once, Bunker Hill will have been a blunder, Yorktown a mistake.

[Applause.]

When such a man gives expression to such views as these, it is calculated to arrest attention, and it is surely a matter of wisdom and patriotic duty that they should be considered in the spirit of all soberness, and that men should reason together and contemplate the gravity of the situation.

Indulge me to say that I am not an alarmist nor a pessimist. I envy no man because of his wealth. I despise agrarianism in all its forms. I abhor the cormorant and the commune alike. I would incite no estrangement between labor and capital nor widen the breach between the rich and the poor, nor would I play the rôle of the demagogue and agitator. I contemn all frantic and incendiary hortation, and have no sympathy with nor toleration for any of those methods which spread the doctrine of hate and disturb the tranquillity of communities; but as sure as we live, I believe that Mr. Keene has not overdrawn the actual situation, and that something must be done, and that speedily, to abate the seething discontent, to lighten the burden, to soften the yoke, to shatter the dominion of monopoly, and restore the confidence of the people in the equality and integrity of legislation, or direful consequences may be apprehended.

I make no war on the legitimate corporation which is necessary and useful in the promotion and successful operation of the many worthy enterprises of the day. I recognize the fact that there are great interests and vast concerns beyond the compass of individual effort or ordinary partnership and the capital of any one man. A proper combination of the resources of wealth and skill is indispensable to the conduct of the great industrial, manfacturing, and commercial business of the country. No conservative man, no sound political economist, would impair, much less destroy, any proper corporation in the suitable exercise of functions not harmful to the prosperity of the people nor injurious to the common rights of men. No fair-minded man will object to a reasonable profit upon honest investment made for any lawful purpose.

Senseless clamor against a just and normal accumulation of wealth should meet with no encouragement among the better elements of our civilization. There have been poor men and rich

men from the days of Dives and Lazarus and there will be riches and poverty as long as time shall last. No legislation can fully equalize human conditions. Some men are thrifty and prudent and economical; others are without aptitude in business, wasteful, and devoid of the energy and qualifications necessary for success.

The poor we shall have always with us, but no man nor set of men should have the right or the power to reduce whole masses to servitude and "grind the faces of the poor," nor deprive their fellow-men of the privilege to earn a livelihood by the expenditure of their brawn or the employment of their brain. It is against the ethics of civilization, the proprieties of life, the genius of our institutions, the equities of good government, and the conscience of a free people that aggregated capital and the artificial creature—the federation of corporations—should be allowed to use their tremendous power to oppress mankind. [Applause.]

It is un-American that we should, like the Romans of old, be divided into two great antagonistic classes—the Rich and the Poor; the Possessors and the Non-Possessors; the Optimates and the Populares—and it is revolting to our conception of republican institutions that it should ever be said of us as it was of ancient Rome, that "We are a commonwealth of millionaires and beggars."

In this great body we have heard much and differed widely about free trade, free ships, and free silver. We ought to have a common purpose and meet on common ground, when we consider the all-important proposition of free opportunities for free men, of a fair start and equal show in the race of life for each and every American citizen.

Are we, as a popular Government, in the presence of the modern consolidation of corporations into one mammoth organization, the rage of speculation, the supplanting of old rules by new artificialities, the destruction of competition, the domination of concentrated capital over production and prices, and the virtual subordination of all public utilities to its control, utterly helpless and without power to protect ourselves and conserve the public interests? Have the foundation stones of our national fabric given way?

Has the trust monster assumed such formidable and prodigious proportions as to threaten the very integrity of the Republic, and can it hurl insolent defiance in our face, with no resource or authority on our part to meet and overcome its assaults? Are we compelled, in the exigent conditions which prevail, to await the tardy, improbable, if not practically impossible, adoption of a constitutional amendment before we can resort to vigorous and effective measures? Is there nothing else we can do, and have we "turned every stone" and dipped dry all the springs of constitutional power now accessible?

Let us see. The Constitution of the United States provides, among other things, that—

> The Congress shall have power—
>
> To lay and collect taxes, duties, imposts, and excises * * * and provide for * * * the general welfare of the United States;
>
> To regulate commerce with foreign nations, and among the several States;
>
> To establish post-offices and post-roads, and
>
> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, * * * vested by this Constitution in the Government of the United States or in any department or officer thereof.

These are broad and comprehensive powers when considered in their separate and respective scope and significance; but when viewed in their united, combined, and correlated potentiality over any subject to which they may jointly and severally apply, and concerning which they may all be properly invoked, there would seem to be nothing lacking to the full measure of authority and jurisdiction for the exercise of Congressional action.

If any one of them should prove to be inadequate within itself to justify all the legislation necessary to meet a given and appropriate case, and the others can be suitably employed in supplement to and cooperation with either or all; for example, if the taxing power will warrant pertinent legislation as far as it goes, and by virtue of the interstate-commerce power the matter may be taken up where the taxing power ends, and the postal power may then be summoned and utilized as auxiliary to each and both of the others, and these different powers can be concentrated and made to blend to a common end, it would appear that ample authority may be found in the Constitution for whatever action may be required on the part of Congress, and that nothing is wanting for the construction of a sufficient statute but the will of Congress to assert its function.

Then if to these powers there be superadded that, "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, etc.," it is difficult to conceive of a case to which they all may relate, that would extend beyond and not be embraced within the Congressional jurisdiction, already well-defined in the Constitution.

If Congress can tax or exempt from taxation in the case of any necessity or admitted evil or oppressive condition; if Congress can regulate commerce in the suppression or curtailment of such evil or condition; if Congress can deny the use of the mails when employed in furtherance thereof; if Congress can still further make any law, civil or criminal, which will aid in the execution of its purpose, why is it that Congress can not fully meet any proper demand upon its action?

Congress has employed its power of taxation to crush and drive out of existence the State banks, against oleomargarine, and in various other instances. Can not Congress tax trusts or corporations doing business in interstate commerce? Congress can place any article of imported merchandise which it may deem proper on the free list and exempt whatever product it may choose from the payment of duties. It can lay and collect imposts and excises or refrain therefrom at will. Why can not Congress bring to bear its full and undoubted power in respect to combines, and thereby measurably, at least, restrain monopoly and promote competition?

The State can not impose nor remove taxes upon the importations from a foreign country, but the Federal Government has the power to say that avarice shall not be benefited and the people oppressed by the levy of imposts. If, as many believe, the tariff fosters and fattens the trusts, Congress can declare that such tariff shall cease and the supplies of the trusts from that source shall be cut off. Whatever might be the effect of such a declaration, it seems not unworthy of trial, and if found either inexpedient or useless it will be a very easy matter, if it be deemed desirable, to restore the duties so taken off. The power to justify such action is immediately available and could, if Congress were so inclined, be promptly applied.

Neither the State nor the mob can control or prevent the transportation of articles of commerce among and between the several States, but the Federal Government through Congress can regulate such commerce and its instrumentalities, the common carriers, and prohibit restraint of interstate trade, and place wholesome limitations upon the greed and compassings of the monopolist, extending in their operation and *effect* beyond the boundaries of the State where he may reside. Under the interstate clause of the Constitution, I believe it is competent for Congress to so legislate as to prevent that destruction of competition in trade among and between the different States which trusts and monopolies seek to accomplish.

I believe, in the language of the Supreme Court, that—

> any combination among dealers in that kind of commodity which in its direct and immediate effect forecloses all competition and enhances the purchase price for which such commodity would otherwise be delivered at its destination in another State would be one in restraint of trade.

I do not believe that all the power conferred on Congress under the interstate provision of the Constitution has yet been exhausted, nor that the Supreme Court has reached the entire limit of its affirmation of the scope and extent of even the existing anti-trust law.

That court has already shown its appreciation of the reason and purpose of that law and indicated that it will never give its sanction to any contract or combination calculated "to deprive the public of the advantages which flow from free competition." "If," say the court, "a State, with its recognized power of sovereignty, is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limits of that State has a power which the State itself does not possess?" And they further declare that "We are unaware of any reason why it" (regulation or obstruction of interstate commerce) "is not as objectionable when attempted by individuals as by the State itself," and "If neither Congress nor the State legislatures have such power" (over contracts in restraint of trade between the States) "then we are brought to the somewhat extraordinary position that there is no authority, State or national, which can legislate upon the subject of or prohibit such contracts." "This," say the court, "can not be the case."

The power to reach the subject in all its phases and to circumvent the machinations of monopolistic combinations must reside somewhere. It can not be that we are utterly defenseless. It was under the power to regulate commerce that Congress, in 1890, passed the law entitled "An act to protect trade and commerce against unlawful restraints and monopolies." The same power was asserted in the act to regulate commerce (February 4, 1887), which also forbids restraint of trade.

The Supreme Court have had occasion to consider the subject in many of its bearings and to interpret the law upon cases which have been submitted for their adjudication, and it is due the court to say that they have recognized and upheld the essential objects and intention of the law, and I believe it may be reasonably assumed that the court will hereafter sustain additional legislation calculated to enlarge and strengthen the existing statutes.

Their opinions in The Trans-Missouri Freight Association case, decided in 1897, and the Addyston Pipe and Steel Company case, decided in 1899, and The Waters-Pierce Oil Company case, decided in 1900, and affirming the right of the State to impose conditions upon a corporation engaging in business within a State other than that of its creation, establish the validity of legislation already enacted, and encourage the conviction that Congress

may properly go further than it has yet gone in the restriction and suppression of trusts and monopolies, and lead us to hope that consolidations of capital and coalitions of corporations have not yet reached the point where they are above and beyond the powers of the Government and can successfully defy the whole American people—and that there yet remains some means whereby we can prevent what Justice Brown described as the "submergence of the liberties of the people in a sordid despotism of wealth." [Applause.]

Under the power "To establish post-offices and post-roads," Federal authority extends to every railroad, star route, and rural post-office throughout the length and breadth of the land. It knows no State lines, and is as operative in the greatest metropolis as it is in the obscurest country town. It can afford any and every postal facility it may deem proper in any community of the Union, and inhibit and punish any interference with its defined objects and the successful operation of its rules and regulations.

Its functions are numerous and comprehensive and adaptable to all the conveniences and necessities of the people within its jurisdiction. If the humblest citizen or the princeliest merchant in the whole Republic shall attach a two-cent postage stamp to a duly superscribed and properly posted envelope, whether it contain a message of affection to a distant loved one or a bill of lading in the course of honest trade, and that letter be unlawfully detained or stopped in transitu, it is within the power, as it is the duty, of the Federal Government, as the guarantor of its safe and certain delivery, to remove the obstruction, however great it may be, and with whatever force that may be necessary, and speed that letter onward to the destination intended by the writer, even to the uttermost parts and remotest limits of the United States.

On the other hand, the same power may be employed to prevent the transmission through the mails of indecent literature or correspondence which the laws denounce as fraudulent. Why can not this power, with all its machinery and appliances, be suitably directed against the contracts, the correspondence, the circulars, and all the epistolary and advertising agencies through which these illegal combinations, in the form of a trust or otherwise, reach the individual or the public? The law says that—

> Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and every person who shall monopolize or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States or with foreign nations shall be guilty of a misdemeanor.

What right has such a malefactor to the use of the mails of the United States in the promotion and furtherance of his illicit practices?

Mr. Speaker, I believe that Congress should resort to the vindicatory element of its power—that strong criminal laws as well as proper civil laws should be employed in the complete subjugation of these conspiracies, and to the end that competition in manufacture and production, designed for interstate commerce, may be unrestrained. I have never seen any situation where the "general welfare" clause and the power "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers," etc., were more apposite and better adapted than in dealing with the trusts, monopolies, and other allied associations.

To my mind it is the highest tribute to the wisdom and foresight of the authors of the Constitution, that in that great instrument are to be found provisions, which if judiciously invoked and carefully applied, are sufficient to meet all the conditions which the evolution of the century has brought about—that even the phenomena of industrial amalgamation, confederation of enterprises, growth and compass of corporate organization, aggregations of wealth and formation of modern trusts, can be treated and made the subject of appropriate legislation under and by virtue of the authority conferred upon Congress by the Constitution.

I for one am reluctant to admit that there is any casus omissus in our organic law, but am rather inclined to contend that there is in the Constitution a presence of all the authority required, if appropriately employed and vigorously enforced, to meet all the exigencies of the times. I am not sure that it was not contemplated by the fathers that in the presence of a continental evil, working to the detriment of all the people and imperiling the general welfare, where the arm of the State should prove too short, the Federal arm should be long enough to reach out and meet and grapple with and subdue such evil. [Applause.]

In suggesting these sources of Federal power and some of the forms in which it may be exerted, I am conscious that I have presented nothing new or original, nor have I, by any means, indicated all the remedies that have been proposed. I have not mentioned the great power of eminent domain and its attributes. I have not referred to the acquisition and Government ownership of railways and other means of transportation, which are now being advocated with unusual earnestness by many who have not heretofore favored so radical a departure. I myself do not concur in such a policy, and sincerely hope that it may never become necessary or expedient to resort to a measure so extreme and abnormal; but if matters go on from bad to worse, as they have been doing—if the issue shall reach the burning actuality where the people must be slaves and these corporations their masters, or the Government must possess and operate the instruments of commerce, who can prognosticate the result? If discriminations can be wantonly continued and competition paralyzed, and laws prohibiting the absorption of parallel lines can, through the ingenuity of modern financiers, be evaded or overcome, and ultra vires can be made a dead letter, and the public patience can be unceasingly abused, and favoritism to monopolies can be persistently indulged, and honest men can be ruthlessly driven from the field of enterprise and deprived of the privilege of earning a livelihood for themselves and their dependents, who shall say that the spirit of American manhood "shall always strive with" the oppressor?

Mr. Speaker, if I may be allowed the digression—if my voice could reach the ears or touch the hearts or excite the fears of the rich and the grasping among us, I would admonish them to stay the hand of their greed and let up in their crusade against the plain people of the land, and urge them not to provoke that resentment of an outraged public nor quicken and arouse that sense of peril to popular safety which shall make a resort to radical measures possible and necessary. There are bounds to human endurance. There are times when popular dissatisfaction becomes unbridled, and humanity's revolt may be difficult to restrain within normal limits. The conservatism of the country can, I hope, always be relied upon to discourage and thwart anarchy and violence; but it will not be easy to deny legislative intervention, however severe and unprecedented it may be, if not prohibited by the Constitution, when demanded by a pronounced majority of a long-suffering people, in whose behalf and for whose cause all other resources have failed.

Mr. Speaker, I do not believe that it was ever intended by the framers of the Constitution that Congress should be permitted to encroach upon the reserved rights of the States—that the great residuary mass of authority in the States and the people should be invaded or disturbed by Federal legislation. The dual nature of our Government, State and National, was well conceived, and intended by them to be clearly defined. They did not design that there should be any obscuration of the line where State authority should end and Federal jurisdiction should begin. They contemplated that the powers conferred upon Congress, when rightly invoked and correctly interpreted, would be sufficient for every purpose involved in their grant; nor do I think they have left us unprovided for in any essential particular.

The State is sovereign, and was by them intended to be, within its own sphere and in the exercise of jurisdiction over its internal concerns and local affairs. It can denounce, inhibit, and punish whatever is wrong within its territorial confines, subject only to such limitations as may exist in consequence of the powers delegated to the General Government. It can prohibit and suppress perpetuities and monopolies when attempted to be established within its borders, as "contrary to the genius of a free government." There has been drawn around the State the sacred circle of autonomy, and it may dispute the advance and encroachment of any aggressive step within its reserved dominion.

In the assertion of their rightful authority, twenty-seven States of this great Union have enacted anti-monopoly laws, designed to meet the conditions that now obtain. The constitutions of fifteen States contain articles on the same subject. Regarding as they did the organization of trusts and the consolidation of industries as a menace to the prosperity of the people and calculated to throttle competitive energy and dangerous to the genius of free government, they have with remarkable unanimity, within the present decade, by positive enactment, exhibited with great emphasis their hostility to such associations and sought to destroy their power for evil. Some of them—notably my own State—have shown their disposition to go to the full length of their authority, and to unite and cooperate to their utmost extent, with the Federal Government. It is true that not all the States have joined in this praiseworthy object.

It is unfortunate and much to be deplored that many of them have displayed indifference to the subject, while a very few of them have substantially encouraged and afforded a "breeding ground" for the production and promotion of trusts and monopolies; but if all the available and appropriate Federal power of legislation be fully invoked and applied, and national statutes shall be rigidly enforced with all the instrumentalities at command, the hope is not wanting that, with the cooperation of those States which are opposed to trusts, as shown by their legislative action, material relief can be accomplished, notwithstanding the indisposition and unfriendly attitude and conduct of the few States which do not sympathize with the anti-monopoly movement.

I have too much confidence in the strength and dignity of our institutions, State and national, and the vigor and integrity of our people, to believe that, in the face of determined and united

opposition by the General Government and more than half the States of the Union in their respective capacities, one, two, or a half dozen States, dominated by corporate power, can defeat the will of the great body of the people and prevent the triumph of the mighty and earnest forces which are striving to promote the general welfare of the whole country.

No law can be made operative and accomplish the purposes for which it is intended unless those charged with its enforcement shall fully and efficiently perform their duties. If the prosecuting officers of the Government—the agents of the Department of Justice—fail to observe and carry out what is required at their hands, and are not vigilant in the discovery and zealous in the prosecution of violations of the law, neither the existing statutes, nor any additions to them which Congress may supply, will have any terror to the evil doers. And if those who are and shall be "injured in their business or property by reason of anything forbidden or declared to be unlawful" in the antitrust laws, shall decline to resent the aggressions of monopoly and fail to avail themselves of the means of redress in such case made and provided, it will be but an encouragement to combines in the continuation of their exactions and unjust conduct.

With the courts open, with remedies civil and criminal at hand, and which may be still further enlarged, with all the agencies that may be brought into action and utilized, with laws, State and Federal, put in motion and working in unison, it is not apparent that the trusts and cognate organizations can not be outlawed and practically driven out of existence. Then why give to these conspiracies that continuance which the submission of a constitutional amendment would inevitably assure?

The proposed amendment would, if ratified, undoubtedly confer upon Congress greater power than that it is now admitted to possess, and which is, I think, beyond what is necessary. It would have the effect to make Congress practically supreme and exclusive in the matter of antitrust legislation, and it will not do to assume that such power will in every case be well and wisely employed and promptly administered. That Congress might fall short of the mark, or that Congress might, by possibility, go too far in its definitions and regulations and control and prohibitions and dissolutions, and act disastrously upon the full and repressive legislation of the States, and interfere with the existing jurisdiction of the States, may not unreasonably be apprehended. It is to be seriously doubted if it is now wise to broaden the field of national authority whereby the sovereignty of the State may be contracted, whatever may be the emergency.

Centralization of power in the Federal Government has always been dreaded and resolutely resisted by those who believe in the rights of the States. If it can be accomplished for one purpose, why not for another; and who can predict where its inroads may stop when once begun? The power to "*define, to regulate, to control, to prohibit, to dissolve*," as used in the amendment suggested, is a very comprehensive one, and the *definitions, regulations, etc.*, of Congress might include or exclude many things in which the judgment of a State legislature might not concur. What it might suit Congress to do or not to do in the execution of such a power might prove to be in serious conflict with what by a State might be deemed necessary to be done or left undone.

The States would not be allowed to conflict *in any manner* with whatever law Congress might choose to enact upon the subject.

Mr. Speaker, I can not give my approval to any proposition that may deprive the States of any power they now possess—to take away from them any rights which the fathers thought they ought to retain and enjoy, or to impair that eunomy which adorns the best and grandest instrument ever "struck off by the hand of man." Power is always aggressive. The tendency of the Federal Government is to magnify itself and extend its dominion. The hope of the country rests in the vigor, the energy, the development, the upbuilding of the States.

Mr. Jefferson has left on record for our guidance and for the instruction of generations yet to come, as an essential principle, "the support of the State governments in all their rights, as the most competent administration for our domestic concerns and the surest bulwarks against antirepublican tendencies." The liberties of the people have found, and will continue to find, their best refuge within the "sacred circle" of the States. That refuge has been and will always be

Our ready help in ages past,
Our surest hope for years to come,
Our shelter from oppression's blast—
The freeman's ever welcome home.

The indissolubility of the Union has been firmly established. Let the indestructibility of the States be forever maintained, and may their autonomy never become less! [Loud applause.]

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committeee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 10301. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901;

H. R. 9083. An act to authorize the Commissioner of General Land Office to dispose of the Choctaw orphan Indian lands in Mississippi, and to make appropriation for executing act of Congress approved June 28, 1898;

H. R. 11816. An act requiring the disbursing clerk of the Census Office to file additional bond, and for other purposes;

H. R. 10997. An act to amend section 4414, Title LII, Revised Statutes of the United States; and

H. J. Res. 238. Joint resolution authorizing the printing of additional copies of the annual reports upon the improvement and care of public buildings and grounds.

The SPEAKER announced his signature to enrolled joint resolutions and bill of the following titles:

S. R. 127. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution;

S. R. 121. Joint resolution for the appointment of first lieutenants of volunteers in the Signal Corps of the Army; and

S. 3055. An act to ratify an agreement between the Commission to the Five Civilized Tribes and Seminole tribe of Indians.

SENATE CONCURRENT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following concurrent resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution 66:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the eulogies upon the late Richard P. Bland, a Representative from the State of Missouri, of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives—

to the Committee on Printing.

Senate concurrent resolution 67:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the acceptance of the statues of the late Thomas H. Benton and Francis P. Blair, presented by the State of Missouri, 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for the use and distribution by the governor of Missouri, and the Secretary of the Treasury is hereby directed to have printed an engraving of said statues to accompany said proceedings, said engravings to be paid for out of the appropriation for the Bureau of Engraving and Printing—

to the Committee on Printing.

Senate concurrent resolution 72:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the special expert reports as prepared under the direction of the committee of awards of the Columbian Exposition held in Chicago in 1893, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives—

to the Committee on Printing.

Senate concurrent resolution 73:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer shall print and bind 5,000 copies of Senate Document 209, Fifty-sixth Congress, first session, one-half in cloth and one-half in paper covers, the same to be delivered to the superintendent of public documents for sale under the provisions of section 61 of an act approved January 12, 1895, providing for the public printing, binding, and distribution of public documents. The Public Printer is also authorized to print and bind extra editions of not less than 1,000 copies at a time of said document on requisition of the superintendent of documents, when required for sale—

to the Committee on Printing.

Mr. RAY of New York (at 5 o'clock and 5 minutes p. m). I move that the House now take a recess, pursuant to the order of the House, till 8 o'clock p. m.

The motion was agreed to.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock, and was called to order by Mr. CAPRON as Speaker pro tempore.

The SPEAKER pro tempore. The gentleman from New York [Mr. RAY], who has control of the time, is recognized.

REPORT ON POSTAL AFFAIRS.

Mr. SAMUEL W. SMITH. Mr. Speaker, I shall avail myself at this time of the opportunity to speak upon the joint resolution which was passed by the House more than two years ago "to create a commission to examine into the postal service." It will be readily seen by the provisions of the joint resolution which is herewith submitted, that the subject-matters under consideration were much broader and more comprehensive than had been anticipated at the time of the creation of the commission.

Joint resolution to create a commission to examine into the postal service.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint commission is hereby created, consisting of four Senators, to be appointed by the President of the Senate, and four members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. Said commission shall make full inquiry and examination into the postal service, including rates and methods of transportation, rental of cars, subsidies, pneumatic-tube systems, rural

free delivery, etc., and also the classifications of mail matter and charges thereon, especially second-class matter, and the rulings and practices that have obtained thereunder, and such other features of the postal service as said commission may, in the course of its duties, deem proper to subject to their inquiry and examination.

Said commission is authorized to employ experts to aid in the work of inquiry and examination; also to employ a clerk and stenographer and such other clerical assistance as may be necessary, said experts and clerks to be paid such compensation as the said commission may deem just and reasonable.

The Postmaster-General shall detail, from time to time, such officers and employees as may be requested by said commission in its investigation.

For the purposes of the investigation, said commission is authorized to send for persons and papers, and, through the chairman of the commission or the chairman of any subcommittee thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the duties of said commission.

Said commission shall, on or before January 1, 1899, make report to Congress, which report shall embrace the testimony and evidence taken in the course of the investigation; also the conclusions reached by said commission on the several subjects examined, and any recommendations said commission may see proper to make by bill or otherwise with the view of correcting any abuses or deficiencies that may be found to exist.

The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said commission, such payments to be made on the certificate of the chairman of said commission.

Any vacancy occurring in the membership of said commission, by resignation or otherwise, shall be filled by the presiding officer of the Senate or House, respectively, according as the vacancy occurs in the Senate or House representation on said committee.

Passed the House of Representatives May 2, 1898.

Attest:

A. McDOWELL, *Clerk.*

The time designated, January 1, 1899, was altogether too soon in which to expect a thorough and comprehensive investigation of these various subjects, and a report upon the same. Accordingly the time was extended until some time during this session of Congress.

I am informed that the commission has been taking testimony not only in this city but in other portions of the country with a view to intelligently investigate this whole matter, and that, as a result of their labors up to this time when the report is completed, it, together with the testimony which has already been taken, will embrace three volumes containing at least 600 pages each.

It is generally understood that the commission have employed the services of a very competent and skillful statistician, Professor Adams, of the Michigan University, to make the report. As a part of the recent conference in connection with the Post-Office appropriation bill, the time was further extended until January 1 next for the commission to report.

I regret that the time is extended beyond November 1, and I hope that the commission will make its report not later than that date, for the following reasons:

There is a widespread feeling that the commission has already had ample time in which to take testimony and make a report.

If the commission does not make its report before January 1, there will be but little time to examine the same before this Congress shall expire.

It is generally understood that one of the members of the House who has been a member of this commission is to retire of his own volition at the close of this Congress.

There is a further reason. An election is coming on, and no one knows how many members of this commission in the House will be returned to the next Congress. A part or all of them may be defeated. Certainly the House and the country are entitled to the benefit of the views and opinions of every member of this commission, and it is to be hoped that before this Congress expires they will submit the same.

If it shall be contended that the statistician will require a vacation at the close of his year's labor in connection with the University, I respectfully submit that he can take until the first of September, and then have two months in which to carefully examine this testimony and make his report, and by doing so he would be performing no greater service than many a lawyer has done in the examination of an equal amount of testimony and submitting the same in connection with a legal brief to a court where not only the liberty but the life of an individual was involved.

I submit there is no reasonable excuse for delay beyond November 1.

I hope and believe that this investigation will shed such light upon this whole subject as will enable the Government to save many millions of dollars a year, and place the Post-Office Department on a paying basis, where I believe it ought to be. I feel that the chairman of the Committee on the Post-Office and Post-Roads in the House is to be especially commended for his able and untiring efforts in seeking to accomplish this end. While I do not always agree with him, I believe him fearless, honest, and thoroughly competent. And I have every reason to believe that every member of this commission has sought in every way possible to procure the services of every witness who could shed any light upon these all-important questions; and I trust that we may have the best efforts of all of them to bring about a report not later than the first of next November, so that all who have taken so deep an interest in this matter may have the benefit of the testimony and the report, so that they too may have ample time, before the beginning of the next session, to examine the same and submit such remarks as may seem proper to them before this Congress expires.

It is now altogether too late to expect any remedial legislation along these lines before the next Congress.

The last three years, by reason of war and otherwise, have been periods of large expenditures, and it is only the part of wisdom to seek to retrench in every department of the Government, to the end that the Government may be wisely and economically administered.

TRUSTS.

Mr. TERRY. I yield to the gentleman from Mississippi [Mr. SPIGHT].

Mr. SPIGHT Mr. Speaker, one of the most serious problems that ever confronted the American people is involved in the rapid and unparalleled growth of what are commonly known as "trusts." No patriotic citizen, who has given even casual attention to the development of these great combinations of capital, and the utter disregard evinced by their promoters for any other than their own interests, can fail to be alarmed for the great masses of the people and for the safety and purity of the Government itself.

These combinations have become so powerful that they not only rob the individual citizen but unblushingly reach out and lay their foul hands upon the legislative and executive departments of the Government. Fostered by a protective tariff, which is the "mother of trusts;" grown fat by their cruel and enormous exactions from the people; arrogant and supercilious by their long unrestrained exercise of unbridled power, they have dared to lay their hands upon the Congress of the United States under threat to withhold the immense corruption fund which they have heretofore contributed to the success of the party in power, as was most forcibly illustrated in their successful "hold up" of the Senate and House of Representatives in the matter of the Porto Rican tariff legislation, and even compelled the President of the United States to depart from what he had solemnly declared to be a "plain duty," and put this supreme executive officer of a great nation in the shameful and ridiculous attitude of a "lightning change of mind" at the command of a band of public robbers operating under the specious guise of "industrial organizations." Shades of Washington, Jefferson, and Jackson! How they must blush at the degeneracy and pusillanimity of the occupant of the highest official station ever conferred upon a man in the mightiest and proudest Government the sun ever shone upon!

Another example of the power of trusts over the legislative department of the Government is shown in the ability of the armor-plate factories to stifle every effort in Congress to compel them to sell armor plate for our new battle ships at less than robber's prices. Strangers to every sentiment of patriotism, they would throttle the Government, imperil the lives of our sailors, destroy our Navy, and endanger the very life of the Republic, unless we will allow them unrestricted liberty in looting the public Treasury and filling their own overflowing coffers at the expense of a sorely taxed people.

Monopolies are always dangerous in the very nature of things because of the opportunity to compel consumers to buy at prices wholly out of proportion to the cost of production and the ability of the purchaser to pay. This danger becomes all the greater when the articles affected are of such common use and daily consumption as to become necessities to the masses of the people. But when these monopolies are either encouraged and protected by the Government or become the masters of the Government, a condition of incipient slavery is inaugurated more degrading and oppressive to the citizens of the Republic than African slavery in the South in antebellum days.

It would astonish even those who have given much thought to this subject to know how many of the articles that enter into the daily consumption of the poor people of both city and country are controlled in their production, transportation, and sale by trusts. It may be astonishing to some to know that the great city of New York is now in the throes of a mighty struggle with an "ice trust"—frozen water. If they had the power, some of them would put a tax upon the very air we breathe and upon the poor prayers we offer to God for deliverance from the hands of our despoilers.

This condition of industrial slavery we are rapidly approaching, and no greater danger ever menaced the liberties and happiness of our people than the astounding growth of trusts and unholy combinations of capital during the three and one-half years of the present national Administration, for which there can be but one rational explanation—the friendship and protection, if not fear, of the Republican party toward these corporations.

That a remedy for the evils growing out of this state of affairs is imperatively demanded no one who is in sympathy with the people and not either personally or politically in the power of these trusts will deny. Nor will it be denied that what the people want

and need is the most effective and speedy remedy that can be applied.

Many of the States are trying to help themselves and protect their people by drastic laws enacted by their own legislatures. Missouri and Texas have won notable victories along this line. Arkansas is moving in the same direction, and my own State, Mississippi, which has had an anti-trust law upon her statute books for several years, at a recent session of the legislature greatly strengthened and enlarged the compass of the previous law, and much good is expected from its rigid enforcement. The Republican State of Ohio has made some effort to enforce laws upon the same subject, and had an attorney-general, a Republican, who undertook to make the law effective, and it cost him his official head. At the very next election he was defeated by his own party, and the trusts have not lost any sleep on account of his successor.

By an act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," some good has been accomplished, but there have been two difficulties in the way. In the first place, the law itself stops far short of the requirements of the situation, which is becoming more alarming every day; and in the second place, the efforts to enforce it have been only half-hearted, or not at all. Yet, when the questions have been presented to the courts, especially in the case of Addyston Pipe and Steel Company *vs.* United States, decided December 4, 1899, they have maintained the constitutional power of Congress to enact such laws as would afford effective remedies for some of the evils of which we complain.

It is conceded by all that Congress has ample and exclusive power under the Constitution to regulate commerce between the States, and this exclusive power of Congress has presented some of the greatest difficulties to efficient State legislation, and it has long been the favorite argument of those who assail State laws enacted for the better protection of their own citizens. Now, what is needed to make State legislation effective is the full exercise of the constitutional power of Congress, and I have no doubt that the cooperation of National and State legislatures, within constitutional limitations, will furnish ample remedy.

I do not agree with those who contend that the power of Congress is so circumscribed by constitutional limitations that nothing short of a constitutional amendment will enable Congress to enact anything effective in its dealings with trusts. In the Addyston pipe case, to which I have just referred, the Supreme Court of the United States say:

> All the authorities agree that in order to vitiate a contract or combination it is not essential that its result should be a complete monopoly; it is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition.

And, summarizing the facts of the case they were then considering, and discussing the power of Congress to regulate commerce between the States, and what contracts and combinations are in restraint of trade and therefore subject to the control of Congress, the court say:

> If certain kinds of private contracts do directly, as already stated, limit or restrain and hence regulate interstate commerce, why should not the power of Congress reach those contracts?
>
> * * * * * * *
>
> We have no doubt that when the direct and immediate effect of a contract or combination among particular dealers in a commodity is to destroy competition between them and others, so that the parties to the contract or combination may obtain increased prices for themselves, such contract or combination amounts to a restraint of trade in the commodity, even though contracts to buy such commodity at the enhanced prices are continually being made.

Now, if Congress has the power to regulate commerce and prohibit contracts and combinations in restraint of trade, and to declare unlawful and subject to penalties all contracts and combinations which tend to prevent competition, why may not Congress declare that one of the penalties for such unlawful combination shall be the removal of all import taxes upon commodities or articles of merchandise similar to those manufactured or handled by such combinations, and admit them free of any tariff tax, so as to bring the trust goods into competition with similar goods from other countries, and enable the people to buy where they can buy the cheapest, independent of the trusts?

This is one of the propositions presented by the Democratic members of the Judiciary Committee of the House, but it will not be accepted by the Republicans, because it is in conflict with their cherished doctrine of a protective tariff, and they love protection far more than they hate trusts. And however strenuously they may strive to delude the people into believing that they want to suppress trusts, they will be careful that no harm is done to the protective tariff, "the mother of trusts."

There can be no doubt of the power of Congress to enact such legislation, nor can there be any doubt that if it were done it would be the longest step ever taken toward the suppression of trusts; and if the Republicans in this House were sincere in their professions of opposition to trusts, they would promptly adopt this provision; but they will not, they dare not do it, because it would mean the loss of an enormous campaign fund, with which they purchased the Presidency in 1896 and wish again for the same purpose.

John Sherman, for a long time an acknowledged leader of the Republican party, in discussing this question in 1889, said:

> Whenever this free competition is evaded or avoided by combinations of individuals or corporations, the duty should be reduced and foreign competition promptly invited.

Sherman was right as far as he went on this proposition, but the danger was not so great then as now, and instead of a mere reduction of duty the tariff should be entirely removed and admit foreign products to free competion.

Another plain proposition submitted by the Democratic minority, and one equally within the power of Congress to enact, is to deny the trusts the use of the United States mails in the conduct of their unlawful business, just as any other unlawful and fraudulent business is shut out.

If the petty swindler who seeks to defraud you of a paltry dollar through the use of the United States mails finds himself confronted by a "fraud order" from the Postmaster-General, why should these great corporations, who rob the people of millions every year, be allowed a "free hand" to plunder as they please? There is no answer in morals nor in law, and I am glad that this proposition meets the approval of the majority also.

Another proposition submitted by the Democratic minority is so far-reaching in its effects that, if enacted into law and rigidly and honestly enforced, the death knell of trusts would be sounded. It provides as follows, viz:

> That every corporation, association, joint-stock company, or partnership formed or made, or managing or carrying on its business, in whole or in part, for the purpose of controlling or monopolizing, *or in such manner as to control or monopolize, or tend to control or monopolize*, the manufacture, production, or sale of any article of commerce or merchandise, *intended for interstate commerce or commerce with foreign countries*, or for the purpose of controlling or increasing or decreasing the cost or price of the same to the purchaser, user, or consumer thereof, for the purpose of preventing, *or in such manner as to prevent*, competition, or of preventing competition in the manufacture, production, or sale thereof, is, for the purposes of this act, hereby declared to be illegal *and a monopoly; and all such corporations, associations, joint-stock companies, and partnerships, and their officers, agents, managers, and attorneys are hereby forbidden and prohibited from shipping or putting in transit any such article of commerce or merchandise to any State, Territory, foreign country, or place, outside the State, Territory, or place in which it was manufactured or produced, and from selling or offering to sell any such article or merchandise to be so shipped or put into any such transit, unless for the private or personal use of the consignee; and for any violation of this provision shall be deemed guilty of an offense against the United States, and on conviction shall be punished by a fine of not less than $500 nor more than $5,000, and by imprisonment not less than thirty days nor more than six months.*
>
> Any such corporation, association, joint-stock company, or partnership may be proceeded against at the suit of any person or persons, or corporation, or association, or by and in behalf of the United States, and perpetually enjoined and restrained from doing or carrying on any interstate or foreign commerce whatever, either with the States or the Territories of the United States or the District of Columbia or any foreign country; and no article of commerce produced or manufactured or owned and dealt in by any such corporation, association, joint-stock company, or partnership so organized, formed, managed, or carrying on business, shall be transported or carried without the State or Territory in which produced or manufactured or in which same may be, or without the District of Columbia if produced, manufactured, or found therein, by any individual, corporation, or common carrier, in any manner whatever. All such articles of commerce, shipped in violation of the provisions of this act, shall be forfeited to the United States, and may be seized by any marshal or deputy marshal of the United States, or by any person duly authorized by law to make such seizure, and when so seized shall be condemned by like proceedings as those provided by law for the forfeiture, seizure and condemnation of property imported into the United States contrary to law.

This is offered as an amendment to the bill reported by the majority of the committee, but there is little hope that it will be adopted, because it means something effective and not a mere play for party position. It is true that if enacted into law the people would rise up and call you "blessed;" but the trusts would say, "Let them be anathema;" and I fear that the curses of the latter will be more potent than the blessings of the former.

I do not believe that it is the purpose of the present majority in Congress to enact any law that will seriously interfere with the business of the trusts. If so, why have they waited until the last hours of the session to report any measure looking to this end?

Congress has been in session six months, during all of which time the Republican majority have had the power of numbers to make any law they desired; and while the bill which they now propose as a remedy has some good features, yet it does not go far enough, and is so carefully hedged about and so much is left to construction that if it should become a law it will not be enforced.

As an apology for this weakling, they come professing to believe and asserting that Congress has no power to do anything, and propose a constitutional amendment which they know will never be adopted. If it should pass the two Houses of Congress by the requisite majority it must be ratified by three-fourths of the State legislatures, and before this can be accomplished the trusts will control and dominate a sufficient number of States to defeat the amendment.

But aside from the delay consequent upon the submission of an amendment to the Constitution, the one now pending is of such doubtful propriety and dangerous possibilities that many men

who sincerely desire the most effective legislation possible will be afraid of the great sacrifice of State sovereignty and the concentration of such stupendous power in the General Government as is involved in the resolution as now presented to be inserted in the Constitution.

In conclusion, Mr. Speaker, I want to say that I am not opposed to capital when legitimately employed, and I can readily see how combinations of capital and energy and skill, especially in manufacturing enterprises, may result and have resulted in great good to the country at large, and as long as they stand upon their own merits and are satisfied with reasonable profits we all welcome them as important factors in the development of the business interests of the country. But when by unholy combinations they ignore the principles of justice to the public, oppress labor and forget everything except their own selfish interests, then they become public enemies and ought to be controlled by inexorable law for the protection of the public welfare.

It is claimed and not denied that, by combination of skill and capital, the cost of production and handling may be greatly reduced, and if the cost to the consumer should be correspondingly, or even approximately, reduced, there would be no just cause of complaint; but our observation and experience teach us that in most cases where the cost of production is decreased and competition is suppressed the price to the consumer is largely increased. It is this feature of the case that has aroused public indignation and alarm and induced the demand for legislative control. This appeal of the toiling millions of America who live by the sweat of their brows may for a time be unheeded, but not for always.

A day of reckoning is coming. I believe that, in the providence of God, when the sun goes down on the evening of the 6th day of November there will have been registered by the peaceful methods of the ballot box a mighty verdict of a long-suffering people declaring that henceforth and for all time this shall be a "Government of the people, by the people, and for the people."

Mr. Speaker, I have endeavored to speak plainly, without rhetoric and without passion, of some of the evils which threaten us. Coming, as I do, from the plain people, whose representative I am proud to be, as far as in my power lies, I make this appeal in the closing hours of the first session of the Fifty-sixth Congress for the purity and honesty of our Government and economy in the administration of its public affairs and for justice and fair dealing to the individual citizen. It has appeared to me that Congress forgets that the money so freely appropriated for every imaginable purpose is the product of the toil of the laboring masses, wrung from them by way of taxation.

The utter disregard of constitutional limitations, the unblushing thievery of public officials at home and abroad, the abandonment of the time-honored principles of our republican Government, all indicate that the party in power, drunk with its excesses, is hastening to destruction; and I have an abiding confidence that on the 4th of March, 1901, there will be inaugurated as the worthy successor of Washington, Jefferson, and Jackson, that eminent statesman, incorruptible patriot, and matchless friend of the people, William J. Bryan. [Loud applause.]

Mr. TERRY. Does the gentleman from New York [Mr. RAY] wish to use any of his time now?

Mr. RAY of New York. Not now, if the gentleman will go ahead.

Mr. TERRY. I yield to the gentleman from Alabama [Mr. CLAYTON].

[Mr. CLAYTON of Alabama addressed the House. See Appendix.]

Mr. TERRY. I yield five minutes to the gentleman from Texas [Mr. KLEBERG].

Mr. KLEBERG. Mr. Speaker, the trust question is still surrounded with much confusion, and must necessarily pass through many stages of enlightened popular discussion before it can be intelligently solved. Most of the discussions in the public print and in so-called anti-trust conventions have been along academic lines, but the time is now drawing near, as the great national campaign approaches, when the subject will receive a more practical treatment, both in political platforms and in the political forum.

The people are considering it as an intensely practical question and have long looked for an open, practical discussion of it by Congress and the leaders of political thought. They are no doubt growing impatient at the apparent indifference of this Congress in not entering upon a practical treatment of this great political issue; for much as our Republican friends may talk about prosperity, the fact remains that industrial combination is fast shutting out individual freedom of enterprise and is subordinating the natural development of economic forces to the private greed of capitalism.

Large industrial enterprises, it is true, are unusually prosperous and are in some instances paying higher wages, although not in proportion to the profits arising from monopolistic prices.

On the other hand, smaller enterprises are fast disappearing and their owners forced into the ranks of wage-earners. The opportunity for free enterprise and for free labor is constantly and rapidly reduced and the individual man made more and more dependent upon wage labor, which, in turn, is more and more reduced by machine labor and the limited production of commodities. This, again, must inevitably produce an impoverishment of the masses and the enrichment of the classes.

Temporary waves of so-called prosperity, brought about by natural causes and not by the alchemy of the Republican party, can not deceive an intelligent people who must see and do see that our industrial system is fast drifting into monopoly and our Government into a plutocracy. The fit of present prosperity is already approaching the phase of overproduction, so-called, and lockouts and strikes, the certain forerunners of panic, are setting in as usual, foreboding impending industrial depression.

The political party which attempts to trifle with the situation is certain to suffer defeat at the polls next November. The people appreciate the danger of the trusts and they call for remedies which are both speedy and practical. Penal statutes and repressive measures are well enough in their places, and if faithfully executed afford temporary and partial relief, but most of them are mere brutum fulmen, the mere sounding brass and tinkling cymbal, signifying nothing. Neither can the remote and problematical attempt to amend the Federal Constitution satisfy the popular demand for relief. The people are beginning to understand that the trusts are the result of a great economic struggle of world-wide extent and significance; that not only the competitive principle but that civilization is on trial, and that there is no greater question confronting humanity in the approaching century.

The American people especially are more deeply interested than any other people on earth, because the trust giant comes in the garb of imperialism and threatens not only to destroy industrial freedom but political freedom as well, for a people who are not industrially free can not long remain politically free. It is thus that capitalistic greed is attempting to divert the attention of the American people from the ills that threaten them at home to the problems of distant colonial possessions in the Orient and to advocate conquest, militarism, and imperialism under the guise of legitimate expansion.

The constitutional amendment offered by the Republican party is a delusion and a snare, and is not offered in good faith. It could never be adopted, even if it were acceptable in other respects, and our friends, the Republicans, must know this, as no amendment to the Constitution has ever been adopted in that manner for a hundred years, except those forced upon the people by the arbitrament of arms after the civil war. But the amendment is full of lurking danger to the States and concealed attempts to so construe the present Constitution as not extending over our Territories and other parts of the United States, and thus seeks to fasten upon the country the false doctrine of construction of the Republican party, that Congress can act independently of the Constitution.

The amendment is destructive of the States' present constitutional power to suppress trusts within their limits, and places the power to define trusts absolutely in the Federal Congress, as well as to control, regulate, and prohibit them. This makes this power exclusive and takes it from the States completely, notwithstanding the clause which seems to reserve this power. So that if Congress is disposed to be friendly to any kind of trust the States could not act against the action of Congress and could not protect themselves against such trusts, as the power of Congress, by this amendment, is made superior to that of the States. We might thus destroy all present power to be found in the Constitution of the United States, as well as in the several States, to cope with the trusts and lodge it all in this amendment, and if Congress were friendly to trusts the latter would have a free hand to plunder the people.

The great questions of finance, taxation, and transportation are the live issues to which the party in power should direct its attention, because it is here that we must look for practical measures of relief. These are all practical subjects for legislative action under the Constitution of the United States as it now stands. Let us not theorize what we might do if we had a different Constitution, but let us first exhaust the powers of the present Constitution, a Constitution which its great framers did not devise for a day or generation, but for centuries, and which under proper construction has over a century and a quarter stood the test of good government.

As it would lead me too far to discuss at length all the practical remedies coming under these three great heads, I must content myself with the partial discussion of one only—to wit, transportation—and to simply reaffirm the Democratic faith as to the other

two subjects of finance and taxation. I do so for the reason that, in my opinion, the question of transportation, while not more important in a wider sense than others, is yet in a practical sense of first importance in the present development and maintenance of industrial trusts. In other words, while falling prices, superinduced by the single gold standard, unequal taxation, and unrestricted and unfair competition, have been and are continuing causes of industrial concentration, commonly known as "trusts," railway discriminations in freight are equally strong and active factors in the process of industrial combination and the growth of monopoly.

But like Banquo's ghost, the trust question will not down; it must be faced, and that at once. The question is not what we would do if we could adopt the proposed constitutional amendment, because by the time it could be adopted, if it ever can, the trusts will have done their worst.

So the trust question is much broader than a mere business question. It involves in a broader sense our industrial and political welfare, and can only be solved as far as legislation is concerned by such measures which will remove as far as it is practicable the causes which produce trusts and maintain them. Now, it will be seen that this involves legislation in many directions and upon many subjects. There is no single remedy by which a rational reform can be reached in our industrial life, but the question must be approached from many sides, all tending to a practical scheme of restoring equal opportunities to all clases of our people to earn according to their natural capacity.

What is wanted above all other things is such prompt action on the part of Congress that may at least check the present trend toward industrial inequality and monopoly. I say again, let us not theorize as to what we could or might do if we had a different Constitution, but first exhaust the powers to check monopoly under the Constitution as it now stands. I refer now to the interstate-commerce clause of the Constitution, which, among other things, involves the control of the great interstate transportation lines. This is a power that is not made doubtful by judicial construction, but is most clear and undisputed in the light of judicial interpretation in an unbroken line of the many decisions of the United States Supreme Court upon this subject.

Again and again has this high tribunal laid down the principle that the railways in their capacity as public carriers are the servants of the public and can neither lawfully charge unreasonable rates nor exact discriminating freight rates from shippers. That Congress has the powers to fix rates of freight either by direct legislation or by delegating this power to a commission. That it has likewise the power directly or by a commission to prevent discriminations, to classify freight, to compel interstate shipments by different railways, public accounting, and to force the railways to comply with every reasonable right of the shipper and passenger as far as it relates to interstate commerce.

It is idle to speak of breaking up trusts and monopolies as long as they are built up and sustained by railway discriminations. I venture to say that there does not exist one single so-called industrial trust to-day which is not fostered and maintained by some favor in the form of railway discrimination. If these favors are not lower freights or rebates, they consist in terminal facilities or some other advantage to the trust over competitors. If not indirect discrimination, then these trusts are favored and maintained by the advantage they have in the long over the short haul.

As long as intermediate points along the same transportation line are discriminated against and the terminal points are favored in proportion, how is it possible to maintain fair competition between rival concerns and to establish equal opportunity for all? The favored concern soon grows powerful on these discriminating rates of freight and crowds its competitors out of the field, and thus places producers, consumers, and wage-workers at its mercy. What rival concern can compete against the Standard Oil Company, the big four slaughter and packing companies, the grain elevators, and, in fact, all the great industrial combinations, now formed and being formed, as long as they have terminal and shipping facilities and the benefit of the long haul over the short haul? None.

But entire cities and sections suffer in the same way at the expense of the favored cities and sections. We find that the entire States of our country, especially those depending on smaller towns and a rural population, are drained constantly to build up a favored few, and that an unequal distribution of wealth is brought about concentrating in the hands of the few and in a few larger cities. Why is it that but few of our cities grow commercially and the great majority are either on a standstill or going backward, especially in the South and West, if it is not the blight of freight discrimination? If not the sole cause, it is the main cause.

Transportation is a question of life and death with cities and States, as well as with individual business men. If one city or one State or one section has the advantage of freight rates over its competitor, that city, State, or section is going to prosper over the others, just like an individual would over his competitor. Yet this is precisely the condition that is going on all the time; and can we wonder that the industrial combination, the trust, and the monopoly exist and will continue to exist and grow stronger from day to day, and that the unequal distribution of wealth goes on with it? Take the railway out of the trust problem and you have left indeed those in a wider sense, such as class legislation of all kinds, unfair and unrestricted, and unfair competition, invention of improved machinery, and, in fact, certain cosmic forces.

Falling prices, brought about by the single gold standard, tariff inequalities, unrestricted and unfair competition, especially among railways, the progress of machine labor, and the tendency of natural law in the direction of cooperation, all make for concentration, and are in fact some of the prime causes of the great social evolution that is moving forward and gradually coming in sight. I by no means ignore the great historic struggle between the competitive principle and socialism, which is really at the foundation of the present industrial crisis. But in casting about for practical remedies, I believe that one is the immediate control and regulation of the railways as affecting interstate commerce.

Not that I would abandon for one moment the fight against the money trust, or in fact any of all the many remedies that naturally present themselves in many directions, but I wish at this time and on this occasion to emphasize the fact that the railroad trust is one of the greatest and most formidable of all trusts, and affects every man, woman, and child of the land directly and constantly. There is nothing we wear, eat, or use which is not affected by the railway freights that must be paid upon it. No business or enterprise can escape its demands.

Year in and year out the Congress makes large appropriations for harbor improvements, and yet the railways are allowed to discriminate in the long haul, so as to drive out all water-freight competition. A short time ago a line of steamers plying between New York and Galveston was driven out of business by the railways, who so lowered freights as to make it impossible for the steamship's company to haul freight and compelled it to go out of the trade, when the railway put up its freight again. Of course, this is but an instance of discrimination that is pursued by the railways along our whole seacoast, and the result is that all the coastwise trade of the country is not controlled by water rates but by the railways, and our seaports are languishing instead of growing into large trade marts to supply the interior with cheaper freights.

Again, but recently it has been discerned that the export rates on wheat to the seaboard are lower than export rates on flour, and the result is that foreign millers can sell their product cheaper than our millers, and thus drive them out of the field. But the discrimination against the small manufactories in the South and West, the smaller business men, and especially against our great farming and stock-raising community West and South, is such that many States in these sections are nothing but truck patches to the larger cities in the East. Yet people wonder why there are no large cities in the South and along the Atlantic coast south of Baltimore.

Regulate interstate traffic on the railways, fix freight rates, abolish the long haul and other class discrimination, and let each section stand on its own merits and its natural advantages and build them up, and you stop one cause for the unequal distribution of wealth. The ports along our seacoast will grow in commercial importance by reason of low water rates on freight, and they will supply the interior, as they naturally should do, with goods, wares, and merchandise upon cheaper freight rates; the country will grow up evenly and in proportion to the thrift of its citizens; there will be a more even distribution of wealth, as the occupation of the trust will be gone, to a large extent at least.

The railway in its very nature, by reason of its exclusiveness of territory and its largeness of capital, is a monopoly to which every individual and every business, large or small, must submit, and whose freight exactions no one can escape unless he can find protection in the law, which alone can prevent the railways from charging unreasonable freight rates and imposing discriminations. Ordinarily the common law, by which reasonable rates are demanded, would be all-sufficient were it not true that the railways have grown too powerful for the individual or even the State to control.

The Federal power alone, as far as interstate traffic is concerned, can cope with the railways, and may and can control them if it would. It is idle to say that we have tried the Interstate Commerce Commission and that it has failed. It has never been given the full constitutional power that it could have under the interstate-commerce clause of the Federal Constitution. Why is it not clothed with this power? Is it the great influence of the railways that prevents such legislation? Then let the people speak by adopting party platforms that will make it mandatory for Congress to act. Here, then, is an opportunity for practical relief against the trusts, so called. Why is it not utilized? Bills looking to the strengthening of the Interstate Commerce Commission are

pending in both the Senate and this House, but they are not even considered in committee. Who is responsible but the party in power?

The truth is that the Republican party is not serious in its opposition against the trusts. Having a majority in both Houses of Congress and the President, it has not only failed to use its power to legislate against trusts by removing the causes which build them up and maintain them, but it has actually helped to build them up and maintain them. It has placed the money of the country in the hands of bank trusts; it has placed the taxes on those who are least able to bear them, and exempted corporations, and syndicates, and trusts; it refuses to suspend the tariff in cases where it builds up trusts and monopolies; it refuses to regulate interstate commerce by strengthening the Interstate Commerce Commission and giving it the constitutional powers by which the people would be protected against the exactions and discriminations of the railways, and which would break up the trusts which thrive on freight discriminations, and, lastly, it plunges the country into imperialism at the behest of the trusts, who want to exploit our island possessions.

By their fruits ye shall know them.

[Loud applause on the Democratic side.]

Mr. TERRY. I yield to the gentleman from North Carolina [Mr. KITCHIN] seven minutes.

Mr. KITCHIN. Mr. Speaker, when the gentleman from New York [Mr. RAY], chairman of the Judiciary Committee, was arguing in favor of this amendment, I called his attention to the fact that in 1888 the Republican national convention adopted a plank in its platform against trusts. That platform was as follows:

We declare our opposition to all combinations of capital organized in trusts, or otherwise, to control arbitrarily the conditions of trade among our citizens.

I further called his attention to the fact that in 1892 his national convention adopted a stronger plank against trusts, in these words:

TRUSTS CONDEMNED.

We reaffirm our opposition, declared in the Republican platform of 1888, to all combinations of capital organized in trusts, or otherwise, to control arbitrarily the conditions of trade among our citizens. We heartily indorse the action already taken upon this subject, and ask for such further legislation as may be required to remedy any defect in existing laws and to render their enforcement more complete and effectual.

I then called his attention to the fact that in 1896, when his party met in convention that year, the convention that nominated the present President of the United States, it deliberately turned its back upon its platform declarations of 1888 and 1892 and omitted any reference to trusts. When I asked him to explain this change, the gentleman from New York [Mr. RAY] said perhaps they overlooked it. Ah, Mr. Speaker, they did not overlook it. They had those previous platforms there before them, and in my opinion the reason they omitted any reference to trusts was because a different class of gentlemen controlled that convention; because the distinguished chairman of the Republican executive committee, Mr. HANNA, was there with his mighty cohorts and influences.

They deliberately left out any reference to trusts. The spirit that guided Lincoln, Garfield, and Blaine did not influence the Republicans in that convention. They had demanded in 1892 further legislation upon the subject. They have been in the full possession of the powers of this Government for three years and more, and have allowed the months and the years to go by, until to-day, right in the closing days of the long session of this Congress, they bring in a proposed amendment to the Constitution, which we denounce as insincere, as a subterfuge to mislead the American people, as a thing to parade before the public in this coming campaign. We say it has every earmark of being intended for that purpose, and for that purpose alone.

To-day every trust in the United States pays allegiance to the Republican party and contributes to its campaign fund. Where is there a trust manager that is not Republican? Name a trust that does not give its support to the Republican party.

The delegates in the last Republican convention by omission repudiated their hostility to trusts, by omission published to the world their submission to trust influences, and at once those influences became the support of the Republican party. If suddenly every trust would turn its guns upon the Republican party, that party would vanish in a day. The fact that the Democracy withstands and boldly attacks them attests her sound principles and her noble efforts for the people. Where is there a trust advocate in all this land who is a Democrat?

Mr. RAY of New York. May I ask the gentleman a question?

Mr. KITCHIN. I have little time, and if you will remember, you refused——

Mr. RAY of New York. Well, if you do not desire to yield, I do not ask you to.

Mr. KITCHIN. All right; what is your question?

Mr. RAY of New York. You were talking about what the Republican party had done and failed to do. I was here when Cleveland was President——

Mr. SULZER. Are you following in his footsteps?

Mr. KITCHIN. I see the gentleman from New York [Mr. RAY] is not going to ask me any question pertinent to my argument. It appears that he wants to take my time rather than to get information.

Mr. RAY of New York. Do you yield for a question or do you not?

Mr. SULZER. Are you following in Cleveland's footsteps?

Mr. KITCHIN. I will yield to a question pertinent to the point I am arguing.

Mr. RAY of New York. Very good. Why was it, when Cleveland was President and the Democrats had the Senate and House both, that the Democratic party did not do something in regard to trusts and monopolies?

Mr. KITCHIN. The gentleman knows that it did take steps against the trusts; that prosecutions were begun; that the Wilson bill struck the trusts; and the gentleman also knows that we only had one Democratic Congress while Cleveland was President, and it dealt with the great money question, and, by the way, in a manner contrary to my will, and it also dealt with other important matters. But, sir, you can not answer the charge that I make against your party by asking me a question. A gentleman who has the information and ability that ought to characterize the chairman of the Judiciary Committee ought not to resort to any such tactics as that.

If he can answer the charges made against his party, of its insincerity in bringing in this amendment, he ought to answer, and not get off by asking another question, in order to lead the House away from the charge that I made, that they introduced this resolution in order to mislead the country as to their position on trusts. Every trust in this country is with your party; every trust manager is, as I have said, with your party. I believe every one of them contributes to your campaign fund. Tell me that you seriously intend to do any damage to the trusts!

If you had intended to make a fight on them that meant anything, why did you not do so three years ago instead of waiting for the beginning of a Presidential campaign? It is because in the last few months the newspapers have been fighting the trusts, and the people have been waking up to them. Your party has been trying to convince the people that the silver question will not be discussed. The gentleman knew his party had taken a position on imperialism that it can not defend before the people, and when he knew that we were going to force the fight on the trusts, he, to use the illustration of my good friend, the gentleman from Illinois [Mr. CANNON], played the cuttlefish and muddied the waters so as to escape from the burden of the trusts which bears on the shoulders of his party, and from which it can not escape.

Mr. RAY of New York. May I ask you another question?

Mr. KITCHIN. If it is a pertinent question.

Mr. RAY of New York. It is. Will the gentleman explain to the House and the country about this great Democratic Tammany Hall ice trust up in New York? [Laughter.]

Mr. GAINES. How about the oil trust?

Mr. KITCHIN. Now, the gentleman has asked this question to get away from my point, and he knows it—still playing the cuttlefish. [Applause.]

Mr. Speaker, I am against ice trusts, coal trusts, and all other trusts. The Democratic party is against trusts, and every man in all the country knows it. For three years the Republicans have known they could rely for support in a real crusade against trusts upon every Democrat on this side of the House. Democrats have introduced bill after bill against them, but those bills in Republican committees sleep the sleep that knows no waking. During these three years the trusts have constantly grown stronger, bolder, and more oppressive. Yet, in full control, the Republican party has for three years looked smilingly on, and now pretend to fight them by using blank cartridges.

The Republican members of the Judiciary Committee have reported two measures; one a resolution proposing an amendment to the Constitution, the other a bill under the Constitution as it now is. As I am informed, the minority members of that committee, though containing some of the ablest lawyers in this body, were not consulted in any manner in the preparation of those measures. The Committee on Rules brought in a rule which absolutely precluded the privilege of even offering an amendment to the first measure, and the gentleman from Ohio [Mr. GROSVENOR] tells us it is a Republican measure and must be voted on without the dotting of an "i" or the crossing of a "t."

It is a Republican measure. It is, therefore, in my opinion, intended to delay hostility against trusts. Why, if that amendment should by any means pass the House and Senate, and be submitted to the legislatures of the several States, then, while it was so pending, to every demand of the people to proceed against the trusts, the Republicans would reply, "We must wait till the amendment is adopted, giving us more power." The probability is it will not pass this House, and could not pass the Senate; but

should it pass, no one believes the State legislatures would ever ratify it, since it requires approval by the legislatures of three-fourths of the States, and if it is against trusts, certainly the trusts and Republicans would control more than one-fourth of the State legislatures.

In the meantime the trusts would be expanding. Prominent Republican newspapers like the Chicago Inter-Ocean have declared that "it is inconceivable that it should ever be ratified." The Washington Post shares the same opinion. But such an amendment will not pass this House. The Populist members will vote solidly with us who oppose it, and the Republican party itself is not solidly for it. Why this opposition? Simply because we know it is a piece of petty politics, not intended to harm the trusts, but calculated to mislead the people.

If the Republicans wanted it passed they never would have put in the first section, because they knew that everyone who voted against taxing Porto Rican trade and believed that the Constitution followed the flag would be violating his convictions by voting for this amendment. This amendment says that its powers shall extend to "all territory under the sovereignty and subject to the jurisdiction of the United States." Now, suppose that trust amendment should hereafter appear as a part of our Constitution, it would mean of course that that article was in force wherever we had jurisdiction, and the other articles, not having such a clause, would by the ordinary rules of construction, on the principle that the naming of one excludes the other, be in force only here in the old United States, as they were four years ago. This would be contrary to the known principles of Democracy. Doubtless this clause was inserted by the Republicans in order to strengthen their position that the Constitution does not extend to our island possessions.

But surely they did not expect us to stultify ourselves by voting for it. Again, the other sections of this proposed trust amendment are the most dangerous words against State rights or local self-government that within my knowledge have issued from a committee of this House. Some time ago the gentleman from Ohio [Mr. GROSVENOR], in a signed published interview, said:

> I repeat what I said before: I am opposed to any interference by Congressional action with the right of the States to organize, create, control, limit, and regulate their own corporations in their own way, and for Congress to impair it by limitation upon the operation of State corporations other than that which was enacted in the interstate-commerce law would be such a violation of the right of States that it is not to be thought of for a moment.

His consideration for the rights of the States is gratifying to Democrats.

The second section of this trust amendment would practically blot out State lines. They give Congress power to define, regulate, prohibit, or dissolve trusts, etc. Under that power Congress could go into any State, and although a labor organization, a farmers' alliance, a partnership, or corporation might be a domestic one, and do no business outside of the State, Congress could regulate and dissolve them and assume complete jurisdiction, and absolutely prevent the State from dealing with its own native concerns not engaged in interstate or foreign commerce. It also says the States shall have all the powers they now have not in conflict with the laws of Congress. In other words, after taking all the power into the hands of the Federal Government, it says the States may have the balance.

Never would the Republicans have offered such a resolution had they desired it to get Democratic support. The distinguished gentleman from Texas [Mr. BAILEY] told them in his able speech against it, if they would only strike out the first section and limit the other sections to such corporations, monopolies, and trusts as engage in interstate or foreign commerce that they would get every vote on this side of the House. But no; no change. We must take their medicine or none. If any trust amendment whatever is needed, surely the proposition made by the gentleman from Texas or that proposed by the distinguished gentleman from Arkansas [Mr. TERRY] would fully meet the situation.

It appears that the other side deliberately prepared it for the purpose of making it so odious to Democrats and Populists that none could support it, and having so made it, absolutely refuse to allow an amendment to it to be even offered. They knew they would be asked about trusts, and therefore it was presented as something not effectual, something against which trusts would not rebel, but something with which in the coming campaign they hope to mislead the ignorant. You can not deceive the people.

The roll call will show that the overwhelming majority of those who follow Chairman HANNA'S policies will vote for this amendment in order to shelve the trust question. But in this they will fail.

You may this year again write into your national platform what you deliberately omitted four years ago—hostility to trusts—but the conduct of your party contradicts such hostility. You will do this from fear of the people, but they will not be deceived. As you wrote into your past platforms friendliness to silver and yet plied your dagger to its heart, so the people will know that, while you write hostility against the trusts in your platforms, you will be insincere, you will hug them to your bosom, worship at their shrine, and give them the devotion of your services. From them you will draw your sinews of war, with their approval make your nominations, and in their interests shape your policy.

Speaking of amendments to the Federal Constitution, why do not the Republicans of this House report some of the Democratic resolutions to amend it so as to allow without any uncertainty an income tax? We believe it should now be held constitutional, but you dispute it. Let us remove the doubt. Do that and the trusts will kick. You will not do it. With your support such a resolution would pass this House unanimously.

But, Mr. Speaker, the other measure the Judiciary Committee has reported and on which we are to vote Saturday is a bill against trusts, making the present laws more stringent and effective. This is a confession of what every one recognizes, that Congress now has the power to deal with trusts and monopolies engaged in interstate and foreign commerce.

We hope to have this measure improved by adding to it the amendments prepared by my friend from Arkansas [Mr. TERRY], which we think will make it sufficiently effective to destroy trusts, if the Administration will only enforce it. But the Republicans will probably defeat these amendments, for they do not want a law so strong against trusts as Judge TERRY'S amendments will make this bill. If they are against trusts, why has not the Administration been enforcing the present laws throughout the country? Yet only a stray case here and there has been instituted where hundreds ought to have been instituted.

However, this pending bill against trusts, called the Littlefield bill, will be voted for by every Populist and every Democrat here, even if we fail to improve it by amendments, as it is a step, though not a long one, in the right direction. For any real, earnest bill against trusts we will vote. However, the Republicans, in order not to offend the trusts during this campaign, waited till this late day, when, after this bill passes the House, as it will, they have every reason to believe it will sleep in the Republican Senate until after the election. If they had wanted it to become a law before the campaign, why did they not report it early in this session, or why did they not bring it up in the last Congress? They had deliberately, and doubtless for a strong purpose, omitted any reference to trusts in their last national platform.

So much for these two measures. Mr. Speaker, the Democratic party is not against wealth. It rejoices in the great enterprises of the country, but it is against trusts. That man who by diligence, industry, economy, and business ability and sagacity builds an honest fortune is an honor and a blessing to mankind. He lives here and there throughout every State in the love and admiration of his neighbors. The trust spirit does not shape his conduct. The true spirit of trusts is the real spirit of robbery, of unjust greed for money.

The trust system gathers money from millions without fair consideration.

Mr. Chairman, I do not condemn the hundreds of thousands of men employed by trusts. I believe thousands would quit the trusts at once if they were assured of steady, permanent work elsewhere at the same prices. They sympathize with all humanity, but must first provide for themselves and loved ones—conditions confront them, and they must do the best for themselves. In my opposition to trusts, I refer to the corporations themselves, and to those who direct their policies and share the true trust spirit.

The capital stock, including no one knows how much water, in trusts and practical monopolies, without including railroads, street railways, gas and electric-light companies, which are not naturally of a competitive character, of 265 concerns named in the New York World Almanac amounts to about $5,000,000,000, or enough to buy the State of North Carolina, according to her tax books, fifteen times over. There are probably 200 trusts not named in that almanac. Many have been organized since its publication.

Nearly everything on the great markets is controlled by trusts except some agricultural products, and some of those which the farmer does not prepare ready for consumption are controlled by trusts and against the interest of the farmer.

Trusts are combinations of naturally competing concerns for the purpose of controlling or fixing the prices of what they buy and sell. It is no bad purpose for two or more concerns to consolidate for the honest purpose of simply running their business more economically. In many ways may wealthy men legally unite their capital for good purposes. But when men combine to avoid competition, and to become masters of any industry, with power and purpose to fix prices for their own greedy benefit at the expense of the public, then the evil spirit of trusts is born. When high prices for their products are dictated above the prices of fair competition, and low prices for the material they buy are set below

prices of honest competition, then the demon of injustice appears and robbery begins. Traffic with them is no longer upon fair contracts.

The free judgment of two independent minds is no longer required in the business. The trust fixes the price, and its price setter whatever his position is, alone need be consulted. The other party has no voice in it. He must pay for his necessities trust prices, for he can buy from no one else. He must sell at trust prices, for there is no other to buy. He is "held up" and made to deliver. He may have to give the value of six days' work for what, without trusts, he could get for five days' work, or he may have to sell the product of six days' work for the price at which, without trusts, he could have sold the product of three days' work; but this he must endure under the trust system. Trusts have no souls; and as long as the Republican party controls, it is apparent that they will not be answerable "for deeds done in the body."

Just as a sample of their iniquity I quote the following item, which was recently published, showing how, under our high tariff on iron and steel manufactures, the steel and wire trust robbed our people:

John W. Gates, manager of the steel and wire trust, testified before the Industrial Commission last fall that they were exporting their products and selling them at a less price to foreigners than to us. The exact figures are:
Wire nails—American price, per keg, $3.40.
Wire nails—To Canadians, per keg, $2.70.
Wire nails (to ship abroad)—Export price, per keg, $2.14.
Barb wire—American price, per 100 pounds, $4.13.
Barb wire—To Canadians, per 100 pounds, $3.25.
Barb wire—To Europeans, per 100 pounds, $2.20.
Export prices are furnished by ex-Congressman J. D. Warner, of New York.

Doubtless in many other lines the American farmer has been robbed by the trusts in excess of the robbery committed upon Canadian and Europeans, who have not the high protective tariff. Every newspaper has felt the effects of trusts; every hotel and every livery has felt their effects; thousands of commercial travelers have felt their effects; thousands of independent business men have been compelled to succumb to their methods. As an illustration, take the conduct of the American Tobacco Company before it sold its plug interests to the Continental Tobacco Company.

It wanted to destroy competition in a certain class of medium plug tobacco, which cost the retailer about 25 cents per pound. It began making its Battle-Axe and other brands of plug tobacco, and put them on the market at from 12 to 14 cents per pound, this being understood to be much less than its actual cost to the company. It cost the great majority of manufacturers of similar tobacco at least 18 cents per pound to make it and put it on the market and they sold it at about 25 cents per pound.

The result was that in a short time these smaller factories, which were unable to compete with the Battle-Axe and other brands of the American Tobacco Company, which, for the purpose of destroying competition, was able to lose thousands of dollars, were driven to the wall. Hundreds saw their business wrecked by the methods of this company. Afterwards some of these very tobaccos were advanced by the tobacco trust in price to the retailer to more than 100 per cent, or double their price when competition was being destroyed, the Battle-Axe brand going from less than 15 cents per pound to more than 30 cents per pound.

A little further on I shall endeavor to show the effect the tobacco trust has had on the farmers.

Mr. Chairman, in all ages a class—whether called patrician, royal, noble, aristocrat, or what not—embracing a minority of the people has sought, too often successfully, to gather to itself unearned the profits of the toil of the masses. Kings and tyrants have sought this by force, by conquest, by exorbitant levies of taxes, but in every instance they have relied for success upon the army, upon brute force back of their unjust demands. The Pretorian guards and the Janizaries were fed and favored to obtain from the masses for the few the same fruits of toil which the trusts in a milder manner, but in the same spirit, wrench from the many.

Perhaps the force system will never return, but the Administration's Philippine policy does not encourage us to hope it. The people of the highly civilized countries are too intelligent to ever again permit armies to overrule them. The means of communication, the rapidity of travel, and the spirit of Americanism will forever prevent forcible extortion from ourselves or our children, unless the people's representatives idly sleep upon our watchtowers and allow the plundering element to gradually increase the Army until it becomes master of the people.

With a progressive, intelligent population, the ancient force which collected tyrannous taxes would fail. Therefore, the same class of unjust plunderers of others' toil in our country were compelled to adopt a devious, winding, half-concealed, oily method. Clear-headed men devised the trust system, and while honest legislators were off their guard, or incapable of foretelling the scope of their laws, secured such legislation as they saw fit. They may be chartered under laws, but their result is none the less robbery and extortion than if done by help of drilled soldiers.

The system seized many of the wealthy as if by contagion. To many of them watering stock to be palmed off on the public was glorious; but to those brainier ones, who for greed put their business into trusts, the power of controlling and dictating prices was supreme joy, as they contemplated the unearned millions which the system would for them fleece the people, who must submit to their prices. Must they always submit to trusts? It is true the present laws against trusts are not enforced, because, in my opinion, the authorities charged with their enforcement sympathize with the trusts.

Mr. Chairman, in my opinion it will require a higher class of patriotism and a higher class of ability to destroy the extortions of trusts than it ever required to destroy the tyranny of armies.

Mr. Chairman, my district, while being one of the best manufacturing districts of the South, is also a large tobacco-growing district. I know that one is apt to underestimate his blessings and overestimate his troubles, but the farmers of my district think they do not get half for their tobacco that they got ten and fifteen years ago.

The Government's statistics show that in 1890 the tobacco product of the United States was 522,215,116 pounds, and its value was $43,100,532, or a little over 8¼ cents per pound, while in 1896 the product was only 403,004,320 pounds, and the price was $24,258,070, or just about 6 cents a pound. In other words, the product had decreased 24 per cent, and, contrary to all laws of supply and demand, assuming the demand was normal, the price decreased 25 per cent.

I could get no later statistics than those for 1896, as it seems the Department, not being satisfied with the manner in which these estimates were obtained, abandoned them until the ensuing census. Statistics are not required to prove the great fall in tobacco prices. You can ascertain that fact by inquiring of any farmer in the golden tobacco belt of Virginia and North Carolina. You will find that other causes than supply and demand have affected prices of tobacco. Many will tell you the increased value of gold has had its effect, but that does not fully account for the great fall in tobacco prices. All farmers, in my opinion, will tell you of another cause.

Webster's Weekly, one of the most accurate newspapers in my State, in its issue of November 23, 1899, contained the following in an editorial:

What we do assert is that the American Tobacco Company has the power and does fix the price at which the grade of tobacco known as "cutters" is sold. We have shown by the testimony of representative tobacconists on the Danville, Reidsville, and Winston markets that the first year that the trust was formed the tobacco crop was 25 per cent short, and as a result all grades advanced an average of 25 per cent except cutters, which declined one-fourth in value for want of competition.

An organ of the trust having asserted in the spring of 1890 that the farmers were getting more for their cutters than they did before the combination was formed, we addressed the following inquiry to leading tobacco men in Danville, Reidsville, and Winston with the view of getting at bottom facts:

"MY DEAR SIR: Kindly write me if in your opinion this is a full crop of tobacco. If not, how much is it short?

"Are the prices paid for all grades of tobacco used on your market the same as was paid at the beginning of the present tobacco year?

"Respectfully, etc.,

"J. R. WEBSTER."

In reply to the above, the late W. N. Shelton, whose memory is cherished by all who knew him, wrote:

DANVILLE, VA., *May 12, 1890.*

DEAR SIR: In reply to your letter of the 10th instant, I beg to say I think the tobacco crop of 1889 is about 25 per cent short of an average one. Since the commencement of the tobacco year there has been an advance of 25 per cent on all grades of tobacco except cutters, and on this grade there has been a decline of at least 25 per cent from the highest point.

Respectfully,

W. N. SHELTON.

Messrs. E. G. Moseley & Co., the well-known leaf dealers, of Danville, replied:

"As to prices, we have to say, since last December there has been a steady advance in all grades of manufacturing stock until it has reached an advance in price of fully 25 per cent. This advance, however, does not apply to the grade of leaf known as 'cutters,' for in this grade there has been a very perceptible decline since the date mentioned. We think this is the only grade of stock that has shown the least decline; in fact, the only grade that has not advanced in price. The cause of this is too well known to the trade for us to refer to it in this letter."

We will reproduce one other reply:

WINSTON, N. C., *May 12, 1890.*

MY DEAR SIR: We do not think this is a full crop of tobacco, but there will be as many pounds sold on our market as we ever sold. We think the present crop lacks at least 20 per cent of being a full one. All grades of tobacco sold on this market have advanced 30 per cent since the beginning of the present tobacco year, with the exception of cutters, and they have declined from 5 to 10 cents per pound, according to quality.

Respectfully, etc.,

THE R. J. REYNOLDS TOBACCO CO.

I have here an article from an experienced tobacconist, Mr. J. F. Jordan, of Greensboro, in which he clearly shows that in the fall of 1889 good "cutters" were selling for 30 cents a pound, and that now the same grade sells for about 12 cents a pound. Having been intimate with the tobacco trade during all this time, he attributes this great decline in price to the American Tobacco Company, which was organized in 1890.

The question arises, How has this company effected these results? It was organized in 1890 in New Jersey Its capitalization

is about $75,000,000. The Continental Tobacco Company was organized in New Jersey in 1898. As I understand, it is a plug-tobacco concern, with a capitalization of about $100,000,000. The American Tobacco Company, practically controlling the cigarette and smoking tobacco market, has the power to dictate the prices for "cutters." Such tobacco must reach its factories. It can say to the growers of such tobacco, So much and no more shall you have for it. Under these circumstances independent dealers dare not handle such tobacco.

On the markets men are placed by the company to buy cutters at prices fixed by it, without important competition. In effect it says to the farmer: "You may grow this tobacco, but not a pound shall you sell except at prices fixed by me; for am I not running this cutter business? Squeal when I put down prices. I care not; I am after millions. I have the power to set the price, and do not you forget that I will set it so low that my greed shall be satisfied. To-day I can fix the price at which you must sell your next crop of cutters. Where is my competitor? Have I not absorbed him, or bought him, or driven him to the wall? Your children may suffer, but I must squeeze millions out of you. In vain may you pray for the return of the high prices of fifteen years ago, but while I hold sway they shall not return."

The Continental Company closely follows the American Company, but in other grades of tobacco. These two companies have undertaken to control the tobacco business, and have largely succeeded. They buy their material—raw tobacco—at their own price. They sell their products at prices fixed by themselves. Was ever tyrant in all the world's history better equipped to enforce his exorbitant demands?

The sugar trust says to the farmer, "You may have sugar, but at my price; for am I not the king of sugar? Where is my competitor? Have I not destroyed him?" The oil trust says, "You may have oil, but at my price; for where is my competitor? Have I not driven him out of business?" A hundred other trusts shout, "Where are our competitors? Have we not bought them or slain them?"

The people, year after year, especially the great agricultural classes, are robbed by trusts and become poorer, while the true wealth they earn is drawn from them to swell the fortunes of their oppressors. To maintain their existence the trusts can easily afford to give the Republican campaign committee every Presidential election year $50,000,000, which is not one cent on the dollar per year of their watered stock. They can coerce and intimidate thousands of their employees to vote the Republican ticket. What should be done in this situation? The Republican party, in my opinion, will do nothing effectual against the trusts. It has in three years done nothing against them of importance.

H. O. Havemeyer, one of the sugar-trust men, told the Industrial Commission that "the mother of all trusts is the customs tariff bill." I think many of them are attributable to the Republican tariff act to a large extent, but some of them are not. However, the tariff that fosters trusts should be abolished; but the Republican party has offered no bill to modify their Dingley Act.

The people demand a President and Congress upon whom the trusts have no strings. They want an Administration that will further antagonize the trusts and enforce the laws against them. They want a Congress that will go to the utmost lengths under the Constitution to destroy trusts, for when that is done trusts will go. They want an Administration that will consider the circumstances of average men, of the great masses, and not estimate the prosperity of the country from the condition of its trusts and multimillionaires. As we are drifting to an endless eternity, let us for the benefit of humanity make not a sham but an honest effort to remove from our country the trust system of oppression.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAY of New York. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Speaker, it has over and over again been declared upon this floor during this debate, by those who ought to know better, that Congress has ample authority to regulate and control all trusts and to prevent the organization of others, and also that any State can prevent the operations of a trust within its borders, either by refusing it incorporation or by excluding it if chartered by another State.

A little investigation will suffice to show the fallacy of both these positions. The existing Constitution of the United States confers upon Congress power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." The Supreme Court of the United States has over and over again decided that that takes away from the States the right to regulate or interfere with, or control in any way, or even to tax, commerce between one State and another.

Thus, in the case of Robbins *vs.* Shelby County Taxing District, which you will find in 120 U. S. Reports, at page 489, it was held that one State could not prevent drummers from selling, by sample, goods from another State, the court holding that the negotiation or sale of goods which are in another State for the purpose of introducing them into the State where the negotiation is made is interstate commerce and can not be restricted by the State into which it is sought to introduce them.

A similar case coming up from Texas you will find similarly decided in 128 U. S. Reports, at page 129.

Again, in Crutcher *vs.* Kentucky, reported in 141 U. S. Reports, it was held that a State law forbidding a corporation of another State from carrying on its business of interstate commerce within the State of Kentucky was unconstitutional and void.

And again, in a case coming up from my own State, Brennen *vs.* City of Titusville (153 U. S. Reports, 289), it was held that a manufacturer of goods carrying on his business of manufacturing in one State can not be prevented from sending his agent into another State to solicit orders for their sale.

Two other cases that I recall from my own State are conclusive upon this subject. In Western Union Telegraph Company *vs.* Pennsylvania, in the first opinion written by Chief Justice Fuller, himself a Democrat, it was held that Pennsylvania could not prevent nor restrict nor tax the business of sending telegraphic messages from one State into another. And in Norfolk and Western Railroad Company *vs.* Pennsylvania (136 U. S. Reports, 114) it was declared that Pennsylvania had no authority to prevent a railroad company of the State of Virginia from having an office and transacting business in Philadelphia, because that business was in aid of interstate transportation. That opinion also was written by a Democrat—Mr. Justice Lamar. To use the language of a former chief justice of Pennsylvania, I might cite, not a current, but a perfect torrent of authorities in support of the proposition that no State can exclude the business of individuals or corporations of other States or countries, provided that business is interstate or international in character.

On the other hand, there is a commerce wholly within the State over which Congress has no power whatever, as held in the Mississippi case, reported in 133 U. S., 587; Grain Elevator *vs.* New York, 143 U. S., 513, and scores of others. Thus, Congress can not regulate the business of mining or of manufacturing carried on wholly within one State, so that if a single corporation or trust should combine under one management all the manufacturing or mining industries within an entire State, Congress would be powerless to prevent, while, on the other hand, if that trust should seek to dispose of its products in other States, neither the State in which the trust exists nor the other States in which it sells its products can interfere, because such sale of products and their transportation from one State into another is interstate commerce, wholly within the power of Congress to control.

From this it readily appears that neither Congress nor the States have absolute power in the premises. An act of Congress, reenacted by each one of the several States, might effect a result, but of course such harmony of action it is absolutely impossible to secure. Therefore, in order to secure the complete control and regulation of these so-called trusts, it is found necessary to amend the Constitution of the United States, and the Republican members of this House will, to-morrow at 5 o'clock, put themselves on record in favor of the adoption of an amendment to read thus:

SECTION 1. All powers conferred by this article shall extend to the several States, the Territories, the District of Columbia, and all territory under the sovereignty and subject to the jurisdiction of the United States.

SEC. 2. Congress shall have power to define, regulate, control, prohibit or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise. The several States may continue to exercise such power in any manner not in conflict with the laws of the United States.

SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation.

Every gentleman upon this floor must know that every great trust must not only transact some business wholly within one State, but at the same time transact business between two or more States. An oil trust to be successful must control the production of oil in Pennsylvania, New York, West Virginia, and Ohio, and it must sell its refined product in every State in the Union. The great tobacco trust must operate in the States where the tobacco is produced and the States in which it is manufactured and in every State where it is consumed.

And so with nearly all the great trusts. They must transact some business wholly within a State; for instance, that of mining or of manufacturing, over which Congress has no jurisdiction. At the same time, they must, in the disposition of their products, have dealings with the citizens of other States, over which the States themselves have no jurisdiction. The proposed constitutional amendment would give to Congress absolute power in the premises to correct such evils as do now, or may hereafter, exist as the result of these vast aggregations of capital.

The Republican party believes in carrying out the promise made in its party platforms, and the Republican majority in this House will vote solidly in favor of this constitutional amendment, but it will not carry because it requires a two-thirds vote. The Democratic party has become so accustomed to voting against every wise and needful measure proposed from the Republican

side that its members will vote solidly against this proposition and defeat it by preventing it from receiving the necessary two-thirds. There has scarcely been a day during my three years of service in this body that gentlemen upon the Democratic side have not declaimed against trusts. They declare against them in their party platforms, inveigh against them from the stump, and declaim against them upon this floor.

But mere declamation will not dissolve a trust, nor regulate it, nor control it, nor in any way prevent it from committing the evils of which complaint is made. During the eight years of Cleveland's Administration, during part of which time the Democrats were in absolute control of all branches of the Government, not a single attempt was made to put down trusts. In 1889 a Democratic committee of Congress investigated the subject and reported that trusts were so numerous and rapidly increasing that they could not even name them. Instead, however, of proposing any remedy, they reported that the committee was unable to agree and had concluded to refer the subject to a subsequent Congress. Now, when for the first time an opportunity is presented to do something practical, the gentleman from Tennessee [Mr. RICHARDSON], the Democratic leader upon this floor, rises in his place and, amid uproarious applause from the members on that side, declares their intention to vote solidly against this proposed constitutional amendment.

The Republican majority in this House has the power and proposes at 4 o'clock on Saturday of this week to pass a bill embodying all the powers possessed by Congress upon this subject of the control of trusts. The gentleman from Tennessee says that the Democratic members are opposed to that bill, but will vote for it in its present form if they can not secure amendments to suit themselves. We have all noticed, however, that even since he made that statement, himself and all his followers have voted solidly against the rule to take up that bill, which rule was necessary to secure its adoption at this session.

The Democrats have practically abandoned hope of success on the 16 to 1 silver issue. Their so-called anti-expansion theories are not acceptable to the people, because no further expansion is contemplated except expansion of our trade and commerce. The Democratic party had therefore resolved to make the trust question the main issue in the coming Presidential campaign. The hollowness of their pretenses and the insincerity of their promises in that regard have already been shown, and Republican performance, which the Democrats did not anticipate, almost entirely robs them of their last hope. Their course in opposing this constitutional amendment and in trying to prevent the consideration of the bill emphasizes and makes plain to the people throughout the land their hypocrisy, and it is no wonder that the remarks of the gentleman from North Carolina [Mr. KITCHIN], who has just taken his seat, sounded like the wail of a lost political soul. He realizes, as his remarks plainly show, the hopeless plight in which his party finds itself by the exposure of its insincerity and deceit.

The gentleman from Texas [Mr. BAILEY], the ex-Democratic leader upon this floor, complimented us this morning by saying that some gentlemen on this side were guilty of hypocrisy and some were rascals, but none of us were ever fools. The course of his own party upon this subject is such that he might well have confined his compliments to that side of the House without the qualifying limitation, for if ever there were a lot of political fools—if ever there was a party guilty of political folly and of blunder worse than crime, those political fools and that party stand out in plain sight upon the Democratic side of the House. Their crime against the people stands exposed. Notwithstanding all their professions of animosity, their friendship for the trust stands out in bold relief by their action to-day, as indeed it has throughout the entire session; for have we not seen them at every turn voting in favor of propositions to aid the great sugar trust, precisely as they did in the adoption of the Wilson-Gorman tariff bill, which gave to that greatest of all trusts a clear advantage of over 25 per cent?

Now, upon this subject of trusts I think it pertinent at this juncture to refer to another trust favored by the Democratic party, and which I think is a standing menace to the people and to the prosperity of the United States, and that is the voting trust or monopoly, which flourishes in some sections of this country, notably in Mississippi, where 22,365 gentlemen constitute a syndicate which is enabled to send seven members to sit on the floor of this House, with a like proportion of members in the electoral college, in which, under our Constitution, the President and Vice-President of the United States must be chosen. One or two other States, we are told, have or are about to follow the Mississippi example.

Mr. GAINES. How is it you never send a colored man to Congress from Pennsylvania?

Mr. OLMSTED. There is no Congressional district in Pennsylvania in which there is a preponderance of colored voters. The proportion is very small in our State, but every colored man is given the right to vote as he pleases and to have his vote honestly counted. He is not, by reason of his color, excluded from participating in the election of Congressmen, nor from holding office himself.

Mr. SMITH of Kentucky. Mr. Speaker, I would like to ask the gentleman a question.

Mr. OLMSTED. What is it?

Mr. SMITH of Kentucky. I would like to know if the election laws or the laws controlling the rights of suffrage in Mississippi are not very similar to the act providing for and controlling the right of suffrage in the Territory of Hawaii?

Mr. OLMSTED. I have not carefully compared——

Mr. SMITH of Kentucky. Does not the act passed by the Republican majority of this Congress provide that before a person can vote in Hawaii he must have paid taxes and be able to read and write the English language?

Mr. OLMSTED. There is this difference between the provisions of that act and the constitution and laws of Mississippi, namely, that no person in Hawaii who ever had the constitutional right to vote has had that privilege taken away from him; and the Hawaiians who are not permitted to vote will not be permitted to be counted in determining the representation of Hawaii on this floor or in the electoral college, if ever it shall become entitled to such representation.

Mr. BOREING. Will the gentleman from Pennsylvania allow me a suggestion?

Mr. OLMSTED. Certainly.

Mr. BOREING. Is it not expressly provided in the Hawaiian act that the election laws shall be nonpartisan?

Mr. FINLEY. No; that was stricken out.

Mr. BOREING. I will remind my friend that the bill was amended on the floor at the suggestion of the Democratic leader on the other side.

Mr. FINLEY. It was stricken out in conference; and if the gentleman will read the bill, he will see that it is true. It was stricken out at the suggestion of Republicans in the House and Senate in conference committee.

Mr. BOREING. It was put in at my suggestion, and I said I would stand by it. I was unavoidably absent at the time of the conference and was not aware of the action of the conference committee.

Mr. OLMSTED. I am sorry, Mr. Speaker, that the gentleman from Mississippi [Mr. SPIGHT] who opened the debate this evening in opposition to this amendment, is not in his seat now. I am sorry that other Representatives from Mississippi are not present at this session, because they, or some of them, are gentlemen who at all times in discussing our retention of the Philippines and Porto Rico, and in legislating for the government of those provinces, loudly insist that all just government derives its powers from the consent of the governed. I wish to call their attention to the extent to which "the governed" in Mississippi are permitted to express their choice in the selection of those who govern them.

Mr. FINLEY. I would like to ask the gentleman this question.

Mr. OLMSTED. Very well.

Mr. FINLEY. The gentleman is from Pennsylvania. I would like to ask him if there are not to-day in the State of Pennsylvania charges and countercharges being made by various factions in the Republican party as to bribery, fraud, and corruption in politics in the city of Philadelphia to a greater extent than has ever been made in any other part of the United States?

Mr. OLMSTED. No, sir; that is not the fact. The fact is that there were some charges made of election frauds in Philadelphia. Election frauds perpetrated by Republicans in Pennsylvania are so unusual that the charges made a great sensation. They were made by Republicans. The guilty parties were prosecuted by Republican officers before Republican judges, and were convicted and sent to the penitentiary.

Mr. FINLEY. Which wing of it did the prosecuting, the regulars or the irregulars? [Laughter on the Democratic side.]

Mr. OLMSTED. That is a matter that does not concern the gentleman from Kentucky. [Laughter on the Democratic side.] They were Republicans. Whatever difference there may be upon other points, all Republicans agree when it comes to a question of prosecuting for election frauds.

Mr. FINLEY. I have been reading the Philadelphia North American and Philadelphia Inquirer, and I get my information from both of these papers.

Mr. OLMSTED. If you read them both, you get both sides of the question and can exercise your own judgment. [Laughter on the Republican side.] You will at all times derive great benefit from the reading of Republican newspapers.

Mr. SNODGRASS. I would like to ask the gentleman a question.

Mr. OLMSTED. Certainly.

Mr. SNODGRASS. I want to ask about the proposed resolution. You say that the resolution provides that Congress shall have power to define a combination, whether existing in the form

of a corporation or not. Now, suppose that in the gentleman's own State a corporation should take out a charter to mine coal, and, its mines being some 5 or 10 miles from a main line of railroad, should operate a small line of road to connect with the main line. Suppose your State should grant that kind of a charter, would you assume that this resolution would give Congress the power to classify that corporation as a combination?

Mr. OLMSTED. I think it would be a corporation——

Mr. SNODGRASS. Would Congress have power to classify it as a combination?

Mr. OLMSTED. That does not necessarily follow.

Mr. SNODGRASS. This resolution provides that Congress shall have power to "define, regulate, control, prohibit, or dissolve trusts, monopolies or combinations, whether existing in the form of a corporation or otherwise."

Mr. OLMSTED. A single corporation, incorporated for the purpose of mining coal and operating in addition 10 miles of railroad necessary to get its coal out to the main line, might not be found a very dangerous combination. A coal company, under the constitution and laws of Pennsylvania, is permitted to operate a short line of railroad where necessary to enable it to get the product of its mines to market.

Mr. SNODGRASS. I ask the gentleman whether in his opinion, if this resolution should pass, Congress would have power to define that kind of a corporation as a combination?

Mr. OLMSTED. Congress would never under this proposed constitutional amendment define a case of that kind to be an injurious combination or trust—one corporation merely owning a single coal mine and the necessary branch railroad to get its coal to market; but if two or more corporations should attempt to go together for the purpose of controlling the entire coal output or the entire railroad facilities, that would be nearer what the gentleman seems to be driving at.

Mr. SNODGRASS. If such a corporation should carry on also the business of selling goods or dealing in merchandise, could that corporation be called a combination?

Mr. OLMSTED. I will tell the gentleman from Tennessee of a single corporation that might be called a trust or a combination, and that is the Tennessee Coal and Iron Company, in his own State. The present Democratic governor of your own State, who recently retired from Congress to take that position, said upon the floor of this House that while a member of the State legislature he had taken great pride and pleasure in helping to incorporate and form that corporation. I investigated the matter and found that in its present form it is the result of the merger and consolidation or purchase of nearly all the other coal and iron corporations in Tennessee and Alabama joined in one, undoubtedly for the purpose of controlling the output and price of coal and iron. I suggest that to the gentleman as a monopoly or trust whose operations can not now be reached and wholly controlled by either the State legislature or the Federal Congress, but would be made subject to the power of Congress by the pending amendment, against which you propose to vote when the roll is called at 5 o'clock to-morrow afternoon.

Mr. SNODGRASS. I call the gentleman's attention to the fact that this resolution says that Congress shall have power to define, regulate, control, prohibit, or dissolve combinations. Now, I simply ask the gentleman's opinion whether under that power Congress would have the right to define as a combination a corporation engaged in mining coal and transporting it over, say, 10 miles of railroad?

Mr. OLMSTED. I do not think that Congress would ever define one corporation owning one coal mine and 10 miles of railroad in order to put its coal on the market—I do not think that Congress would ever define that as an injurious or harmful combination under the terms of this resolution. But let me say that if you will give Congress this power, then as long as a Republican majority may be in control (which I hope and believe will be for a long time to come) you need have no doubt that the definitions adopted under it will be proper and the legislation such as ought to be passed. [Applause.]

Mr. SNODGRASS. What I asked the gentleman was not whether Congress might or might not do a certain thing, but whether under the Constitution it would have power to define such a corporation as a combination?

Mr. OLMSTED. The gentleman need not have any fear for such small fish as that. The pending resolution is aimed at monopolies and trusts.

Mr. SNODGRASS. But if this resolution shall become part of the organic law, will Congress then have power to declare that sort of a corporation a combination?

Mr. OLMSTED. The pending resolution is not intended to convert the CONGRESSIONAL RECORD into a rival of Webster's Dictionary. The plain intent is not that Congress shall define the meaning of the word "combination" or of the word "trust," but that it shall define what character of combination, or of trust, or of corporation, and what operations conducted by them contrary to the best interests of all the people shall be declared illegal, and regulate, control, or prohibit, or, if necessary, dissolve the offending corporation, combination, or trust.

Mr. SNODGRASS. Another question, if the gentleman will permit. This resolution declares that "the several States may continue to exercise such power in any manner not in conflict with the laws of the United States." Does the gentleman think that if that provision should become a law of the land Congress could then pass such laws that would make it entirely impracticable for States to pass any laws with reference to this subject?

Mr. OLMSTED. This resolution is not intended to derogate from the powers of the States any further than may be necessary to enable Congress to provide for the control and regulation or, if need be, the dissolution of trusts. The intention is to confer upon Congress power which does not now exist in any State or in Congress.

Mr. SNODGRASS. The gentleman has been so very courteous, will he allow me to ask one more question?

Mr. OLMSTED. I can not yield much longer. I am occupying the floor too long.

Mr. SNODGRASS. Suppose Congress should pass a law defining trusts or combinations and should enact that only Federal courts should have jurisdiction of offenses under that law upon complaint filed or authorized by the Attorney-General, would the gentleman assume that it would then be competent for the State to enact a law contrary to that?

Mr. OLMSTED. It is expressly provided in this proposed amendment that "the several States may continue to exercise such power in any manner not in conflict with the laws of the United States," which I think is sufficient answer to the gentleman's question.

Mr. SNODGRASS. It is provided that the power of the State shall continue where not in conflict with the Federal statute.

Mr. OLMSTED. Now, Mr. Speaker, if my time has not expired——

The SPEAKER pro tempore. The gentleman's time is not limited.

Mr. OLMSTED. I wish to return for one moment to the constitution and laws of the State of Mississippi with reference to elections. The present constitution of that State, which has disfranchised the great mass of voters in that Commonwealth, was adopted by a convention which sat with closed doors, keeping no records of its discussions, and the so-called constitution was never submitted to the people, the majority of whom were practically disfranchised by its provisions. The laws which have been passed under that constitution beat anything we have ever seen or heard of, practically placing it in the power of the election or registration board to impose a sort of civil-service examination upon every man whose vote they desire to exclude.

One person, for instance, was found wanting because he was unable to satisfactorily answer the inquiry "Who was Queen Elizabeth's husband?" He was not entirely certain upon that subject, but that he had some intelligence was shown by the fact that he suggested that the identity of that person could not have any proper weight in determining the question of his right to vote. Another was asked for whom he wanted to vote, and when he answered that he desired to exercise his privilege on behalf of the Republican candidate for Congress, he was asked, "What is Congress?" He answered, "Why, Congress is the people." He was then asked, "What do Congressmen do?" and he said, "Why, they play cards, drink whisky, and ride on railroad passes;" and yet, with all that display of intelligence, he was refused the right to vote or to register. [Laughter.] That constitution was adopted in violation of the act of Congress of 1870, by which that State was restored to representation in this body. It is claimed that that act of Congress was unconstitutional.

Mr. SMITH of Kentucky. Now, Mr. Speaker, I should like to ask the gentleman what he thinks of the Supreme Court of the United States that declared that system of elections and that State constitution valid?

Mr. OLMSTED. There is no Supreme Court of the United States that ever declared that, or anything of the kind.

Mr. SMITH of Kentucky. Yes, there is.

Mr. OLMSTED. I am perfectly familiar with the case to which the gentleman refers, but the questions which I have raised were not squarely raised in that case, and some of them were not raised at all. The question as to the adoption of that constitution was not before the court, and whatever may be said of the act of 1870, it can not be denied that that act was violated on the part of the State of Mississippi. That State came back under that act. It accepted that act. It adopted a constitution in compliance with the provisions of that act, and came back to representation here in this body upon that understanding. After being restored to representation it proceeded to violate the act of 1870, and adopted a new constitution without equal in the United States, and which practically deprives the people of that State of a republican form of government.

Mr. KITCHIN. Will the gentleman allow me a question?

Mr. OLMSTED. Yes.

Mr. KITCHIN. The gentleman is aware that the Supreme Court has held that the States were never out of the Union.

Mr. OLMSTED. The gentleman will not deny that there was a time when Mississippi and other States were not entitled to representation on this floor.

Mr. KITCHIN. There was such a period.

Mr. OLMSTED. And they came back under express conditions which they have not chosen to observe.

Mr. KITCHIN. Those conditions, as the gentleman well knows, were not binding in the light of what the Supreme Court has held. The gentleman knows that when a State gets into the Union she is the equal of the State of Pennsylvania or New York or any other State.

Mr. OLMSTED. At the time when the State violated that obligation there had been no judicial decision upon the subject.

Mr. KITCHIN. The case of Williams against Mississippi, I think, clearly sustains the constitution of Mississippi. That case was decided here two years ago.

Mr. GAINES. Mr. Justice McKenna delivering the opinion.

Mr. KITCHIN. Justice McKenna delivering the opinion.

The SPEAKER pro tempore. To whom does the gentleman from Pennsylvania yield?

Mr. HENRY of Mississippi. I was out and have just come in, and I did not hear what the gentleman said about the Mississippi constitution. That constitution has been passed upon by the Supreme Court and held to be good.

Mr. KITCHIN. As one of the gentlemen who represents the State of Mississippi has come in, I will yield the floor to him.

Mr. OLMSTED. The floor is not yours to yield. I will tell the gentleman from Mississippi, however, what I have said about that constitution. I said, among other things, that it was adopted with closed doors.

Mr. HENRY of Mississippi. I deny that statement.

Mr. OLMSTED. That they kept no journal of their proceedings.

Mr. HENRY of Mississippi. They did keep a journal.

Mr. OLMSTED. I challenge you to produce it.

Mr. HENRY of Mississippi. I have not got it with me.

Mr. OLMSTED. No; and you can not get it, for there is none in existence.

Mr. HENRY of Mississippi. Of course, I have not got it here with me; one was kept.

Mr. OLMSTED. I mean a record of the discussions showing why that provision was adopted. The constitution in question is such that 3,278 gentlemen in your district were enabled to elect and send you to Congress, while your Republican opponent was permitted to receive but 171 votes. Think of that! Three thousand two hundred and seventy-eight men were enabled under that constitution to send a member here to Congress to represent nine counties, having a population in 1890 of 186,692.

Mr. HENRY of Mississippi. Is there any law or constitution requiring men to vote?

Mr. OLMSTED. No; but there is a provision in the Constitution of the United States which was intended to permit some of the citizens of Mississippi to vote.

Mr. HENRY of Mississippi. Yes; and if you or any other gentleman states that there is a man in Mississippi who can not vote according to his wishes when he qualifies himself to vote, then you state that which you know nothing about.

Mr. OLMSTED. Well, I have read the constitution of Mississippi and have paid some attention to it, and the gentleman knows and will not deny that what they call the constitution of that State was never submitted to the people of that State and is without their consent, and has in effect denied the right of suffrage to those who previously voted and had a right to vote.

Mr. HENRY of Mississippi. Not if they qualified.

Mr. OLMSTED. You have made it impossible for them to qualify.

Mr. HENRY of Mississippi. There are a great many constitutions that were never submitted to the people.

Mr. OLMSTED. I believe that no State constitution can properly be wholly changed without submission to the people. The last constitution of Mississippi which was submitted to the people—the one that was in force when that State was restored to representation in Congress—expressly provided that it should not be amended even in the smallest particular without the submission of such amendment to the people, and yet you have amended it out of existence without permitting the people any right to vote upon the change.

Mr. FINLEY. Will the gentleman allow me to question him again?

Mr. HENRY of Mississippi. Are you going to repeal the Mississippi constitution? What are you going to do about it?

Mr. OLMSTED. That is a question which was asked years ago by a prominent Democrat in New York. I will tell you what might be done about it. The representation of your State in Congress might be reduced until it bears some relation to the number of people you permit to vote for Congressmen.

Mr. HENRY of Mississippi. What has that got to do with this trust law. You can not give us representation based on those who vote. There is no compulsion of a man to vote.

Mr. OLMSTED. If Mississippi had less Congressmen, there would be a less number of votes cast against this measure intended for the regulation of trusts. That is one thing that it has to do with it. Now, let us look at the matter. In the First Mississippi district, comprising 8 counties, with a population of 145,315, the present genial Representative received 2,469 votes and none were registered against him. In the Second, comprising 9 counties and 170,912 population, the sitting member received 2,949 votes. His Republican opponent received 58. The able gentleman who represents the Third district received 2,068 votes and his Republican opponent 373. This district contains 10 counties and 184,297 population.

In the Fourth district, comprising 13 counties, with 213,236 population, the present member had 3,431 votes. No Republican votes were counted. They seem to have been cast for the Populist, who had 1,020 votes. The able and courteous gentleman who upholds the interests of the Fifth district received 4,943 votes and his Republican opponent 142, in a district of 12 counties, with a population of 224,618, while the Populist was held down to 20. In the Sixth district the present member had 3,227 votes and his Republican opponent 327, in 13 counties, with 166,913 population. As I have already shown, my good friend from the Seventh was returned without any trouble by a little syndicate of 2,378 members, and even that was a good deal more than was necessary, as his Republican opponent had only 171, in 9 counties, with 186,692 population.

I have no objection to these gentlemen individually. They are able and at all times courteous and in every way attractive and pleasant associates. But is it fair that of a population of 1,291,983, according to the census of 1890, 22,365 men shall do all the voting and be represented by seven members in Congress and in the electoral college? The gentleman says there is no law to compel a man to vote. The trouble is that their present constitution and laws render it practically impossible for a Republican, whether white or black, to take any active part in the elections.

This system is already spreading and is about to be further extended to other States. It is unfair to the people of the States concerned and unfair to the people in the other States of the Union, as it puts into the hands of a comparatively small voting trust the possible power of controlling Congress or even a Presidential election. Gentlemen argue that it is a matter for each State to determine how many of its people shall be permitted to vote and upon what conditions. But it may well be that justice to other States and to the whole country demands that representation in Congress shall be based to some extent upon the voting population, and that 22,000 men shall not, as in Mississippi, be entitled to the same representation as if they numbered ten times as many.

But to return to the particular kinds of trusts sought to be reached by this amendment. Great aggregations of capital may often be used for the benefit of the public. Thus, great railroad enterprises can not be conducted without them. They are often useful in extending the markets for the products of our mines and manufactories into other countries and in many other ways. It is only when their operations are harmful that we seek to restrain them. Thus, the ice trust over in New York, which, as warm weather approaches, is doubling the price of ice to the poor consumer.

Such a monopoly is, of course, injurious. It can not be reached by Congress under the Constitution as it now exists. It is no wonder that our Democratic friends from that State oppose this amendment, for it appears that the Democratic mayor of New York is the owner of 4,000 shares in that trust, his brother, the Democratic candidate for governor against Theodore Roosevelt, also holds 4,000 shares, and other leading Democratic officials are in it, and Tammany is back of it. The Democratic Senator, or ex-Senator, from Montana is one of the kings of the copper trust. Havemeyer, the president of the sugar trust, and the leading officers of most of the great trusts are Democrats. Their friends in Congress can hardly be expected to vote for this amendment.

While traveling in Virginia last fall a prominent commission dealer in leaf tobacco told me that the business was now injuriously affected by the fact that there is practically but one purchaser—the tobacco trust—which buys only when it pleases and upon such terms as it chooses to dictate. It not only deprives the tobacco grower of a fair market, but it also drives out the small manufacturer, and in many ways affects injuriously both the producer and the consumer of tobacco. So far as its operations are conducted wholly within a single State, it can not be reached by Congress. So far as they consist of transactions between two or more States, they can not be reached by either of the States.

This amendment is necessary for the regulation of the tobacco trust, the oil trust, the sugar trust, and nearly every other great trust, but it will be defeated, because the Democrats in Congress will vote solidly against it, and they have a sufficient number to prevent it from receiving the requisite two-thirds. Their action upon this resolution and in opposing the rule for the consideration of the bill relating to trusts will render it more easy for us to overcome them in November, and as sure as the sun rises on election day, so sure will the Democratic party be buried beneath the arctic mosses of the political tundra abutting upon the shore of the historic river of saline appellation. [Applause.]

Mr. RAY of New York. We have occupied about an equal amount of time, and I hope that some gentleman on the other side will occupy some time.

Mr. TERRY. I yield to the gentleman from New York [Mr. LEVY].

Mr. LEVY. In announcing my intention to vote against this amendment, I desire to state that I do so because I believe that the laws now in force, if vigorously executed, would remedy all the evils attributed to trusts. [Applause on the Democratic side.]

This amendment gives to Congress the sole power to define, regulate, control, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of corporations or otherwise.

Congress thus has absolute control over every business enterprise in the United States and can at will define whether it is a trust, combination, or otherwise and this centralization of power infringes not only upon the rights of States to define; within their own boundaries what shall or shall not constitute a trust or combination, but grants it the power to interfere with individuals, their business, and business connections, and however innocent a combination among tradesmen may be for their own protection, Congress may inquire into its motive and punish the offenders, notwithstanding that it is in no sense a trust in the ordinary and obnoxious acceptation of the word.

Labor itself would not be safe from the inquisition of Congress, for all combinations of labor to maintain a fair and just wage would be subject to the provisions of this amendment.

Congress, if its present majority feels called upon to invest it with power to correct evils which seem only now, on the eve of an election, to have become apparent, should amend the tariff law, which is the great promoter of trusts, by discriminating against the monopolies which in their judgment oppress the people, and thus correct the evils which they claim now exist.

Publicity and the prevention by State legislation of overcapitalization are the two remedies which would cure all that is bad in combinations of business and capital, and I am in favor of both of these remedies, but I am not in favor of vesting in Congress by an amendment to the Constitution a power which, in view of the decision in the Addyston pipe case, is not only unnecessary, but which is dangerous and a menace to the rights and property of the individual. [Applause on the Democratic side.]

Mr. TERRY. I yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, I desire to insert just here the following speech of Mr. Bryan on this subject:

WILLIAM JENNINGS BRYAN AT CHICAGO TRUST CONVENTION.

There were loud calls upon Colonel Bryan to respond to Mr. Foulke, and he did so, saying:

I would not occupy the time again but for the fact that the gentleman from Indiana [Mr. Foulke] has referred to a plan which I suggested, and I am afraid that he does not fully understand it.

Just a word in regard to the plan. I want to repeat that it was not presented as the only plan, nor is it necessarily the best plan. It is simply a plan. I was sorry that when the gentleman got through destroying this plan he did not suggest a better one. Political agnosticism is of no great benefit to the public. Not to know what to do is often a convenient position to occupy, but it contributes very little to the settlement of a question.

My plan is this: First, that the State has, or should have, the right to create whatever private corporations the people of the State desire.

Second, that the State has, or should have, the right to impose such limitations upon an outside corporation as the people of the State may think necessary for their own protection. That protects the right of the people of the State to say, first, what corporations they shall organize in their State, and, second, what corporations they shall permit to come from other States to do business in their State.

Third, that the Federal Government has, or should have, the right to impose such restrictions as Congress may think necessary upon any corporation which does business outside of the State in which it is organized.

In other words, I would preserve to the people of the State all the rights that they now have, and at the same time have Congress exercise a concurrent remedy to supplement the State remedy.

When the Federal Government licenses a corporation to do business outside of the State in which it was organized, it merely permits it to do business in any State, under the conditions imposed by that State, in addition to the conditions imposed by the Federal Government. I would not take away from the people of the State any right now existing, but I would have the Federal Government and the State government exercise the powers that may be necessary to annihilate every monopoly.

I do not agree with the gentleman that you can not annihilate a monopoly. I believe it is possible to do so. While the gentleman was speaking, I could not help thinking of the lines of a song. While he was destroying every remedy suggested, and yet presenting no other, I thought of the lines:

"Plunged in a gulf of deep despair,
Ye wretched sinners lie."

Now, it is a great deal easier to find fault with a remedy proposed than to propose a remedy which is faultless. Macaulay—I think he is the author of the remark—has said that if any money was to be made by disputing the law of gravitation, able men could be found to write articles against the truth of that law. I have no doubt that any remedy that is proposed will be assaulted. But those who believe that the trusts must go will accept the best remedy they can find, try it and then accept a better one, if a better one is proposed, and keep on trying until the people are protected.

Now, this is a conference. We have not met here to destroy the trusts. Every law for the annihilation of the trusts must be secured through political action. We are here to discuss these questions. We are here to contribute what we can and to hear what others have to say. We are here to consider the various remedies proposed. I am not sure the remedy which I propose is unconstitutional. I am not sure that the Constitution would prohibit such an act of Congress as I suggest. Suppose that Congress should say that whenever a corporation wants to do business outside of the State it must apply to and receive from some body, created by Congress for the purpose, a license to do business. Suppose the law should provide three conditions upon which the license could be issued.

1. That the evidence should show that there is no water in the stock;
2. That the evidence should show that the corporation has not attempted in the past and is not now attempting to monopolize any branch of industry or any article of merchandise; and
3. Providing for that publicity which everybody has spoken of and about which everybody agrees.

Suppose that is done. Who is here to say that such a law would be unconstitutional? The Supreme Court in deciding the Knight case, did not say that a broader law than the present one would be unconstitutional. It is true there are things in the decision which suggest that, but until that question is presented to the court, you can not say that the court has passed upon it.

It is also true that Justice Harlan, in his dissenting opinion, assumed that a broader law would be held unconstitutional; but no one has a right to say that if such a law as I suggest were passed and reviewed by the Supreme Court, it would be held unconstitutional. But, suppose the law is passed and held unconstitutional, *then we can amend the Constitution.*

The gentleman suggests that it is a difficult thing to get two-thirds of both Houses and three-fourths of the States to favor such an amendment.

That is true; it is a difficult thing, but if the people want to destroy the trusts they can control two-thirds of both Houses and three-fourths of the States. But what is the alternative? Sit down and do nothing? Allow them to trample upon you, ride roughshod over you, and then thank God that you still have some life left? The people are told to be contented, but I think contentment may be carried too far.

I heard of a man once who had been taught to be contented with his lot, and finally became very poor and traded off his coat for a loaf of bread. Before he had a chance to eat the bread a dog came along and snatched it away from him. He felt a little indignant at first, but finally that feeling of contentment came back to him, and as he watched the dog turn around a corner in the road carrying the bread away, he said: "Well, thank God, I still have my appetite left."

Now, there are some people who seem to think we ought to be satisfied with anything. My friends, the American people are entitled to the best that there is. The American people are entitled to the best system on every subject. I believe when these questions are presented to the American people they will select and secure the best system. I do not believe it necessary for us to sit down quietly and permit a great aggregation of wealth to strangle every competitor.

I do not believe that it is in accordance with our dignity as a people or in accordance with the rights of the people to say that because a great corporation is organized, therefore, it should be permitted to go into the field of a rival, undersell it until it bankrupts it, raising the money by higher prices somewhere else. I don't think it necessary for us to do that.

I have only suggested a plan. It may not be the best plan. If you have anything better, propose it. If there is any amendment that you can think of that will improve it, suggest it. I am anxious to apply a remedy.

Let me suggest one other thing that I believe will be a step in the right direction. The great trouble has been that, while our platforms denounce corporations, corporations control the elections and place the men who are elected to enforce the law under obligations to them.

Let me propose a remedy—not a remedy, but a step in the right direction. Let the laws, State and national, make it a penal offense for any corporation to contribute to the campaign fund of any political party. Nebraska has such a law, passed two years ago. Tennessee has such a law, passed two years ago. Such a measure was introduced in the State of New York, but so far it has not become a law.

You remember the testimony taken before a Senate committee a few years ago, when the head of the sugar trust testified that the sugar trust made it its business to contribute to campaign funds, and when asked to which one it contributed replied that it depended upon circumstances.

"To which fund do you contribute in Massachusetts?" was asked. "To the Republican fund." "To which fund in New York?" "To the Democratic fund." "To which fund in New Jersey?" and the man replied, "Well, I will have to look at the books; that is a doubtful State."

Now, that is almost a literal reproduction of the testimony of one great corporation on the subject of campaign contribution. I do not mean to say that that remedy will be a complete one, but I believe that when you prevent a corporation from contributing to campaign funds you will make it easier to secure remedial legislation, because some corporations are compelled to contribute; they are blackmailed into contributions, and such a law would protect a corporation that did not want to contribute, and also prevent a corporation from contributing that did want to contribute.

If the people are in earnest they can destroy monopoly, and you never can do anything in this country until the people are in earnest. When the American people understand what the monopoly question means, I believe there will be no power, political, financial, or otherwise, to prevent the people from taking possession of every branch of Government, from President to the Supreme Court, and making the Government responsive to the people's will.

SPEECH OF W. J. BRYAN AT BALTIMORE JANUARY 20, 1900.

But I must pass to the trust question.

If there is one here who is opposed to an industrial trust and does not understand that the principle underlying the industrial trust is exactly the same as the principle underlying the money trust, I ask him to study the question. When a man asks me to get down on his little platform, opposing merely the industrial trust, I tell him to get up on our broad platform that opposes all trusts—the money trust, the industrial trust, and the international land-grabbing trust. [Applause.]

I want to suggest to the Republicans here that until three years ago they never heard a Republican advocate a trust; but now they can hardly hear a Republican denounce a trust. What has made the change? Republicans, can you guess? [Laughter.] Let me suggest the reason for it: For the last three years the Republican party has been in power, and while in power these great monopolies have grown with more rapidity than ever before. If a Republican denounces a trust now somebody asks him: "Well, why don't the Republicans put them down?" And therefore the Republican has to be

a little careful about denouncing the trust. And when you hear the Republican speak now, he generally tells you that there are good trusts and bad trusts, and then he spends 1 word denouncing the bad trust and 16 words warning you not to hurt the good one. [Laughter.]

That is what you find to-day. I am reminded of a picture that a mother once showed to her boy to impress upon his youthful mind the sufferings of the Christian martyrs. The picture showed the lions tearing Christians to pieces in the arena. The child looked at the picture for a moment, and then, as he thought he had caught the idea, his face brightened up, and, pointing down into one corner of the picture, he said, "Why, mamma, there is one poor little lion that is not getting a bit." [Applause and laughter.] You tell Republicans that the people are suffering from the trust, and they look at the picture, and then they see one trust that they think is not getting its share, and then all their sympathy goes out to that poor little "lion." [Laughter.]

Ask a Republican why his party does not pass a law against trusts and he will tell you that there is a law now on the statute books. Well, then, you point out a trust and ask why that trust is not destroyed and he will tell you that the law does not quite reach that case. [Laughter.] It reminds me of a little boy at the table watching his father help the plates. As his father helped one plate the boy asked, "What! All that for grandma?" And the father said: "No, my son; this plate is for you." The boy rejoined, "Oh, what a little bit!" [Laughter and applause.]

My friends, if any Republican here believes that the Republican party is going to destroy the trusts, I want to remind him of something I read over in Ohio. Now, if you want to find out what the Republican party is going to do, don't ask a little Republican; ask that big Republican up to whom all little Republicans look every morning and say, "Give us this day our daily opinion." [Applause.] I was over in Ohio and I ran across some speeches made by Mr. HANNA. [Hisses.]

Gentlemen, don't do that way; Mr. HANNA has himself complained that his Senatorial dignity is not properly respected. [Laughter.] In one speech Mr. HANNA said that we really don't have any trusts, and then in another speech he said that the trust is a natural evolution of business, necessary for the manufacturing interests of the United States; and then, as if he thought possibly he hadn't covered the entire ground, he added, "but don't be afraid of the so-called trusts; if they are injurious, we will take care of them." [Laughter.]

Think of it! "Don't be afraid of the so-called trusts; if they are injurious we will take care of them." I don't like to bring an accusation against a great man, but, my friends, I feel it my duty to tell you that the sentiment contained in that assurance was borrowed from one of Æsop's Fables. A farmer was building a hen house for the protection of his chickens, and a fox came along and said: "Don't waste your time on hen houses; go on with your plowing, and we will take care of your chickens; we understand the chicken business." Don't be afraid of foxes, we will take care of the chicken business. [Applause.]

There are three defenses: There are no trusts; trusts are good; don't be afraid of so-called trusts; but if they are bad, we will take care of them. It reminds me of a man who was sued for returning a kettle cracked, and he put up three defenses; he said he never borrowed the kettle; in the second place, it was cracked when he got it, and third, it was good when he took it home. [Laughter.]

Is it possible that the people can be deceived by this jugglery? And yet there are men to-day in the Republican party who oppose the trusts and are confidently waiting for the Republican party to destroy them. Why, if the Republican party destroyed the trusts, it would destroy the hen that lays the golden egg in campaign days; and the Republican party would not kill a hen that laid a silver egg if it could get the egg. [Laughter and applause.]

Now, the question we have to decide is whether a monopoly in private hands is good or bad. If it is good, then we ought not to try to destroy the trusts. But, my friends, I do not believe that any candid man, studying this question, will come to the conclusion that a monopoly in private hands is good. Not until God sends us angels to take charge of the monopolies will we dare to trust monopoly in private hands, and from our experience with those who have taken charge I believe that they come, not from above, but from below. [Applause.]

If they are bad are you going to say you can not help yourselves, that you must submit to the trust or to the monopoly? No, my friends; the American people do not have to submit to anything that is detrimental to their welfare. [Applause.] In a government like ours if things are bad it is because the people permit them to be so, and you can destroy the monopoly when you want to. The trouble is that the monopoly never makes an open warfare in its defense, but secretly controls the instrumentalities of government and thus protects itself from prosecution.

I want to remind you that there is a difference between the being made by the Almighty and the corporation created by man. Every monopoly rests upon a corporation, and corporations are creatures of law. They have no rights except those rights granted by the people, and the people who create the corporations have the right to place upon them such limitations as may be necessary for the protection of the public welfare. Let me show you the difference between the natural man of flesh and blood, created by the Almighty, and the fictitious person, called the "corporation," created by man.

When God created man He did not make the tallest man much taller than the shortest; He did not make the strongest man much stronger than the weakest; but when man created the corporate man he made that corporate man a hundred, a thousand, aye, sometimes a million, times greater than the natural man. When God made man He placed a limit to his existence, so that if he was a bad man he could not be bad long; but when man created the corporate man he raised the limit on age, and sometimes the corporation has been made perpetual. When God made man He breathed into him a soul and warned him that in the next world he would be held accountable for deeds done in the flesh; but when man made the corporate man he was careful not to give him a soul, so that if he can escape punishment here he need not worry about the hereafter. [Great applause.]

And then this man-made giant was sent out to compete with the God-made man. The Republican party has taken the side of the man-made giant, and because it will contribute liberally in the campaign, the Republican party protects it from prosecution after the campaign is over. If these great aggregations of wealth take the side of the Republican party, then it seems to me that the God-made men had better look out for themselves. [Applause.]

CONGRESS HAS THE POWER NOW.

You ask me what you can do. I do not mean to say that there is but one remedy, nor do I mean to say that there is no better remedy than the one I suggest; but I believe there is an easy remedy that will make monopoly impossible. The Constitution has given to Congress control over interstate commerce. There are certain things which the State can do—and I would not take from the State a single power that it now has—to destroy the trusts. [Applause.] Place upon the corporation from the outside doing business in the State such limitations as the people of the State may think necessary for their protection. I will go further than that.

I believe the State should be permitted if it pleases to exclude any outside corporation from doing business in the State, for while the natural man in different States may compete with one another, I do not believe that an individual in one State must suffer competition with a fictitious person created in another State, and regulated by laws beyond the reach of people living outside of that State. But after the State has done all it can, I believe the power will not be complete over monopoly, for the State can only stop the monopoly at the State line, and if a monopoly has forty-four States in which to work, it may be able to get along without the forty-fifth; but if you will stop the corporation when it attempts to go out of its own State, there can not be any monopoly, because it is shut out of the other forty-four.

And I believe that Congress has the power, and ought to exercise it, to say that no corporation organized in any State shall do business outside of that State until it secures permission from Congress or some body created by it, and that permission can be granted only when the corporation shows that there is no water in its stock, and that it is not attempting to monopolize any branch of business or the production of any article of merchandise. [Applause.] Then make all the transactions of the corporation public by regular reports. I believe you can thus prevent the organization of a private monopoly. But if these conditions are not sufficient, you can add conditions that are sufficient, because I believe that monopoly in private hands is bad; and that being so, it can not be tolerated, and that therefore you must devise and enforce such remedies as will be sufficient for the protection of the people.

But, my friends, there is still a newer question than the trust question. We had the trust question in 1896. The principle was the same then as now; but we have more trusts now; therefore the question is more important. The flea question is just the same in principle, whether there is one flea or whether there are a million; but the flea question becomes more important as the number of fleas increases. [Laughter.] And so the question was the same in 1896 as it is now; but as there are more trusts to-day, the question has become of more importance to the people; and men who couldn't see what was going on in 1896 are able to see now; those who didn't feel what was going on in 1896 feel what is going on now. In the earlier campaigns in Nebraska I had the aid of the traveling men; I appreciated their support.

I tell you, my friends, you can not find a body of men of higher intelligence than the traveling men; and I do not know of any persons who talk as much and as well for the money they receive for it as the traveling men. [Applause.] I was glad to have them with me in the earlier campaigns; I was sorry they were not with me in 1896. I remember that in this hall there were gathered many traveling men who were on our side—men who understood what the money trust meant to the farmer, and, by protecting the farmer from a money trust, were protecting themselves also from the same principle applied to the other industries of the nation.

But most of the traveling men were against us in 1896, and they were preaching that all we needed was Republican success; that we would then have prosperity, and all men, including traveling men, would be happy. There are many traveling men who in 1900 will not travel over as much ground as they did in 1896, but they will speak with more earnestness. [Applause.] For they have seen what monopoly means, and many of them have more time to study and discuss public questions now than they have had for many years. [Laughter and applause.]

IMPERIALISM.

But there are questions which are entirely new. We have had two questions forced into the arena of politics since the war. They are new questions, questions which the American people have not had a chance to consider, and I want to dwell on them for a little while to-night. The first is the size of our standing Army. How many soldiers did we have in the Regular Army in 1896? Twenty-five thousand. Twenty-five thousand soldiers were enough for a Republic of 70,000,000 of people, and yet in December, 1898, the President asked Congress to authorize the raising of a standing army of 100,000, an army four times as great.

What does it mean? It means a gigantic step toward militarism in the United States. Is it possible that the people can see this step taken without alarm? Heretofore we have depended upon the citizen soldier; he has been our anchor; we have said we would do what was right, and then, if we had trouble, we could call upon our citizens to defend the nation. But now we are to have a hired soldiery like the nations of Europe, an army four times as great as the army that we had when the Republican party came into power, and this, of course, was to be made without consulting the people, because, if you look at the platform of the Republican party in 1896, you will find that there was no plank in there asking for an army of 100,000, or for any increase in the standing army.

Why do we need a large army now? Why? They say that it is because of the new policy upon which the nation has entered. But have the people decided to enter upon a new policy? There has been no vote by the people since the President's policy has been declared. This message asking for 100,000 soldiers for the Regular Army was sent to Congress a month after the election at which the present Congress was elected, and the people have never decided upon the foreign policy that is relied upon to justify an army of 100,000. But, my friends, if we have imperialism, we shall have militarism; if we have a policy that reaches out by force and drags under the flag unwilling subjects, it will be necessary to have a large army to keep those peoples from making faces as they swallow benevolent assimilation. [Applause.]

And therefore these questions can be treated together. If we do not have imperialism, they can not justify a large army. If we do have imperialism, you will never see the day when we have a smaller army than we have now. There are some who think that we have no right to discuss the Philippine question while the war lasts. I want to read you something on this subject.

And before reading this to you I want to remind you that the Republican party is trying to adopt the policy of imperialism without first asking the opinion of the American people upon the subject. This Congress was elected in 1898, and when this Congress was elected the treaty of peace had not been signed. The treaty of peace between this country and Spain was signed on the 10th day of December, a month after the election of the present Congress, and the question of imperialism has never been submitted to the American people.

Yet Republicans tell you you dare not say a word in condemnation of the policy of the Administration; that you shall have this policy fastened upon you and that everybody who likes it shall be allowed to say amen, but that those who do not like it must keep still. It is a new doctrine in the United States, it is a new doctrine that you can not criticise a public servant or a party in power. And for the benefit of those Republicans who have been making abusive remarks about men who protest against imperialism, I want to read an extract from a speech made by Abraham Lincoln when he was in the Congress of the United States during the war with Mexico.

The war had been in progress for twenty months, and yet Abraham Lincoln made a speech against the policy of the President. When I read what Lincoln said, I feel that I have not lived up to my opportunities in the way of criticism. He says, "The President feels the blood of this war, like the blood of Baal, is crying to heaven against him." That is pretty severe. And in another place, speaking of the President, he says, "And this shows that the President is in no wise satisfied with his own position.

First he takes up one, and in trying to "argue us into it he argues himself out of it." That is pretty harsh, it seems to me, to say against the President. But then he added, "He knows not where he is; he is a bewildered, confounded, and miserably perplexed man; God grant that he may be able

to show that there is not something about his conscience more painful than all his mental perplexity."

Now, that is what Lincoln said against the President; and yet you know the people elected that same Lincoln President twelve years afterwards. And there are Republicans now who think that he was a great man, only that he did not have the benefit of these modern conditions.

Ah, my friends, it will be a sad day when the people of this nation are not able to criticise their public servants. It will be a sad day when every act of every public servant can not be brought before the bar of public opinion. I read a speech the other day in which a man said we must not criticise the President here because the Filipinos do not understand free speech, that when they read anything said in this country against the President they suppose that the President must be in a minority or else he would not permit that thing to be said. [Laughter.] Do you see the philosophy of it? When this race comes into contact with an inferior race that does not understand free speech, then, instead of lifting them up and making them to understand free speech, we are to be denied free speech because they can not understand it. [Applause.]

I want to distinguish between expansion and imperialism. Republicans try to hide behind the word expansion. They say we have expanded in the past. Yes, my friends, this Government has expanded. This nation has secured contiguous territory, territory suitable for settlement by American people, and that new territory has been settled and built up into States; but when we have expanded heretofore we have extended the limits of a republic. Now we are asked not to expand the limits of a republic, but to aspire to an imperial destiny and convert a republic into an empire. [Applause.]

Be not deceived. There is nothing in the past like that which we now are asked to embark upon. Heretofore we have had no expansion that separated citizens into two classes. Heretofore when people have come in they have come in to share in the destiny of this nation. This is the first time that we have been told that we must cross an ocean, conquer a people, drag them under our flag, and then tell them they are never to be citizens, but are to be subjects, and to be treated with kindness by our people. [Applause.]

It is the first time it has ever been proposed. And what defenses do you hear made of it? Well, I have heard three defenses: First, there is the financial argument, that there is money in it; then there is the religious argument, that God is in it, and then there is the political argument, that we are in it and can not get out. [Laughter and applause.] I have never heard any other argument, and I will venture the assertion that if you will take the speech of an imperialist and analyze it you will find that all his arguments will come under one of those three heads, that there is money in it, that God is in it, or that we are in it and can not get out.

Take the money argument, that there is money in it. It is the lowest argument ever made in defense of a public policy. The argument of dollars and cents, the argument that is blind to ethics and only looks for money. Republicans, has your party fallen to so low a state that it will attempt to settle a question of so great moment by the measure of dollars and cents? And yet the man who attempts to settle this question in that way, and who says that it will pay, has upon him the burden of proof to show, first, how much we will spend, and, secondly, how much we will get. He must show that we will get more than we will spend or it will not pay; and then he must show that the men who spend the money we spend will get the money we make. He can not show either. He can not show we will get back more than we spend; and if he could show that, he can not show that the men who spend the money we spend will get back the money that comes from an imperial policy. The expense will come from all the people—the income will come to the syndicates that are organized to develop the Philippine Islands. [Applause.]

But, my friends, how is he going to show what it will cost us? Who can tell the cost of a war of conquest? Who can tell how much it will cost to conquer and hold in subjection 8,000,000 Malays 7,000 miles away from our shores, scattered over 1,200 islands, living under a tropical sun and fighting from the protection of the jungle, and who can tell how often we will have to repeat the chastisement? Who can tell how long it will be before they will fall in love with our idea of a military government? Ah, my friends, the man who says it will pay must show first how much money we will spend, and then he must show you how many lives it will cost, and then he must tell you how much a life is worth.

When he tells you it will pay, he must put a money value upon each American life. Republicans, I dare you to put a money value upon an American life! [Tumultuous applause.] When a boy dies for liberty, his mother thanks God that she has born a son for so noble a sacrifice; but where is a mother who will rear sons to exchange for oriental trade at so much a head? [Applause.]

I want trade. I want to expand our trade by peaceful means, but I would not put one American boy on the auction block and sell him for all the trade of the world. [Applause.] And yet the man who says it will pay must be prepared to figure with pencil how much the boy is worth.

They say that these islands will furnish homes for our surplus population. Think of it; 60 people to the square mile over there now and 20 people to the square mile here. [Laughter.] Furnish homes for our surplus population. Why, my friends, when it is possible for people to pass freely from the Philippine Islands to the United States, and from the United States to the Philippine Islands, there will be more Malays coming to this country to bring their oriental habits and compete with American labor than there will be Americans going over there to live in the Tropics. Other nations have tried it. England has the island of Jamaica southeast of here. There are 600,000 black people alone there and less than 14,000 whites. The Netherlands have controlled Java for three hundred years, and there are 25,000,000 of brown people and less than 60,000 of European blood.

Spain has controlled the Philippines for three hundred years, and yet there are less than 10,000 Spanish residents out of 10,000,000 of people. England has dominated India for a century and a half, and there are only 100,000 people of British birth out of 300,000,000 there, and it takes a British army of 70,000 to take care of that 100,000, and it takes a native army of 140,000 to help the British army of 70,000 take care of 100,000 of European birth who ride the 300,000,000 people there, and if you think that the people of India love the English Government just remember that when the war broke out in South Africa England had to call for volunteers at home, because she dared not take the soldiers out of India. [Applause.]

A man named Morrison has recently written a book in defense of the English government of India. He had been over there for nine years, and I was interested in reading in the book that he was surprised that although England has given to the people of India freedom of the press, there is not a native journal of influence that defends the English government; and that the ferocity of the people is especially marked among the educated classes. Why, of course the more educated a man is the more he hates foreign domination. [Applause.]

You tell me that we are going to the Philippine Islands to educate those people? I warn you that if we go there to hold them in subjection we dare not educate them. [Applause.] If we go there to deny to them the doctrine of self-government we dare not teach them to read and to think, because they will read our own Declaration of Independence as soon as they can read. [Applause.] If you think that England went to India to educate, let me tell you that after one hundred and fifty years of English domination less than 1 per cent of the women of India can read and write, and less than 5 per cent of the entire population. If you think she went there to Christianize, let me tell you that after one hundred and fifty years of gunpowder gospel less than 1 per cent of the people profess the Christian religion. [Applause.]

No, my friends, you can not advocate imperialism on the ground that it will pay; you can not advocate it on the ground that we go there to educate; but there is an argument that has been urged—I believe it has had more influence than the money argument—and that is the religious argument that God is in it. A Republican Senator said the other day that God opened the door of the Philippine Islands, pushed us in, and shut the door. [Laughter and applause.] The question that arose in my mind was, Who told him so? [Laughter.] When a man tells me that it is God's will, I demand to know when God told him so. [Applause.] I want to know when and where the revelation was made, and if he got it from somebody else, I want to know from whom in order that I may demand that man's credentials. [Applause.]

I believe in God; I believe that He influences the thoughts and the purposes of men; but I am not willing to blame God for every thought and every purpose that a man may have. If I feel in my heart an impulse to do good, I will trace it to God. If I feel in my heart an impulse to do wrong, I will not blame him. If I feel in my heart an impulse to put my hand into my own pocket and take my money and give it to some one in distress, I will trace the impulse to God: but if I feel in my heart an impulse to put my hand into some other person's pocket and take his money, I will not lay it onto the Almighty; there is another old fellow that I will lay it on. [Laughter and applause.]

I heard of a colored man once who was very fond of chicken [laughter], but not always mindful of the commandments; and he said that when he prayed to God to send him a chicken God seldom did it, but that when he prayed to God to send him after a chicken he nearly always got it. [Laughter and applause.] I believe that the Republican party has prayed to God to send it after the chicken. [Laughter.] I believe that it has simply yielded to temptation.

Temptations will come. The Bible tells us that 1900 years ago the devil took the Savior up on a high mountain and pointed out all the kingdoms of the earth and their glory, and offered them to him if he would fall down and worship him; but Christ said, "Get thee behind me, Satan;" but when the Republican leaders were taken up on a high mountain and shown the Philippine Islands, instead of saying, "Get thee behind me, Satan," they hunted up the Spanish monarch and said, "We will give you $2.50 apiece for the Filipinos." [Laughter and applause, long continued.]

I want to denounce this doctrine that God has selected the Republican party to wage in His name a war of conquest. I say I believe in God. I will not deny that there may be prophets to-day. But the trouble is to tell the true prophets from the false ones. The Bible says that false prophets will arise, and it tells us how to distinguish the false from the true. It says: "By their fruits ye shall know them." And if you want to know whether a man is speaking with the voice of God when he tells you of our benevolent purposes in the Philippine Islands, see if he has acted with the spirit of God in his treatment of the American people. [Applause.] There may be prophets, but you will pardon me if I express it as my deliberate opinion that when God gets ready to speak to the American people he will choose somebody besides MARK HANNA as his mouthpiece. [Laughter and applause.]

How are we to find out God's will? From His own word; and I read that when He visited a village of Samaria, and the people refused to receive Him, and His disciples wanted to call down fire from heaven to consume them, Christ rebuked them and said, "Ye know not what manner of spirit ye are of. The Son of Man came into the world not to destroy men's lives, but to save them." That is the doctrine of the Saviour. Against the infernal doctrine of conquest I want to place the words of the Master Himself, that He came not to destroy, but to save. [Applause.]

I read a sermon not long ago, delivered by a man named Brown in Rochester, N. Y. He took for his text the words which describe the scene where Christ was before Pilate, where Pilate said to him: "Knowest Thou not that I have power to release Thee or to put Thee to death?" Taking that text, he contrasted force and love. Pilate represented force; behind him was Cæsar; behind Cæsar was the Roman Government, and behind the Roman Government were the legions of Rome.

Before Pilate, helpless and alone, stood Christ, preaching the gospel of love. And force triumphed. They nailed him to the tree, and those who believed in the triumph of force stood around and said: "He is dead;" but the minister pointed out from that day the power of Cæsar waned and the power of Christ increased. He pointed out how in a few years the Roman government was gone and its legions forgotten; while the influence of the Master increases with each advancing year, until millions to-day take His name with reverence upon their lips.

And then the minister said that in this nation Pilate and Christ stand face to face, and that upon the decision of this question hangs the question whether this nation will stand before the world as the exponent of brute force or stand as an example of the uplifting power of love. [Applause.] I believe he spoke the truth. [Applause.] I believe that to-day might and right are struggling for the mastery; that to-day reason and force stand face to face, and that upon the decision of this question will hang the question whether this nation will build for eternity or sink to the low level of the nations that have gone to decay. Tell me that you want the glory of empire?

Why, for a hundred years this nation has traveled the pathway that leads from the low domain of might to the loftier realm of right, and I would not trade its history for all the glory of all the empires that have risen and fallen since time began. [Applause.]

Tell me you want to be a world power? Why, for more than ten decades this nation has been the most potent influence in the world; for more than a hundred years this nation has done more to affect the politics of the human race than all the other nations of the world together. Here you have witnessed the triumph of an idea.

During the closing years of the eighteenth century this Republic was formed. It was dedicated to the doctrine that all men are created equal; that they are endowed with inalienable rights; that governments are instituted to secure those rights, and that governments derive their just powers from the consent of the governed. During the nineteenth century this idea has grown. Ah, my friends, this idea has been more powerful than all the armies and all the navies of all the monarchies of the earth. [Applause.] And I would not trade this idea for the results of a warfare of conquest. Shall we build upon the doctrine laid down by the fathers, or shall we build upon the shifting sand?

A prominent Republican said the other day that nations may die, whether they expand or not, but that only expanding nations leave a glorious history. I protest against any such doctrine in this nation. There is no reason why a republic should die. A monarchy resting upon force, an empire built upon force, will disappear when some greater force arises; but a republic resting upon the doctrine of self-government and administered according to the Jeffersonian motto of equal rights to all and special privileges to none need never die, and will never die. [Applause.]

But they say that we are in it and can not get out. [Laughter.] I want to remind you that the people who say we can not get out are the people

who led us into the trouble. Tell me that God did it; I tell you that the Republican Administration is responsible for every act upon which every argument in favor of permanent retention is based. They say we must stay in the Philippines because Dewey destroyed a fleet at Manila. I reply that Schley destroyed one at Santiago. [Applause.] And yet the Republican President promised the Cubans that we would get out of Cuba.

Tell me we must stay in the Philippine Islands because American blood was shed on Philippine soil? I reply that American blood was shed at San Juan Hill and El Caney, and yet the President promised the Cubans that we would get out of Cuba. Tell me that our flag has been raised over the Philippine Islands and that when once raised it can never come down? I tell you that that flag was raised over Habana a year ago and yet the President told the Cubans that he would haul it down when the flag of the Cuban republic was ready to rise in its place. [Applause.] You can not find an argument for the permanent holding of the Philippine Islands that will not apply to Cuba.

When we went into the war we said that the people of Cuba are, and of right ought to be, free, and I challenge you to draw a line between the rights of the Cubans and the rights of the Filipinos. Did God say that the Cubans are entitled to their freedom and that the Filipinos are not? No; my friends, there is only one difference between Cuba and the Philippine Islands. We promised independence to Cuba, we did not promise it to the Philippine Islands. But our promise was but the recognition of a right that would have existed without the promise. We said that "Cuba is, and of right ought to be, free;" and, if that was a right, then, my friends, it existed in the Philippine Islands without the necessity of an express promise. [Applause.]

But you ask me what could have been done. I say that if the Administration in making the treaty had provided for the independence of the Philippines when it provided for the independence of the Cubans, there would have been no trouble in the Philippine Islands. But you say that was not done. I say that if the Administration had promised the Filipinos independence on the terms offered to the Cubans there would have been no trouble. But you say the President did not have the right to promise it. I remind you that Congress was in session three months, during which time he could have asked Congress for the authority to make the promise. He not only did not ask the authority, but when the Bacon resolution made the promise all the influence of the Republican Administration was brought to bear against it; and with all the influence of the Republican Administration the resolution was a tie in the Senate, and it took the Vice-President's vote to defeat it.

But you say that, war having broken out, you must now whip the Filipinos before you deal with them. If they have a right to independence there is no humiliation in telling them our purpose in dealing with them. [Applause.] You tell me you must whip them first. I tell you that if you had given them the promise of independence you would not have had to whip them at all; and that if you promise them independence now the war will stop. [Applause.]

You ask me what to do. I tell you that the Democratic party for more than a year has been on record on this subject. We say treat the Filipinos as we promised to treat the Cubans; we told the Cubans that we were fighting not for land but for liberty. Let us tell the Filipinos that, having driven the Spaniard out, they are to stand up and be free, and then say to all the world, "hands off," and let that republic live and work out its own destiny. [Applause.]

The Republicans ask, Would you withdraw the soldiers before order is established? I reply, that if you will tell these people that the government when established is to be their government and not ours, it will not take many soldiers to restore order. Republicans ask, Shall we turn that nation loose to be seized upon by other nations? I say that for nearly a century we have protected the Republics of Central and South America, not by governing them, but by announcing to the world that any interference with them would be considered an act of unfriendliness toward us, and so we can say in a broader sense that when this nation helps a republic to stand upon its feet the ground whereon that republic stands is holy ground, and that no king shall ever set foot upon that ground again. [Applause.]

You tell me that there is a new destiny before this nation. I tell you, my friends, that the nation's destiny is what the nation makes it. If it was the destiny of Cain to slay Abel, it was also his destiny to wear the brand of a murderer forever afterwards. It may be the destiny of this nation to turn from its high ideals down to the doctrines of kingdoms and empires; but if that is its destiny it can not be its destiny to be a light unto the world.

Tell me that we are pleading the cause of the Filipinos? No, my friends; we are pleading the cause of the American people. If the Filipinos were to die to-morrow the world would go on; but if this nation ceases to be a republic, the light of civilization goes out. [Applause.] To what nation, then, could struggling humanity look for hope and inspiration? Oh, my friends, if you want to see the blighting influence of this doctrine upon the conscience of the American people, let me point you to what is going on now down in southern Africa—a republic is fighting against a monarchy. In every contest heretofore between monarchy and republicanism the American people have expressed their sympathy.

When Greece was struggling to be free Webster and Clay employed their eloquence in defense of a resolution pledging sympathy. When the Cubans were fighting for their liberty all parties declared the sympathy of the American people; but what do we find now? We find that when the English Government is attempting to take from the people of the Boer Republic the right to govern themselves, the people who believe in imperialism in this country dare not say a word to express their sympathy with the people over there. This is the paralysis that is already creeping over this nation.

My friends, I am no hater of England. In my veins runs English blood as well as Irish and Scotch blood. [Applause.] I do not mean to say one word against any race or any nation; but, my friends, when you tell me that the English Government or any government can do anything for this nation that lays it under obligations to forget the principles of our Government, I tell you that we have lived without foreign aid for a century and can still live a thousand years without foreign assistance if we are true to our own principles. [Applause.]

If this nation enters upon a career of imperialism, it ceases to be a moral factor in the world's progress. If this nation enters upon a career of conquest, it is not in position to raise its protest against that doctrine when applied by other nations.

You ask me what my ideal of this nation's destiny is. I tell you that it is to show to the world what self-government can do for a people. It is to make this the greatest Republic on earth, the greatest Republic of history, and then as we grow in strength, in population, and in influence, we can raise our voice with increasing emphasis in behalf of truth and justice. I want this nation to stand erect and be able to say at all times that the people in this nation sympathize with anybody who is willing to die for liberty. [Applause.]

But, my friends, pardon me talking so long. [Cries of "Go on!" "Go on!"] I have not been in Baltimore since campaign days. I do not know when I shall be able to talk to the people of this city again. You have come out in such great numbers; you have listened with such attention, and you have encouraged me with such cordial approval, that I have talked longer than I intended to. I want to tell you that the fight for the great fundamental principles of this Government as against plutocracy is on. No human being can tell what the result will be. I believe there is a vicious doctrine running through all the Republican policies, and that that vicious doctrine is that the dollar is worth more than the man.

I want, if I can, to help to restore a government founded upon the Declaration of Independence and administered according to the doctrine of Jefferson, a government that will stand, as it did in Jackson's days, between a bank aristocracy and the people. [Applause.]

But, my friends, I can not tell you what fate has decreed. I can not tell you whether it is to be our lot to triumph, and in our triumph lay the foundation again in the old places and raise again the ancient landmarks which the fathers had set up. I can not tell; but if it is fate that this nation is to cease to be a republic and become an empire; if it is destiny that this, the greatest republic of history, is to extinguish its light and follow in the lead of the monarchies of the Old World; if in the providence of God the time has come for the pendulum to swing back toward the dark ages and the triumph of brute force, I pray to God that the Democratic party may go down to eternal death with the Republic rather than to live when the doctrine of self-government is abandoned. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TERRY. I yield to the gentleman from Massachusetts.

[Mr. NAPHEN addressed the House. See Appendix.

Mr. TERRY. I yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER Mr. Speaker, in my judgment the trust question is one of the most important issues in American politics. The Democratic party is right on this question and against the trusts, and the Republican party is wrong on the issue and in favor of the trusts. I believe every intelligent man and impartial citizen in this country will concur in this conclusion.

The Republican party is insincere in the position it now assumes for party purposes and political advantage. The present attitude of the Republican party on the trust issue, like its past, is too flimsy and too transparent to deceive anyone. The Republican party has been in power for nearly four years and it has done nothing against the trusts. On the contrary, it has aided them and stood sponsor for them.

The Republican Attorney-General, clothed with ample power, by your own admission, has failed and refused to bring a single suit against the trusts and monopolies. Why did he not enforce the law now on the statute books? You answer that the law is ineffective. I reply, Why have you waited nearly four years to amend it?

The law now on the statute books against trusts is clear and plain, and the highest court in the land has passed on its validity and sustained the constitutionality of its provisions. The anti-trust act of 1890 declares that every contract or combination in the nature of a trust in restraint of trade and commerce among the several States and Territories or with foreign nations is a conspiracy, illegal and void, and punishable by fine and imprisonment.

Under this anti-trust act it seems to me every trust in the United States can be prosecuted for violation of law, the charter annulled, and the men behind it punished for conspiracy. Every trust by its very nature is in restraint of trade and commerce and in violation of this law.

If you will read the anti-trust act of 1890 and the decisions of the United States Supreme Court in the trans-Missouri freight case and the Addyston Pipe Line case the conclusion will be irresistible to the logical mind that the fault is not so much with the law as it is with the men who are sworn to enforce the law.

The law, so far as it goes, is all right—the do-nothing Attorney-General is all wrong. The imperative mandate of the day is, "Enforce the law and every trust in the country will dissolve." Whenever the trusts have been brought before the courts and their true character shown, they have been declared illegal.

In my opinion—and I say so advisedly—the Department of Justice, under the present law, can institute and successfully maintain actions against every trust doing business in the United States. The law is clear and plain, and the facts are within the knowledge of all and too obvious for controversy.

It has been said by some unthinking persons that there are good trusts and bad trusts; that we should applaud and commend the good trusts and denounce and condemn the bad trusts.

Under the law this specious argument is untenable, and the men who make it are the hired attorneys and the special pleaders for the trusts, or they are facetious fellows poking fun at the victims.

Under the law of our country trusts are criminal, and there is no distinction between a so-called good trust and a so-called bad trust—between a big trust and a little trust. Every trust is contrary to both the spirit and the letter of the law. To seriously contend otherwise as a legal proposition would be preposterous. If we did so, by analogy, we might as consistently assert that there were good pirates and bad pirates. If robbery is criminal, it is immaterial, so far as the crime is concerned, whether the robbery is a big one or a little one. The violation of law is the same.

Under the last Democratic Administration there were a number of suits instituted against trusts by the Democratic Attorney-General, and carried to a successful determination. But under

your present Republican trust Attorney-General you have not begun or instituted a single suit under this anti-trust act. Now, what is your answer to that? That it is not effective? If you say the anti-trust act is not effective against trusts and monopolies in restraint of trade between the States and Territories, I point to the decisions of the United States Supreme Court in the Addyston Pipe Line case and the Trans-Missouri freight case.

Those two decisions demonstrate conclusively that if the Republican Attorney-General had done his sworn duty most of the great trusts which have been organized since the Republican party has been in control of the Government would not now be robbing the people, but would be out of business.

You pretend now for political purposes that you are against trusts. Do you suppose anybody believes it? Do you suppose that you can humbug the people in regard to your position on trusts? You know and I know, and every other intelligent man in this country knows, that the Republican party is owned and controlled by the trusts. The real difference between the Republican party and the Democratic party to-day on this issue is that the trusts own and control the Republican party and the Democratic party want the people to own and control the trusts, or destroy them entirely.

Now, during the three and one-half years you have been in power, if this act of 1890 was not sufficient, was not broad enough and strong enough to put down the trusts, why did not the Republican party, when they had the control of both branches of Congress and the Executive, why did it not bring in some legislation to make that act more effective, so that the Republican Attorney-General could enforce it? No; for three and a half years you have accepted favors from the trusts, and you have protected the trusts.

If I had the time, I would tell you something about the trusts, for I know something about them. I want to say now, however, at the eleventh hour, just as Congress is adjourning, after you have received all the benefits from the trusts you can get, after you have done all you can for the trusts, you want to deceive the people and hoodwink them with this preposterous constitutional amendment.

You wait until six days before Congress adjourns, knowing this amendment can not pass, and then you bring in an arbitrary rule to pass it, a rule that violates every parliamentary precedent, a rule that does gross injustice to the minority, a rule that prevents us from offering an amendment, a rule that prevents us from offering a substitute, a rule that compels us to vote "aye" or "nay" on your trust deception, and you have the audacity to say you are against trusts. [Applause on the Democratic side.]

Right here I want to say that I am now, always have been, and always will be unalterably opposed to trusts, monopolies, and combinations. Ever since I have been in Congress I have been fighting trusts, but if I had my way now, you would not fool the people with this kind of cheap-John trust politics; I would not permit you to put the Democrats in a hole, but we would put you in a hole. [Laughter on the Democratic side.]

When you bring in this absurd constitutional amendment for political buncombe, if I had been running this side of the House, I would say, "Let us all vote for it and let us show the country what frauds and hypocrites these Republicans are." [Laughter on the Democratic side.] We would pass it and it would go to the Senate, and your trust Republican Senators would bury it as they buried the other resolution we passed for the election of United States Senators by the people. Why do not your trust Republican Senators pass that resolution and give the people the right to elect their Senators? [Applause on the Democratic side.]

Mr. Speaker, the Republican party is absolutely insincere on this question. Its record for the past four years proves it. It does not want this amendment to pass. It is drawn in such a way and it is offered in such a manner that the Republicans know beforehand the Democrats can not consistently vote for it. You offer it as you do and at this late day because you know it can not pass.

If you thought it could become a law you would oppose it yourselves. You are trifling with the country and playing practical politics to deceive your deluded followers. The people who will look into this matter will not be fooled. They know which party to-day favors the trusts, and they know they will receive no relief until this Republican trust-owned and trust-ridden Administration is driven from power, and a Democratic Administration, under the leadership of William J. Bryan, comes into control of the Government.

Let us pause here and briefly consider the facts.

To-day about two hundred trusts control, wholly or in large part, every conceivable product and industry of the country.

These gigantic conspiracies and combinations called trusts constitute, in my judgment, the greatest and the gravest menace at the present time to our democratic institutions. They control the supply, monopolize the product, and dictate the price of almost every necessary of life. They force out of legitimate employment every year thousands and thousands of honest toilers. They limit production, enhance prices, reduce wages, and arbitrarily write the terms of their own contracts.

They destroy successful competition, paralyze honest industry, assassinate struggling labor, and hold the consumers of our country in their monopolistic grasp. They levy tribute, like robber barons of old, on every man, woman, and child in the Republic. They blight the poor man's home, darken the hearthside of his children, cloud the star of youth's legitimate hope, and destroy equal opportunity. They control State and national legislation, escape taxation, and evade the just burdens of the Government, while their agents construct and maintain tariffs to suit their selfish ends and greedy purposes. They imperil traffic, stagnate trade, regulate foreign and interstate commerce, declare quarterly dividends on watered stock, and make fortunes every year by robbing the people.

Their tyrannical power, rapid growth, and centralization of wealth is the marvel of recent times and the saddest commentary the future historian will make on our legislative history. They practically own, run, and control the Government, and defy prosecution for violation of law. If their power of concentration and centralization is not speedily checked, and they go on for another quarter of a century like they have in the past few years, I believe our free institutions will be destroyed, and instead of a government of the people, by the people, and for the people, we will have a government of the trusts, by the trusts, and for the trusts.

How much longer will the people consent to be robbed and submissively permit a continuation of this outrage? The trusts have their being and grow by special legislation; they live and wax fat by governmental favoritism.

If the question is ever presented whether the trusts shall run the Government and enslave humanity, or whether the people shall own the trusts—not for the benefit of the few, but for the good of all and to free the industrial masses—then I shall vote with the people in favor of Government ownership of trusts. They must either be destroyed or owned and conducted by the people for the benefit of all.

All legislation bestowing special benefits on the few is unjust and against the masses and for the classes. It has gone on until less than 8 per cent of the people own more than two-thirds of all the wealth of our country. It has been truly said that monarchies are destroyed by poverty and republics by wealth. If the greatest republic the world has ever seen is destroyed, it will fall by this vicious system of robbing the many for the benefit of the few.

Let us pause again and briefly consider the situation.

The total population of the United States is about 75,000,000. The total aggregate wealth of the United States, according to the best statistics that can be procured, is estimated at about $65,000,000,000, and it appears, and no doubt much to the surprise of many, that out of a total population of 75,000,000 less than 25,000 persons in the United States own more than one-half of the entire aggregate wealth of the land. And this has all been brought about during the last twenty-five years by combinations and conspiracies called trusts fostered by special legislation and nurtured by political favoritism.

The centralization of wealth in the hands of the few by the robbery of the many during the past quarter of a century has been simply enormous and the facts and figures are appalling. Three-quarters of the entire wealth of our land appears to be concentrated in the hands of a very small minority of the people, and the number of persons constituting that minority grows smaller and smaller every year. Impartial students of these startling facts and statistics can hardly escape the irresistible conclusion that a conspiracy exists, and has existed for some time, to convert the Government of the United States into a powerful oligarchy of wealth consisting of a few thousand multimillionaires who will own and control all the other people.

The plutocrats, the trusts, the monopolies, and the syndicates seem to be supreme and legislate for their own interests, their own benefit, and their own protection. If it continues, the yeomanry of our country will soon be reduced to a condition of industrial serfdom more pitiable than ever existed before in the history of the world.

The money power, the trusts, and the favored few of the land threaten the perpetuity of our free institutions by subsidizing the pulpit, buying the press, seating well-paid attorneys in legislative halls and courts of justice, stifling free speech and the right of lawful assembly, and stretching out their tentacles to the colleges of the land to crush professors who have the courage of their convictions and dare to tell the truth regarding economic and social principles.

"The trusts must go!" should be the battle cry of the people in the coming campaign.

What is the remedy? My friends, I hear many suggestions—some good, some bad. But let me ask what is the matter with the remedy we now have—the remedy of the anti-trust act of 1890? Whenever that remedy has been applied it has been effective. Whenever we have had an official courageous enough to invoke

the power of that act it has been adequate and successful to crush the trust.

The people who oppose and condemn trusts will receive no encouragement from this trust-ridden and trust-owned Administration. The Republican Attorney-General is the mere creature of the trusts, and will take no action against them.

The Republican party in all its power stands fearlessly for trusts and is openly and boldly supported by trusts. Every trust in the country was for William McKinley for President in 1896, and every trust will zealously and loyally aid him in 1900. If you ask what for? I answer for value received, for the blessing of a pliable Secretary of the Treasury and a derelict Attorney-General, for a lively sense of favors yet to come, and, above all and beyond all, for MARK HANNA, who runs the Republican machine for the benefit of the trusts, and who turned down in Ohio an honest and fearless attorney-general who was brave enough to do his duty and courageous enough to make an attempt to enforce the law against the Standard Oil trust—the greatest, the most relentless, and the most cold-blooded monopoly of them all.

The Republican party is the party of plutocracy. It stands today for economic errors that rob the many for the benefit of the few; for financial heresies that centralize wealth and paralyze industrial freedom; for political policies that enslave the masses. The Republican party spurns the people, rides roughshod over the Constitution, tramples on the rights of man, turns to the wall the picture of the great emancipator, and laughs to scorn the Declaration of Independence.

To sum it all up, the Republican party stands for HANNA, and the Republican party is HANNA. What a difference between the party of Lincoln and the party of HANNA!

The Democratic party is the party of the plain people. It is opposed to trusts, to monopolies, and to special privileges. It stands for the supremacy of the law. It believes in freedom of thought, freedom of speech, freedom of action, freedom of trade, and free institutions. It believes in the Constitution, in fostering commerce, unfettering trade, establishing industry, aiding enterprise, maintaining equal opportunity, defending liberty, unshackling the mind and the conscience, and handing down unimpaired to future generations the blessings of our free institutions.

While the Republican party is in power the trusts will flourish like a green bay tree.

When the Democratic party comes into power a Democratic President will appoint a Democratic Attorney-General who will enforce the law against the trusts, and they will dissolve and disappear like mist before the rising morning sun and be gone forever.

Now, my friends, a few words in conclusion. We are entering a most momentous political campaign to determine the question whether the trusts or the Government shall survive; whether the people or the plutocrats shall rule; whether this land shall continue to be a government of the many for the many or an oligarchy of the privileged and for the favored few. You ask me what the outcome will be? I can not tell, but I believe history repeats itself; that God in His infinite wisdom raises up a man from the plain people for every crisis, and in the pending crisis we have such a man, a born leader of men, whom we can all trust and whom we can all follow, and who will lead us to victory and rescue the people from the money lenders and the money changers.

A hundred years ago the Democratic party—the party of the plain people—after a most momentous campaign, came into power under the matchless leadership of its famous founder, Thomas Jefferson, and the impetus his Administration gave to popular government carried forward free institutions unimpaired for a century.

We are beginning another momentous campaign, under the leadership of a second Thomas Jefferson—the stalwart, the fearless, the gallant, and the intrepid young leader of Nebraska, William J. Bryan—to test the perpetuity of popular government and of our free institutions, and by the grace of God and the power of the free men of America he will win, and the impetus his administration will give the Government of Jefferson, of Jackson, and of Lincoln will carry it forward unimpaired for another century, and generations yet unborn will sing the gladsome song that the Government of the people, by the people, and for the people shall not perish from the earth. [Loud applause on Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SULZER. I would like to have twenty minutes more.

Mr. RAY of New York. I thought the time of the gentleman from New York had expired.

Mr. SULZER. Will you yield me ten minutes of your time to answer a few questions? I will answer your questions, and I will tell you——

The SPEAKER pro tempore. The time of the gentleman from New York has expired, and he will take his seat.

Mr. SULZER. Which gentleman?

The SPEAKER pro tempore. The gentleman from New York.

Mr. SULZER. The other gentleman is from New York, too. [Laughter.]

Mr. RAY of New York. The gentleman from New York says he knows all about trusts. He is a member of Tammany Hall, and I call upon the Clerk of the House to read a description of the trust to which he belongs.

Mr. KING. I am afraid my friend from New York is thinking of the trust owned by the senior Senator from New York.

The SPEAKER pro tempore. The Clerk will read in the time of the gentleman from New York [Mr. RAY].

The Clerk read as follows:

[Evening Star, Washington, May 30, 1900.]

TRUSTS AND POLITICS.

The difficulty in the way of making trusts a partisan question for this year's campaign purposes has just been illustrated in a very pointed way in New York.

A Mr. Color, a recent graduate into local politics from a Brooklyn counting-room, had evolved a plan for dealing with the trust evil, and had secured some approval of it. Chairman JONES, of the Democratic national committee, to whom it had been submitted, had spoken favorably of it, and David B. Hill, it was understood, had been so much impressed that he had consented to its incorporation into the New York State platform. In turn it was then to be presented at Kansas City and made a part of the Democratic national platform. It really looked as if one difficult feature of the situation had been disposed of.

But at this time—a most unfortunate time—came the disclosures in the case of the New York ice trust. If ever there was a trust that is one. It is a monopoly; it controls prices, and it exercises its power to grind the people. Upon the approach of summer it puts up prices on an article absolutely necessary to health and comfort in a crowded city 100 per cent. A published list of stockholders shows that a number of prominent Tammany officeholders are interested, and the record also shows that this trust enjoys valuable privileges of the water front of the city which looks suspiciously like favoritism.

Of course, if there is anything of value in Mr. Coler's remedy it is not impaired on general principles by this disclosure. A trust is a trust, no matter its origin, its officers, its beneficiaries, or what not; and where it is operated against the rights and interests of the public it should be suppressed. That is plain, and it likewise is the general demand. But the proposition of Mr. Coler and his party friends is that trusts are not only an outcome of Republican policies, but that Republicans alone are in league with them and are benefiting by them.

Relief, as they insist, can only come through Democratic agencies. If the people would throw off this shackle and enjoy the blessings of unrestrained trade among themselves, they must bring in Mr. Bryan and all that he stands for.

And yet here is a trust which certainly can not be traced to the protective tariff, and is operated largely for the benefit of leading Democrats of Mr. Coler's own locality. Trusts as a party shibboleth will hardly deceive the people.

Mr. GAINES. The gentleman ought to remember that General Alger was the president of the match combine alluded to in your report. The 77 Michigan case your report cites gives General Alger's evidence in that case, and he admitted it was a trust and one that dips down into every cabin in the land.

Mr. TERRY. I yield to the gentleman from New York [Mr. SULZER] for five minutes to reply.

Mr. SULZER. Mr. Speaker, it is a humiliating spectacle to me and must be to all here to see the trust lawyers of the Republican party, and especially the gentleman on that side of the House who is the chairman of the Judiciary Committee [Mr. RAY], undertaking to justify this fraud, this humbug, this apparent deception in regard to the trusts by having a newspaper clipping read in regard to the ice trust.

Now, let me tell you something about the ice trust; and when I get through telling you about it, I believe the gentleman will not have so much to say on the subject. I want to say that I am opposed to the ice trust and to all other monopolies. Now, about the ice trust. There are more Republicans in the ice trust than Democrats. On the books of the ice trust in New York you will find that seven-tenths of the stockholders are Republican machine men.

Mr. MERCER. Why do you not freeze them out? [Laughter.]

Mr. SULZER. They will be frozen out. It seems to be true there are some Democrats stockholders in the ice trust; but I want to say that the Democratic party in the city and State of New York is opposed to the ice trust, and to all trusts, and is doing all it can to drive them out of business. That is the position of the Democratic party. I want to say that the Democratic officials in the city of New York are opposed to the ice trust, and are doing all they can to drive it out of business. I want to say to you that the Republican party in the State of New York is doing all it can to prevent the prosecution of the ice trust. I ask you why your Republican attorney-general of the State of New York does not prosecute the ice trust?

Mr. RAY of New York rose.

Mr. SULZER. You can answer in your own time. You are so mean you would not give me any of your time, and now you want to take the little time I have. [Laughter.]

I want to say to you, and I want to say to the American people, that the Democrats are opposed to the ice trust just as much as they are to the coal trust, to the Standard Oil trust; just as much as they are to all the other trusts—the sugar trust, the tobacco trust, the lead trust, the copper trust, and the steel trust.

The Democratic party is opposed to the ice trust, without regard to the fact that there are a few Democrats in it. Why, I ask you,

do you not go for all the other trusts, composed almost exclusively of Republicans? Take every trust to-day, look at its list of stockholders, and you will find that nine-tenths of them are Republicans. Take the officials at the head of all the great trusts in this country and you will find that they are all Republican leaders, from MARK HANNA down. [Applause on the Democratic side.]

Take the ice trust. The president of the trust is a Republican, a machine leader, a follower of your leader, PLATT. You do just what he says, because he is your "boss." If PLATT should send word over here for you to quit on this trust business, you would quit right away. He is the head of the Republican trust in New York, and you belong to that trust.

You talk about Tammany Hall. The most corrupt machine that has ever been instituted in the politics of this country is the Platt machine in the State of New York, and you know it. You know that you have to obey your "boss." If you did not you would not be here. Do you think the people believe in your sincerity when you declaim against trusts? Look at the canal frauds. Your present governor said that if he should be elected, he would prosecute the canal thieves. Has he dared to do it? No; PLATT told him not to do it; and he quit, like a good little boy. And you do just what the "boss" tells you—do you not?

The SPEAKER pro tempore. The Chair asks the gentleman from New York to address his colleague in a parliamentary manner.

Mr. SULZER. You stand up here and——

The SPEAKER pro tempore. The Chair asks the gentleman to address his colleague in a parliamentary manner.

Mr. SULZER. I am doing so.

The SPEAKER pro tempore. The gentleman should not address another member in the second person.

Mr. RAY of New York rose.

Mr. SULZER. Mr. Speaker, I refuse to yield. The gentleman refused to yield to me; he refused to give me time; and now he wants to prevent me from telling the truth about him and his party. I want to say that in the State of New York we have an anti-trust act; it was put on the statute book by the Democratic legislature and a Democratic governor. I want to say that the Republican attorney-general, as you know, put in power by PLATT—I want to say that the Republican attorney-general and your whole Republican machine in New York refuse to do anything against the trusts. And how humiliating a spectacle you now present! You stand up here and talk against the ice trust as if that were the only trust in the world.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SULZER. Mr. Speaker, I rise to a question of personal privilege. I understand from my friend from Alabama that the gentleman from New York said I was a stockholder in the ice trust. Is that true? Did you say that [addressing Mr. RAY of New York]?

The SPEAKER pro tempore. The gentleman will please not address any member in the second person.

Mr. SULZER. I ask the Chair whether the gentleman from New York said that I was a stockholder in the ice trust?

Mr. RAY of New York. Oh, no; I said nothing of the kind.

SEVERAL MEMBERS. Yes; you did.

Mr. SULZER. I ask the gentleman to say whether or not he made that remark. It is absolutely false.

Mr. RAY of New York. I have just stated that I did not say the gentleman was a member of the ice trust or stockholder either.

Mr. SULZER. I will accept your apology.

Mr. RAY of New York. Mr. Speaker, what I did say was that the gentleman from New York, my colleague [Mr. SULZER], who has just taken his seat, was a member of Tammany Hall. Am I mistaken in that?

Mr. SULZER. I am a member of the Democratic organization in New York, and I am proud of it. Are you ashamed of being a member of the Republican machine? Answer that.

Mr. RAY of New York. All right. Then I said that Tammany Hall was the father and the mother and the captain and the king bee of the ice trust.

Mr. SULZER. And I deny it, and I say that the Republican party is the sponsor for the trusts. I say that the president and most of the officers and seven-tenths of the stockholders of all the trusts are Republicans. You know that, and I challenge you to gainsay it.

Mr. RAY of New York. Mr. Speaker, I knew I would stir up that Tammany tiger when I had that article read. I knew it would howl and lash its sides in fury.

Mr. SULZER. Well, they do not look as bad as the elephant's sides.

Mr. RAY of New York. The gentleman has been declaiming against trusts every time he has obtained the floor since this Congress came together.

Mr. SULZER. And I will keep at it, too, until the trusts are destroyed.

Mr. RAY of New York. But the gentleman will vote for the trusts. He does not dare vote against them. That gallant hero of Santiago, the present governor of the State of New York, Theodore Roosevelt, the other day made an order directing that this Tammany Hall ice trust be prosecuted. They failed to get any prosecution started under the authorities of New York City, held and controlled by Democrats.

Mr. SULZER. Will the gentleman permit a question?

Mr. RAY of New York. The governor has taken hold of it and——

Mr. SULZER. Will the gentleman permit a question?

Mr. RAY of New York. And now they are feeling the power of the law.

Mr. SULZER. The gentleman has control of the time. Will he yield to me? I dare him to give me time.

Mr. RAY of New York. I yield to my friend from Michigan [Mr. HENRY C. SMITH].

Mr. SULZER. Before you yield will you please tell us why your hero of Santiago failed to prosecute the canal thieves?

The SPEAKER pro tempore. The gentleman yields to the gentleman from Michigan [Mr. HENRY C. SMITH].

Mr. HENRY C. SMITH. Mr. Speaker, I have not been long in politics, but I have been long enough to observe that when the Democratic party is in power there is no clamor for legislation in the nature of an eight-hour labor law. When the Democratic party is in power the question is not a short day, but the possibility of getting a day's work to do.

In the fall of 1894—those good old Democratic days—I had the humiliation to see 500 strong, able-bodied men sleeping on the floor of the city hall in Chicago, fed by public charity; men who were anxious to get something to do. Last fall I went through my beloved Michigan, and not a hamlet or village did I pass through, not a fence did I pass by hardly, that there was not a sign out, "Help wanted."

But just the minute that the Republican party gets into power, then there is a clamor for an eight-hour law. Another thing—you never hear of the trusts when the Democrats are in power.

Mr. SULZER. There were not any trusts then.

Mr. HENRY C. SMITH. Money is never belligerent; money never comes from its hiding place when the Democrats are in control; but the very minute that the Republican party gets in control then capital comes out from hiding, and it becomes so aggressive, so belligerent, that you must pass resolutions in your conventions, which you never carry out, and you must insist upon restraining that power.

Mr. HENRY. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. HENRY C. SMITH. I yield to no man [applause and laughter] in my opposition to the wrongful power of corporate greed that controls our money and many other of our affairs, because the tendency of the centralization of the great money power is to place the power in large cities, while the village, the small town and city, and the hamlet perish. But there is another reason that rises, in my judgment, far above all these.

Mr. LENTZ. Is that the reason the villages have the sign out "Help wanted."

Mr. HENRY C. SMITH. No; that sign refers to the help that the Democrats in Michigan will want in the next campaign. [Laughter on the Republican side.]

Mr. LENTZ. They will get it.

Mr. HENRY C. SMITH. The most harmful thing in the trusts that I see is that trusts destroy the man. The tendency of combinations of this kind is to build up a generation of servants, a generation of hired men, a generation of clerks; and the man who has nothing to look forward to but just his job, no hope ever to be a merchant or ever to be a real man, the man himself is destroyed—the thinking, planning, responsible man—and that, in my judgment, is the great harm of the trusts.

Now, I hoped that in this matter gentlemen on the other side would do just what was done when the *Maine* was destroyed—that you would put aside party strife, party hatred, and party following; that you would follow the lead of your gallant leader, William J. Bryan, a man who has made more of his talent, I think, than any man on your side of the House. If you can not pass the law you want, let us pass this one. I introduced a bill here which I think is better than all of them, and I think that you men who introduce bills think so, too, that yours are the best.

My bill is along the line of giving to the Interstate Commerce Commission the power that for ten years we thought they had, the power that the railroad companies submitted to, a judicial power—the power to fix rates. My idea was that that commission could be clothed with more power—the power to define when a corporation was a trust, when it was harmful, when it stifled competition, when it destroyed the man; and when it did I would give that commission the power to regulate that trust. But if that law can not be passed, then let us pass this resolution, and when we have done that, when we have passed this resolution,

which, as I understand, had Democratic origin, then let us pass the Littlefield bill, and then pass a still better one.

Mr. LENTZ. Why do you not get your bill reported out?

Mr. HENRY C. SMITH. If you are on the committee, I will ask you to help get it done.

A nation, Mr. Chairman, is not great in her possessions alone, in her extent of territory alone, in the triumph of her arms on land and on sea alone, in her commercial strength alone, but in her manhood, in her men and her women is a nation great.

We learn from history that when the people are alone given over to the greed of gain, to gold and to silver, to trading and to getting gain, when the people think of nothing better, then is that people and the nation of that people in peril.

There is a thing in this world that rises way above greed and gain and material advantage, and that thing is manhood. What matters it that the wages of toil be high and things be cheap, if this planning, thinking, responsible man be lost?

In our strife for empire, for a place among men and among nations, let us have a care that our men and our women are not left without hope of a better day and a better fate.

It can never be right in this land of equity and equality, in this land of equal opportunity to all who dwell beneath the flag, that corporate and combined wealth should stunt and dwarf the man. This land, rescued by soldiers brave from England's cruel sway, this land cemented into one common Union by the blood of our best sons, this land expanded and extended by the triumph of battle, ought not to be now dominated by the power of wrongfully combined wealth, which stifles competition and controls the necessaries of life, and leaves the man of small means without fair hope to win in the race of life.

Not competition in the marts of trade alone, but competition in the field of intellect. There ought to be only one aristocracy in this world—the aristocracy of mind and of virtue.

I am content that the flag may wave in triumph above our new possessions; that men in armed rebellion against our authority—men with guns in their hands and threats on their tongues—may even be compelled to bow in humble submission to our sway, but I am not content that Old Glory shall spread her ample folds in protecting cling about the rich man's trust.

Now, Mr. Chairman, this question is so important, the importance of action is so urgent, in the interests of our common humanity, that we ought not to hamper legislation by party advantage or party disadvantage. We ought on this occasion to rise above party and partisan politics. We ought only to consider the common good of our common country. Let us rise once above the consideration of the victory of the hour to consider the good of the coming days. Let us do a good day's work for the country we love and serve.

It is charged that this resolution and this bill are not in good faith urged; that this is a mere political trick to put a great political party in a hole, as it has been termed, to gain some temporary advantage for the approaching campaign.

I can not think such claims are seriously made. Such statements and claims are not worthy of the men on the other side of this chamber, not worthy the grand men of the great Democratic party, which the Great Ruler for some unfathomable reason has seen fit to preserve.

Such a proceeding would not be worthy the party of the great Lincoln; the party which was born of the oppression of the weak by the strong; the party that has ever fought the battles of the weak against the wrongs of the powerful. The party that took the chains from the bondmen of dusky hue can not now have turned to the aid of oppression.

This may not be the best law the House, in the plenitude of its wisdom and genius, might conceive, but it is the best law at hand. It will strike a blow at the trust; a blow, it is said, that will not hit or hurt; a blow a long way off, it is said.

And yet if the other side will join with this, the moral effect will be potent. If the trust is that menace to our future which it is claimed to be, this law will at least be a discouragement; and if you will join with us the force of the blow will, in my judgment, be effectual.

The Democracy in its platforms and through its leaders has asked for such legislation.

I call your attention to the platform of your party in 1888. This was made when Grover Cleveland was President, and is as follows:

> Judged by Democratic principles, the interests of the people are betrayed when by unnecessary taxation trusts and combinations are permitted and fostered, which, while unduly enriching the few that combine, rob the body of our citizens by depriving them as purchasers of the benefits of natural competition.

This was simply a declaration. No remedy was suggested.

In 1892 your party went still further and demanded a rigid enforcement of the law, the Sherman law, a Republican law. You passed no law; you did not even attempt to pass one; you did not even introduce a bill. You were content with the law put upon the statute books in enduring form by the Republican party. And then, after four years of power, evidently feeling that the scepter was to pass from you because of your failure to keep faith with the people, you demanded in 1892 the enforcement by the Republican party of the law you had not changed, or tried to change.

Here is your declaration:

> We recognize in the trusts and combinations, which are designed to enable capital to secure more than its just share of the joint product of capital and labor, a natural consequence of the prohibitive taxes which prevent the free competition which is the life of honest trade, but we believe their worst evils can be abated by law, and we demand the rigid enforcement of the laws made to prevent and control them, together with such further legislation in restraint of their abuses as experience may show to be necessary.

Then, in 1896, in the platform upon which Mr. Bryan stood, and upon which he asserts he will stand again, you declared for control of the trusts by the Federal Government. Here again is your declaration:

> The absorption of wealth by the few, the consolidation of our leading railroad systems, and the formation of trusts and pools require a stricter control by the Federal Government of those arteries of commerce.

Later Mr. Bryan, in his speech at the Chicago antitrust meeting, spoke for a constitutional amendment similar to the one under consideration.

You repudiate his position simply because you fear that such an amendment would curtail some of the cherished "State rights" of some of the States of the Union, which, in the judgment of some gentlemen on the other side, are of more importance than the Union itself.

The trouble with your party is that there are so many inharmonious and discordant elements within it that you could not carry out your purposes if you, in good faith, desired to do so. And your only answer to the people is that the Republicans, too, are following your example of holding out false hopes to the people.

"Judge not lest ye be also judged," my friends.

I implore gentlemen of the other side to forget for the moment all party hatred, party strife, and party fealty; to rise above party and cast one vote for the good of all. Let us rise to the old heroic heights, rise to the level of our common manhood, and declare and show that we will not be slaves to trusts or combines; that we will not be unjust to capital and labor or to any interests; that we will not be slaves to any power. Let us rise in our might, in the strength of our manhood, and break asunder the fetters that would bind and dwarf the hopes and the future of the youth of America. [Applause.]

[Here the hammer fell.]

Mr. RAY of New York. I yield five minutes to the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I want to refer the gentleman from New York [Mr. SULZER] to the leading Democratic Bryan paper of the State of New York, the New York Journal, and to the edition published this evening:

> Van Wyck, in ice case, haled to the bar!
> The mayor and city officials face Journal's exposures.
> The ice trust and its political allies were again haled to the bar to-day.
> Before Supreme Court Justice Gaynor, in Brooklyn, there were pilloried the bandits of the frozen monopoly and their political accomplices, in the continuation of the action brought by five municipal assemblymen, consequent upon the disclosures made by the Journal.
> Mayor Robert A. Van Wyck, 4,000 shares; his brother, Augustus, 4,000 shares.

He was the Democratic nominee for governor, beaten by Roosevelt, in the last gubernatorial campaign.

Mr. LENTZ. Will the gentleman permit me?

Mr. MAHON. Wait until I am through.

> John S. Carroll, 3,000 shares; president of the dock commission, J. Sergeant Cram, 400 shares; Dock Commissioner Peter F. Meyer and President Charles W. Morse, the ice king, were compelled to be on hand.
> On behalf of the mayor, his lawyer made a frantic appeal to the justice, and declared that he had counseled the mayor under no circumstances to submit to examination.

There are the city officials of the great city of New York and Brooklyn——

Mr. LENTZ. Is it not a fact——

Mr. MAHON. Wait until I get through. These officials are shown by Democratic authority, by a Democratic journal, to own ice-trust shares.

Mr. LENTZ. And they are prosecuted by a Democratic judge and a Democratic paper.

Mr. DRIGGS. You can always rely upon the Democrats of New York to punish the Democrats, and you can not rely on Pennsylvania Republicans to punish any Republican.

Mr. MAHON. I am answering the gentleman from New York [Mr. SULZER] when he says that Tammany and the Democratic party have nothing to do with the ice trust, this great monopoly.

Mr. LENTZ. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Ohio?

Mr. MAHON. Yes.

Mr. LENTZ. I want to ask if it is not a fact that this Democratic paper, the New York Journal, and a Democratic judge,

Judge Gaynor, have demonstrated that it is unnecessary to wait for a constitutional amendment to get at the trusts?

Mr. MAHON. This is a State affair entirely and you know it, and you are lawyer enough to know it, and this Congress has no control over it.

Mr. LENTZ. This resolution proposes to take the control from the States, does it not?

Mr. MAHON. The Congress of the United States can not control that trust, because it is a State affair.

Mr. LENTZ. But if you pass your amendment here, it would control the States and take the power away from them.

Mr. MAHON. If they wanted to carry it out of the State it would, but not otherwise.

Mr. SULZER. Will the gentleman allow a question?

Mr. MAHON. With great pleasure. I should like to have the gentleman explain this article.

Mr. SULZER. I would like to ask the gentleman from Pennsylvania if Mr. Van Wyck, whose name you have used here in an offensive way, has not got a right to buy stock if he sees fit?

Mr. MAHON. I did not use it in an offensive way. I have simply read from the New York Journal.

Mr. SULZER. You must remember that he is the mayor of the greatest city on the Western Hemisphere, and I do not propose that anyone shall traduce him here. [Laughter and derisive jeers on the Republican side.]

Mr. MAHON. Does the gentleman from New York say that the Democratic party in New York City had nothing to do with this ice trust?

Mr. SULZER. I do most emphatically.

Mr. MAHON. Here are all those who are on the official list given as owning stock.

Mr. SULZER. That is a mistake, and you know what you say is not true.

Mr. MAHON. That is what the New York Journal says.

The SPEAKER pro tempore. The gentleman from New York must use parliamentary language, and must not use the second person in addressing a member.

Mr. SULZER. Mr. Speaker, I desire to say to the gentleman from Pennsylvania that what he says—that all the officials of the city of New York are interested—knows himself is not true, and he has no——

Mr. MAHON. I did not say so.

Mr. SULZER. You did.

Mr. MAHON. No; I did not. [Great laughter.]

Mr. SULZER. Now, Mr. Speaker, the gentleman from Pennsylvania——

Mr. MAHON. Will you allow me there?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAY of New York. I yield two minutes more.

Mr. MAHON. The gentleman from New York said the mayor was endeavoring to break up this ice trust.

Mr. DRIGGS. He never said the mayor. He said the people of New York.

The SPEAKER pro tempore. The gentleman from Pennsylvania has the floor.

Mr. MAHON. I simply say that the New York Journal says that the mayor of New York and his brother, who was defeated for governor, and a large number of other Democratic officials in New York had large blocks of stock in this ice monopoly.

Mr. SULZER. How many Republicans own that stock? Do you deny it?

Mr. MAHON. I do not know.

Mr. SULZER. Why do you not find out?

Mr. MAHON. I do not care.

The SPEAKER pro tempore. Gentlemen will be in order. The House will be in order.

Mr. SULZER. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Pennsylvania has the floor, and will proceed without interruption.

Mr. SULZER. Will the gentleman from Pennsylvania allow me a question?

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. MAHON. I do not know whether there are any Republicans in this ice trust. I know that every scoundrel that has been unearthed in it so far has been a prominent Democratic official of the city of New York. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. RAY of New York. I hope the other side will use some time.

Mr. TERRY. I yield two minutes to the gentleman from New York [Mr. DRIGGS].

[Mr. DRIGGS addressed the House. See Appendix.

Mr. SULZER. I would like to ask the gentleman from Pennsylvania [Mr. MAHON] when Mr. Quay is going to shake the plum tree again. [Laughter on the Democratic side.]

Mr. TERRY. I now yield to the gentleman from Virginia [Mr. LASSITER].

[Mr. LASSITER addressed the House. See Appendix.]

Mr. TERRY. I now yield to the gentleman from Kansas [Mr. RIDGELY].

[Mr. RIDGELY addressed the House. See Appendix.]

Mr. TERRY. I yield to the gentleman from Utah [Mr. KING].

[Mr. KING addressed the House. See Appendix.]

Mr. TERRY. I yield to the gentleman from Illinois [Mr. WILLIAM E. WILLIAMS] five minutes.

The SPEAKER pro tempore. The gentleman from Arkansas only has three minutes remaining.

Mr. TERRY. Well, I will give him two minutes out of to-morrow's time, if that is satisfactory to the gentleman from New York [Mr. RAY].

Mr. RAY of New York. Oh, you must use your time as you see fit.

Mr. TERRY. Three minutes are all I have remaining, and I yield that time to the gentleman from Illinois [Mr. WILLIAM E. WILLIAMS].

[Mr. WILLIAM E. WILLIAMS addressed the House. See Appendix.]

Mr. RAY of New York. I yield to the gentleman from Wisconsin [Mr. BARNEY].

[Mr. BARNEY addressed the House. See Appendix.]

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that when the House adjourns this evening it adjourn to meet at 11 o'clock to-morrow.

Mr. TERRY. That is what we agreed upon.

Mr. SULZER. I object.

Mr. CLAYTON of Alabama. Our side will have an equal division of the time.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock. Is there objection?

Mr. SULZER. I withdraw the objection at the request of gentlemen on this side.

The SPEAKER pro tempore. The Chair hears no objection, and it is so ordered.

Mr. RAY of New York. Now, Mr. Speaker, unless there is some other Republican here who desires to be heard to-night, I move that the House do now adjourn.

Mr. KITCHIN. If the gentleman does not desire to occupy the remaining time himself, will he not yield to gentlemen on this side who may wish to occupy the time until 10.30? I imagine there are others here who wish to speak.

Mr. RAY of New York. Well, you ought to use your own time.

Mr. TERRY. I will state to my friend from North Carolina [Mr. KITCHIN] that we have used half the time to-night. If any further time is used by gentlemen on this side, I wish it to be with the understanding that it is not to come out of the time of anybody.

Mr. KITCHIN. I ask the gentleman to yield the remaining time to gentlemen on this side, the remaining time not to be charged to anybody.

Mr. RAY of New York. Have you any gentlemen on your side who have not spoken this evening who desire to speak?

Mr. TERRY. If the gentleman will agree that those who speak now will have the time given to them in such a way that we shall be considered as having broken even to-night, that will be all right.

Mr. RAY of New York. May I inquire how the time stands?

The SPEAKER pro tempore. The gentleman from New York has fifteen minutes remaining.

Mr. CLAYTON of Alabama. Be liberal, and give us that fifteen minutes.

Mr. RAY of New York. We have fifteen minutes that belong to us, up to 10.30.

Mr. CLAYTON of Alabama. Just give it to us.

Mr. RAY of New York. Please listen to me, and we will see if we can make an arrangement. Is there any gentleman on the Democratic side of this House who has not spoken this evening and who desires to speak?

Mr. TERRY. They will have to answer for themselves.

Mr. RAY of New York. I make that inquiry, if there is a Democrat present who desires to speak, who has not spoken? If he will signify his desire to speak, I will try to take care of him.

Mr. KITCHIN. I would not have made any such request if I had not supposed that there were gentlemen here who wished to occupy the time.

Mr. RAY of New York. Is there any member of the Democratic side of this House present this evening who has not spoken

who desires to speak? If he will announce the fact, I will yield to him out of my time.

Mr. SULZER. How much time?

Mr. RAY of New York. Well, I will determine that when I see who it is. [Laughter.] I do not wish that any of my opponents kill themselves by overtalking.

Mr. BREAZEALE. Mr. Speaker, I feel very grateful to my friend from New York [Mr. RAY], and wish to say to him that I appreciate it, and possibly some time or other my friends on this side will return the courtesy.

Mr. Speaker, I can not agree to vote for this amendment. I believe, on my soul, that there is now sufficient authority in the Constitution of the United States, together with the power given to the States, to break up these trusts. We have the evidence of it here in the remarks of the gentleman from Pennsylvania [Mr. MAHON] who read the Journal editorial on the floor of the House this evening. It shows that at least one State, New York, under a law put upon the statute books by a Democratic legislature, as I understand it, has sufficient power to break up the ice trust in the city of New York.

If that be so, why destroy the power of the States and invest power in the Congress of the United States to break them up by the passage of laws which will invade the rights of the States to suppress them?

Mr. MANN. Will the gentleman yield to me for a question?

Mr. BREAZEALE. If it is pertinent.

Mr. MANN. Do I understand the gentleman to say there is sufficient legislation now to break up and control the trusts?

Mr. BREAZEALE. I did not understand you.

Mr. MANN. What I understood the gentleman to say was that he thought there was sufficient legislation now.

Mr. BREAZEALE. Sufficient power under the Constitution of the United States now, with the reserved rights to the States under that Constitution, which this amendment will invade and break down if it is passed.

Mr. MANN. I understood the gentleman to say that if the laws now in existence were enforced, there were sufficient laws now to break up trusts.

Mr. BREAZEALE. In several of the States, yes; notably the States of New York and Texas; and the very fact that they are proceeding in New York to break down the ice trust is evidence of that fact, as I believe the gentleman in candor will admit.

Mr. MANN. Does the gentleman believe that that state of affairs exists in all the States?

Mr. BREAZEALE. I do not.

Mr. MANN. Does not the gentleman think authority ought to be given so as to enforce it?

Mr. BREAZEALE. There is ample authority in several of the States. In my own State we have ample authority to break down the trusts; but we do not have trusts in Louisiana—at least, not to my knowledge—that we can not break up if the laws are enforced. I know the attorney-general of our State, in an interview a few months ago, cited the law and showed that it gave him power to break down any trust or any combination that existed there.

I believe, Mr. Speaker, that if we pass this amendment, if it be placed upon the statute books as a part and parcel of the Constitution of these United States, there will be no effort made by the Republican party, should it ever be in power after this term of Congress, to enforce it. I believe we are justified in that belief by the experience of the past. I challenge you to deny that, or show when at any time that you have been in power you have endeavored to break down the trusts; and you have been in power for the last three years.

Mr. MAHON. Will the gentleman allow me to ask him a polite question?

Mr. BREAZEALE. Certainly.

Mr. MAHON. Will you tell me at any time and place where the Democratic party when in power for four years attempted to suppress trusts by Congressional action?

Mr. BREAZEALE. I concede that, and I concede, further, that Mr. Cleveland recommended some action by Congress in a message, either special or general in its character. But I believe that the gentleman from North Carolina [Mr. KITCHIN] has to-night answered that question to the satisfaction of any candid, reasonable, and honest man. But I do not care whether they did or not. The sins of the Democratic party of five or six years ago is no justification for the sins of the Republican party to-day in the effort to befog the issue and to fool and humbug the American people, as they seek to do in this amendment proposed to this House.

Mr. MAHON. Will the gentleman yield to me for another question?

Mr. BREAZEALE. I will.

Mr. MAHON. If you failed in the four years you were in power to enact such legislation, what reason have the American people to expect any legislation of that character if you should happen to be put in power again?

Mr. BREAZEALE. In the simple reason that we do not retrocede, but progress. So far as I know and believe, and I believe I can say without fear of successful contradiction, I state that the Democratic party has been the only party in the whole history of this country that has ever tried to protect the interests of the people against the oppressive corporate wealth of trusts and combinations and things of that character and kind, oppressive and tyrannous in their character.

Mr. MAHON. Will the gentleman allow me to ask him another question? We will give him time.

Mr. BREAZEALE. My time is about to expire.

Mr. MAHON. Did not Mr. Bryan, not long ago, in an interview, recommend that Congress should pass an amendment as the only way to reach this question?

Mr. BREAZEALE. He did not. The speech is now in the possession of gentlemen on the floor of this House, who will have it published in the RECORD, to show that he has been misconstrued, purposely, in my judgment, by the Republican party.

Mr. MAHON. But rightly reported?

Mr. BREAZEALE. No, sir.

Mr. GAINES. Here is what he said in part.

Mr. BREAZEALE. I will read it, or I will yield to the gentleman from Tennessee [Mr. GAINES] to read it.

Mr. MAHON. The gentleman has not got the floor.

Mr. BREAZEALE. Let me read it.

Mr. RAY of New York. I do not yield to the gentleman from Tennessee.

Mr. BREAZEALE. Now, Mr. Speaker, I desire to quote the public statement of Mr. Bryan touching this matter in order that there may be no excuse hereafter to misquote and misconstrue his utterances.

WILLIAM JENNINGS BRYAN AT CHICAGO TRUST CONVENTION.

There were loud calls upon Colonel Bryan to respond to Mr. Foulke, and he did so, saying:

I would not occupy the time again but for the fact that the gentleman from Indiana (Mr. Foulke) has referred to a plan which I suggested, and I am afraid that he does not fully understand it.

Just a word in regard to the plan. I want to repeat that it was not presented as the only plan, nor is it necessarily the best plan. It is simply a plan. I was sorry that when the gentleman got through destroying this plan he did not suggest a better one. Political agnosticism is of no great benefit to the public. Not to know what to do is often a convenient position to occupy, but it contributes very little to the settlement of a question.

My plan is this: First, that the State has, or should have, the right to create whatever private corporations the people of the State desire.

Second, that the State has, or should have, the right to impose such limitations upon an outside corporation as the people of the State may think necessary for their own protection. That protects the right of the people of the State to say, first, what corporations they shall organize in their State, and second, what corporations they shall permit to come from other States to do business in their State.

Third, that the Federal Government has, or should have, the right to impose such restrictions as Congress may think necessary upon any corporation which does business outside of the State in which it is organized.

In other words, I would preserve to the people of the State all the rights that they now have, and at the same time have Congress exercise a concurrent remedy to supplement the State remedy.

When the Federal Government licenses a corporation to do business outside of the State in which it was organized, it merely permits it to do business in any State, under the conditions imposed by that State, in addition to the conditions imposed by the Federal Government. I would not take away from the people of the State any right now existing, but I would have the Federal Government and the State government exercise the powers that may be necessary to annihilate every monopoly.

I do not agree with the gentleman that you can not annihilate a monopoly. I believe it is possible to do so. While the gentleman was speaking, I could not help thinking of the lines of a song. While he was destroying every remedy suggested, and yet presenting no other, I thought of the lines:

"Plunged in a gulf of deep despair,
Ye wretched sinners lie."

Now, it is a great deal easier to find fault with a remedy proposed than to propose a remedy which is faultless. Macaulay—I think he is the author of the remark—has said that if any money was to be made by disputing the law of gravitation, able men could be found to write articles against the truth of that law. I have no doubt that any remedy that is proposed will be assaulted. But those who believe that the trusts must go will accept the best remedy they can find, try it, and then accept a better one, if a better one is proposed, and keep on trying until the people are protected.

Speech of W. J. Bryan at Baltimore January 20, 1900:

But I must pass to the trust question.

* * * * * * *

CONGRESS HAS THE POWER NOW.

You ask me what you can do. I do not mean to say that there is but one remedy, nor do I mean to say that there is no better remedy than the one I suggest; but I believe there is an easy remedy that will make monopoly impossible. The Constitution has given to Congress control over interstate commerce. There are certain things which the State can do—and I would not take from the State a single power that it now has—to destroy the trusts. [Applause.] Place upon the corporation from the outside doing business in the State such limitations as the people of the State may think necessary for their protection. I will go further than that.

I believe the State should be permitted, if it pleases, to exclude any outside corporation from doing business in the State, for while the natural man in different States may compete with one another, I do not believe that an individual in one State must suffer competition with a fictitious person created in another State and regulated by laws beyond the reach of people living outside of that State. But after the State has done all it can, I believe the power will not be complete over monopoly, for the State can only stop the monopoly at the State line, and if a monopoly has forty-four States in which to work it may be able to get along without the forty-fifth; but if you will stop the corporation when it attempts to go out of its own State, there can not be any monopoly, because it is shut out of the other forty-four.

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And I believe that Congress has the power, and ought to exercise it, to say that no corporation organized in any State shall do business outside of that State until it secures permission from Congress or some body created by it, and that permission can be granted only when the corporation shows that there is no water in its stock, and that it is not attempting to monopolize any branch of business or the production of any article of merchandise. [Applause.] Then make all the transactions of the corporation public by regular reports. I believe you can thus prevent the organization of a private monopoly. But if these conditions are not sufficient, you can add conditions that are sufficient, because I believe that monopoly in private hands is bad; and that being so, it can not be tolerated, and that therefore you must devise and enforce such remedies as will be sufficient for the protection of the people.

But, my friends, there is still a newer question than the trust question; We had the trust question in 1896. The principle was the same then as now. but we have more trusts now; therefore the question is more important. The flea question is just the same in principle, whether there is one flea or whether there are a million; but the flea question becomes more important as the number of fleas increases. [Laughter.] And so the question was the same in 1896 as it is now; but as there are more trusts to-day, the question has become of more importance to the people; and men who couldn't see what was going on in 1896 are able to see now; those who didn't feel what was going on in 1896 feel what is going on now. In the earlier campaigns in Nebraska I had the aid of the traveling men; I appreciated their support.

I tell you, my friends, you can not find a body of men of higher intelligence than the traveling men; and I do not know of any persons who talk as much and as well for the money they receive for it as the traveling men. [Applause.] I was glad to have them with me in the earlier campaigns; I was sorry they were not with me in 1896. I remember that in this hall there were gathered many traveling men who were on our side—men who understood what the money trust meant to the farmer, and, by protecting the farmer from a money trust, were protecting themselves also from the same principle applied to the other industries of the nation.

But most of the traveling men were against us in 1896, and they were preaching that all we needed was Republican success; that we would then have prosperity, and all men, including traveling men, would be happy. There are many traveling men who in 1900 will not travel over as much ground as they did in 1896, but they will speak with more earnestness. [Applause.] For they have seen what monopoly means, and many of them have more time to study and discuss public questions now than they have had for many years. [Laughter and applause.]

I hope this effectually disposes of this trust lie against Mr. Bryan. It will be seen that Mr. Bryan expressly affirms his belief that Congress has the power now to enact legislation that will effectually annihilate the trusts. This belief is shared in by the most eminent constitutional lawyers on the floor of this House.

Mr. Speaker, I have been twitted with the charge that when the Democratic party a few years ago controlled this Government it made no effort to suppress this great evil, and the gentlemen on the other side of this aisle appear to find in that fact a justification of their failure to propose a remedy during the three and a half years of the Administration of President McKinley, who has had during all that time a plastic and subservient Congress to carry out his wishes.

I do not think that the criticism of the Democratic party in that particular is either just or merited. I believe that it should have enacted legislation which would have strangled these gigantic industrial monopolies, but when that party came in power in 1893 these trusts had not grown to their present formidable proportions; but little thought was given to the matter in the public prints or otherwise. The then grave and important questions of tariff reform and currency occupied the full attention of the public. The Democratic party was pledged to relieve the country from the tyrannous oppression of the McKinley tariff act and to wipe from the statute books the hideous currency legislation placed there by the Republican party.

These grave questions, I say, occupied the attention of the public to the exclusion of the trust question, and might serve as some excuse for the failure of the Democratic party to legislate on that subject; but, sir, however derelict the Democratic party was in that particular, however much they merit the loud and boisterous condemnation of the trust-hating Republicans on the floor of this House, yet, Mr. Speaker, it must be said, to its lasting honor and credit, that it did not attempt with hypocrisy and deceit to fool the American people by the introduction of any such monstrosity as this Republican amendment to the Constitution, and however guilty the Democratic party may have been of negligence and failure to perform their full duty, yet I glory in the fact that it is free from the charge of hypocrisy and deceit now leveled against the Republican majority in this House and which charge is established by the record.

Let us see how the record stands on this charge. For nearly four years this Government has been in the hands of the Republican party. During all that time not a line of legislation has been adopted affecting trusts. Only within the past comparatively few days has a bill been considered by the Judiciary Committee in any way proposing legislation on the subject. Why this long delay if you are honest and sincere in your professions? Why not have enacted proper legislation at the two sessions of the Fifty-fifth Congress? If you be honest, answer, and let your answer be honest.

In the early days of the present session of the House Mr. CLARK of Missouri introduced a bill designed to strike down the infamous paper trust, a combination in restraint of trade that in effect increases the cost of education. I went to considerable trouble in procuring from the various newspapers of my district valuable evidence of the increased cost of printing paper, due to the machinations of the paper trust and designed to be used in advocacy of the Clark resolution. Did the Republican Ways and Means Committee report that measure? Not only did they fail to report it, but refused to consider it. No opportunity was given for debate or for the submission of evidence. Why? If you are honest in your professions, why did you not consider that bill, or at least hear the evidence in support of it?

Instead of considering the many meritorious bills designed to prohibit and strike down the many trusts now thriving in this trust-ridden country under Republican rule, you content yourselves with criminally waiting until the closing days of the session, when there is no earthly chance of its final passage by the Senate, to bring in this bill. You report the monstrosity, and in doing so you gag the minority by surrounding it with an iron-clad rule which prohibits amendment and limits discussion to a few hours. This alone is sufficient evidence to convict you of deceit. The idea that the Constitution of the United States should be amended in this hasty, arbitrary manner is an insult to the nation and sufficient to utterly damn a party so utterly reckless of sincerity and decency.

A political trick, a measly little nasty political trick? You hope to fool the American people by this plain and palpable trick. You mean to cry from the hustings in the approaching campaign that you sought to annihilate trusts and the Democratic minority prevented it. With great unction you will point to this constitutional amendment, to be known as amendment 16 to the Constitution of the United States, as an evidence of your great desire to legislate against trusts, forgetting to tell the people that you had no intention of its becoming law; that you knew it could not pass the Senate at this session, even if it could pass the House; that even if it did pass Congress there was no earthly hope that it would ever be ratified by three-fourths of the States.

Forget to tell them that in your inner souls not one of you on this floor believes it possible to amend the Constitution. Forgetting to tell them that under no circumstances could it be possible to finally procure ratification of this amendment during the ordinary lifetime of the youngest member on the floor of this House. Aye, with oily unction you will defame the Democratic party, and in a truly Pecksniffian manner you will hold aloft your bastard child of deceit and hypocrisy and say, "We are the proud fathers of this beautiful babe, which the Democratic party killed at its birth."

Forget to tell them that you paid the money sharks the debt that you contracted in the election of 1896 by the passage of the infamous financial bill, and that you are now paying your debt to the trusts by this cowardly makeshift, which you never intended should become law.

But let me say to you that you misjudge the American people. They are as wise in their generation as you are. They will see through this thin veneer of sincerity with a clear vision, and, unmasked and degraded, you will receive their merited scorn and contempt. The American people are an honest and sincere people. They love honesty and sincerity, and abhor deceit and fraud. And I know, as well as I know the sun will rise on the morrow, that your fraud and deceit will recoil upon you and you will receive the just punishment of your crime on the day of election next November.

Mr. Speaker, there is no necessity for the adoption of this constitutional amendment. The Constitution as it now exists, as interpreted by the Supreme Court, confers ample authority upon Congress to enact legislation amply sufficient, if enforced, to not only regulate and control, but to annihilate and wipe from the face of the country every trust now existing or which may hereafter exist. I will not pause to discuss these combinations and monopolies called trusts.

No man dare lift his voice in defense of trusts. But many eminent Republicans find excuse for their being and are endowed with a most tolerant spirit as to their continued existence. That they are slowly sapping the foundations and eating into the vitals of this Republic no candid, honest man will deny. That they are oppressive and tyrannical is admitted. That they strangle and kill individual independence and suppress healthful competition is not denied.

Let us examine the law of the case. Let us take a hasty glance at the jurisprudence of the nation as shown by the decisions of the Supreme Court of the United States, and let us see if there is not to be found within the ample folds of the Constitution sufficient authority to legislate trusts out of existence without the adoption of the pending amendment, which I will endeavor to show later on strikes at the most sacred right cherished by every patriotic man—the right of the State to regulate and control its internal affairs.

Perhaps the first leading case defining the powers of Congress and State legislatures is found in 4 Wheaton, 316, decided by the Supreme Court in 1819, McCulloch *vs.* Maryland. The State of Maryland passed an act to "impose a tax on all banks or branches thereof in the State of Maryland not chartered by the

legislature." The Bank of the United States, a corporation organized by an act of Congress, had a branch in Maryland, which it was sought to tax under the act above mentioned. Two main questions were raised:

First. Was the act incorporating the bank constitutional?

Second. Could a State tax a corporation created by Congress?

The opinion of that great jurist, Chief Justice Marshall, as the organ of the court, construes the article of the Constitution in language so plain and lucid that even a blind man could see it. The constitutionality of the act incorporating the bank was maintained, and it was denied to the State governments the right to tax any of the means employed by the United States Government to execute its constitutional powers.

This construction of the article of the Constitution which so clearly establishes the rights and powers of the Federal Government and so distinctly marks the extent of the sovereignty of the States required no further judicial consideration for many years.

In 9 Wheaton, I, in the Gibbons *vs.* Ogden case, the same eminent jurist denied to the States the right to regulate commerce with foreign nations and among the several States while Congress was regulating it. This case, construing the plain letter of section 2 of Article VI of the Constitution, that "the laws of the United States which shall be made in pursuance thereof [the Constitution] shall be the supreme law of the land," effectually settled the disputed question of supremacy of the law between the Federal Government and the several States. And it was held in that case that when the laws of Congress enacted under the Constitution and State laws conflict, the State laws must yield. A long line of decisions of the Supreme Court, from the date of the McCulloch case, in 1819, to the final determination of the Nicol *vs.* Ames case, in April, 1899, clearly defines the respective powers of Congress and State legislatures as adjudged and determined by the highest court in the land.

I will not pause to comment on these many adjudications. It is unnecessary and will only consume time; and I only refer to them for a proper consideration of the pending amendment.

It now becomes interesting and important to discuss, analyze, and mark the history of jurisprudence in the construction and interpretation of the several statutes, Federal and State, in order that we may determine the powers of Congress and the powers of the respective States in the premises, so as to determine whether or not Congress has power under the Constiution, as interpreted by the circuit and Supreme courts, to enact such legislation as will effectually control, regulate, and destroy industrial or commercial combinations, commonly called trusts.

The courts were apparently actuated by great caution in their first construction of the Sherman anti-trust act, considered by many eminent lawyers at the time of its passage as an experiment and of doubtful wisdom, and in the preliminary hearing in the Jellico Mountain Coal and Coke Company case, reported in 43 Fed., 898, and 46 Fed., 432, the court denied a preliminary injunction to the United States which sought to prohibit the coal-mine owners of Kentucky and the coal dealers of Tennessee, who had formed a combination whereby all the Nashville dealers should sell coal at the same price, such price to be fixed by the combination. The suit was brought by the United States under the trust act of 1890.

On final hearing, however, the court revoked their preliminary order and perpetually enjoined defendants, holding that it was, to all intents and purposes, commerce between States, and as it is clear that it was a combination in restraint of trade, it falls within the trust act.

This decision was rendered in 1891 and is followed by many cases reported in 51 Fed., 52 Fed., 54 Fed., 55 Fed., 64 Fed., 69 Fed., 78 Fed., 156 U. S., and by the latest important case, United States *vs.* Addyston Pipe and Steel Company et al., decided by the Supreme Court of the United States in 1899.

This latter case, in my judgment, is by far the most important interpretation of the trust act yet made. A careful analysis of the principles involved discloses a broad and far-reaching vesture of power in Congress in the enactment of legislation under the broader constitutional warrant to "regulate commerce." It was held lawful that in the power thus granted Congress it could restrain individual contracts. The court say:

> Under this grant of power to Congress that body, in our judgment, may enact such legislation as shall declare void and prohibit the performance of any such contract between individuals or corporations where the natural and direct effect of such a contract will be, when carried out, to directly and not as a mere incident to other and innocent purposes regulate to any substantial extent interstate commerce. We do not assent to the correctness of the proposition that the constitutional guaranty of liberty to the individual to enter into private contracts limits the power of Congress and prevents it from legislating upon the subject of contracts of the class mentioned.
>
> The power to regulate interstate commerce is, as stated by Chief Justice Marshall, full and complete in Congress, and there is no limitation in the grant of power which excludes private contracts of the nature in question from the jurisdiction of that body.

Does not this opinion of the present court, affirming the judgment of Chief Justice Marshall, "that the power to regulate interstate commerce is full and complete in Congress," completely, absolutely deny the necessity of vesting additional power in Congress by the process of amending the Constitution as contemplated by the pending resolution? And that the Republican majority of the Judiciary Committee in their inner conscience believes this to be so, I am thoroughly convinced, else why did the committee supplement the pending constitutional amendment resolution by the bill H. R. No. 10539, known as the Littlefield bill?

And here I desire to say a word touching that measure. I will have no opportunity of discussing that measure when it comes up for consideration by this House to-morrow. And I desire now to say that in my judgment it is not broad or far-reaching enough to accomplish all I desire in the way of legislation for the suppression of trusts, but it at least enlarges the scope of the present anti-trust statute, and I believe if vigorously enforced will afford much relief to a suffering public.

I believe if the amendments to that bill prepared and to be offered by the Democratic minority are adopted full, complete, and absolute authority will be conferred on this Republican Administration to absolutely destroy the many infernal trusts which live, flourish, and grow all-powerful under Republican rule. I shall vote on the morrow for every amendment offered by the Democratic minority, and if they fail to carry, which I have no doubt will be the case, because the Republican majority do not desire effectual trust legislation, I shall vote for the Littlefield bill.

Returning now to the consideration of the pending measure, my objections to it are threefold. It is unnecessary, as I have shown, Congress having ample power under the Constitution for the enactment of all needful legislation.

It is impractical by reason of the long delay necessarily incident to its final ratification by three-fourths of the States. While we are waiting the trusts will have control of the Republic.

It violates a fundamental principle of the Government in the surrender by the States, should it become a part of the Constitution, of their right to manage and control and regulate their domestic affairs free from Federal interference.

This is the language of section 2 of the joint resolution:

> Congress shall have the power to define, regulate, control, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

No restriction of any character or kind, remote or contingent, is placed on Congress. Under the limitless power herein conferred Congress could invade the States and, in a simple act defining trusts, etc., regulate or control or prohibit or dissolve every species and kind of business, "whether existing in the form of a corporation or otherwise."

It is no argument to say, as some of you have, that Congress would never avail itself of the authority granted. The question is one of principle and not of expediency. I believe it is, or should be, a maxim of statesmanship that expediency should not control principle. Congress was vested with certain broad powers by the fifteenth amendment, and it availed itself of that power to enact legislation that any honest and self-respecting man now blushes to contemplate. The sad experience of reconstruction days is sufficient reason to oppose this amendment. The rights and powers reserved to the individual State under the Constitution should be preserved intact and guarded with jealous care.

The whole tendency of the Republican party is toward centralization and imperialistic government. The mission of the Democratic party is to resist this tendency.

The proposed pending amendment is along these lines: It would invest in Congress unlimited power to strike down the most sacred rights of the States—the right guaranteed by the Constitution to control, regulate, and govern their domestic affairs.

Mr. Speaker, I can not vote for the pending bill to amend the Constitution.

It is unnecessary, unwise, vicious, violative of the inherent rights of the States, and, in my judgment, submitted by the Republican party only in a vain attempt to deceive the American people.

Conceived in hypocrisy and born of deceit, I will assist by my vote in strangling it at its birth.

Ah! I want you just to give me a few minutes, as I would like to read it for the benefit of the gentleman from Pennsylvania, who has been very courteous.

Mr. RAY of New York. You can do it to-morrow.

When John M. Sheetz was elected attorney-general of the State of Ohio, it was publicly charged by the Democratic press, and has been charged since, that he was elected by the trusts, that he was the tool of the trust. He is now engaged in prosecuting them, and I call upon the Clerk to read as a part of my remarks what I have sent to the desk.

Mr. GAINES. What did you turn out Monett for, then?

The Clerk proceeded to read.

Mr. SULZER. What is the date of that, please?

The Clerk read as follows:

Thursday, May 31, 1900.

Mr. MAHON. The date is all right.

The Clerk read as follows:

[The Ashtabula Sentinel.]

ATTORNEY-GENERAL ON TRUSTS.

A dispatch from Columbus, Ohio, May 24, says: "No more stirring and complete refutation of the charge spread broadcast by the Democrats in the last campaign that the Standard Oil Company had been instrumental in securing the nomination of the Republican candidate for attorney-general could be conceived than the speech made by Attorney-General John M. Sheets before the supreme court yesterday. In the hearing of the Standard Oil Company contempt proceedings, the attorney-general closed for the State. He did not confine himself to the legal phases of the case, but launched out in stigmatization of the moral turpitude of lawbreaking by rich men."

"I have some sympathy," he said, "with the wretch who filches a loaf of bread because he is hungry, but I have no sympathy for the rich man who, impelled only by cupidity, breaks the law. Possessing so much that if they lost nine-tenths of their wealth they would never know it, except in figures, yet their souls are so wrapped up in the business of getting more that they tempt Providence by straining a legal point. These men are sowing the wind, and they will reap the whirlwind.

"A spirit of unrest pervades the whole country. Blatherskites point to one rich man and say he doesn't have to obey the law, and so the seed of unrest is sown. I should like to preach a sermon to rich men. I should like to tell them that if it is to anyone's interest to be a model citizen, it is preeminently the interest of the wealthy man that he should. It is these men especially who should obey the law to the last letter.

"Through everything the people have clung to the courts as an anchor of hope. Even when a few years ago a great political party sought to impair confidence in the courts that attempt failed. The people should be brought to a complete understanding of the fact that the courts will mete out swift punishment to law breakers, though they have the riches of Crœsus. This defendant could pay the ordinary fine of the statute every day and not feel it. No legislature has the power to limit the court's power to punish in contempt. The punishment in this case should be condign."

The proceeding was brought to determine the question whether the Standard has violated or continues to violate a decree of the court of March 2, 1892, declaring it the parent of a trust and ousting it from its charter.

Mr. GAINES. Tell me why you turned down Attorney-General Monett in Ohio?

Mr. RAY of New York. I did not understand the gentleman's question.

Mr. GAINES. I ask why it was the Republican party in Ohio did not renominate General Monett, and why they did not indorse his splendid and patriotic record against trusts, but left it to the Democrats to indorse it, which they did, and went down in defeat?

Mr. RAY of New York. Monett had had two terms.

Mr. GAINES. Even if that is true, why did they not indorse his anti-trust record?

Mr. KITCHIN. No; he had not.

Mr. RAY of New York. Monett had had two terms.

Mr. GAINES. He only had one, and you did not indorse his record.

Mr. RAY of New York. Monett had had two terms. The Democrats fought Monett, and this other man was the better lawyer.

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. RAY of New York. No; I do not.

Mr. GREEN of Pennsylvania. I would like to ask the gentleman from New York if he has any more time to spare to yield to me.

Mr. RAY of New York. The Standard Oil trust, Mr. Speaker, had a Senator and a great number of officials—in fact, it is controlled and owned by Democrats, always has been and always will be, undoubtedly, because nobody can get it away from Democratic control. I did not yield to the gentleman from Tennessee, but I was compelled to bow down to the hurricane of wind that swept over the House when he got on his feet. This article having been read, I want to say that Mr. Sheets has been a common pleas judge, and is a man of the highest character, of the highest standing, and is a Republican and a representative Republican.

Mr. SULZER. Will the gentleman from New York permit a question?

Mr. RAY of New York. What is it the gentleman desires to ask me?

The SPEAKER pro tempore. The hour of 10.30 having arrived, the House, under the rules and its previous order, stands adjourned until to-morrow morning at 11 o'clock.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the cases relating to ship *Concord*, John Thompson, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to ship *Caroline*, Charles Treadwell, master, against the United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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

Mr. HENRY of Connecticut, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 3717) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine, reported the same without amendment, accompanied by a report (No. 1854); which said bill and report were referred to the Committee of the Whole Houes on the state of the Union.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4462) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes," approved June 10, 1896, reported the same without amendment, accompanied by a report (No. 1858); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 323) granting homesteaders on the abandoned Fort Fetterman Military Reservation in Wyoming the right to enter one quarter section of public land on said reservation as pasture or grazing land, reported the same with amendment, accompanied by a report (No. 1859); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9141) to authorize the entry and patenting of lands containing salt, and chiefly valuable therefor, under the placer-mining laws of the United States, reported the same with amendment, accompanied by a report (No. 1862); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SOUTHARD, from the Committee on Claims, to which was referred the bill of the House (H. R. 6168) for the relief of Henry Beck, reported the same with amendment, accompanied by a report (No. 1855); which said bill and report were referred to the Private Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12005) to correct the military record of the late E. D. Scott, reported the same without amendment, accompanied by a report (No. 1857); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8474) to remove the charge of desertion from the military record of Gustavus Adolphus Thompson, reported the same with amendment, accompanied by a report (No. 1860); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3651) placing James W. Long, late a captain, United States Army, on the retired list, reported the same with amendment, accompanied by a report (No. 1861); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5898) granting an increase of pension to George F. White, reported the same with amendment, accompanied by a report (No. 1863); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4441) granting an increase of pension to Gertrude B. Wilkinson, reported the same with amendment, accompanied by a report (No. 1864); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7024), granting a pension to Sarah Herriman, reported the same with amendment, accompanied by a report (No. 1865); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8415) granting an increase of pension to Jesse F. Gates, reported the same with amendment, accompanied by a report (No. 1866); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2816) granting a pension to Annie C. Collier, reported the same with amendment, accompanied by a report (No. 1867); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9177) to grant an increase of pension to Luke P. Allpin, reported the same with amendment, accompanied by a report (No. 1868); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2834) granting an increase of pension to Ann E. Cluke, reported the same without amendment, accompanied by a report (No. 1869); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the Senate (S. 9903) granting an increase of pension to Henry Shell, reported the same with amendment, accompanied by a report (No. 1870); which said bill and report were referred to the Private Calendar.

Mr. VREELAND, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9382) granting a pension to Adella M. Anthony, reported the same without amendment, accompanied by a report (No. 1871); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2430) granting a pension to Mary C. Williams, reported the same with amendment, accompanied by a report (No. 1872); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9874) granting an increase of pension to Anna F. Johnson, reported the same with amendment, accompanied by a report (No. 1873); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10521) granting a pension to Charlotte W. Drew, reported the same with amendment, accompanied by a report (No. 1874); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4054) granting an increase of pension to Elizabeth W. Eldridge, reported the same with amendment, accompanied by a report (No. 1875); which said bill and report were referred to the Private Calendar.

Mr. STANLEY W. DAVENPORT, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9672) to increase the pension of Mrs. M. M. McGlensey, widow of Capt. John F. McGlensey, of the United States Navy, reported the same with amendment, accompanied by a report (No. 1876); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 296) granting an increase of pension to Mrs. Mattie Otis Dickinson, reported the same with amendment, accompanied by a report (No. 1877); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 191) granting a pension to Laura P. Lee, reported the same with amendment, accompanied by a report (No. 1878); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2399) granting an increase of pension to Edward McDuffey, reported the same with amendment, accompanied by a report (No. 1879); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4574) granting an increase of pension to Mary Emily Wilcox, reported the same with amendment, accompanied by a report (No. 1880); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, of Rule XIII, Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9571) for the relief of William W. Armstrong, reported it adversely, accompanied by a report (No. 1856); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

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

By Mr. SHOWALTER: A bill (H. R. 12020) providing for leaves of absence to certain employes of the Government—to the Committee on Naval Affairs.

By Mr. FOSS: A bill (H. R. 12042) to provide rewards for officers and men of the Navy and Marine Corps—to the Committee on Naval Affairs.

By Mr. BROSIUS: A bill (H. R. 12043) for the better control of and to promote the safety of national banks—to the Committee on Banking and Currency.

By Mr. MUDD: A bill (H. R. 12047) to regulate the hours of service and compensation of attendants at the Government Hospital for the Insane, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GARDNER of New Jersey: A concurrent resolution (H. C. Res. 55) for the printing of a catalogue, books, and articles on the subject of trusts and combinations—to the Committee on Printing.

By Mr. McALEER: A memorial of the State of Pennsylvania, explanatory of the bills S. 2947 and H. R. 1066—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 12021) granting a pension to Henrietta Gottweis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12022) granting a pension to Mary Worack—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 12023) granting an increase of pension to Thomas Huddleston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12024) granting a pension to Martha Monroe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12025) granting an increase of pension to Henry Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12026) granting a pension to Hannah Gilbert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12027) granting a pension to Jasper Willis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12028) to remove the charge of desertion and grant an honorable discharge to Amasa Hodge—to the Committee on Military Affairs.

By Mr. BUTLER: A bill (H. R. 12029) to correct the military record of Evan D. Dunlap—to the Committee on Military Affairs.

By Mr. DE ARMOND (by request): A bill (H. R. 12030) for the relief of the legal representatives of H. W. Rookwood, deceased—to the Committee on War Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 12031) granting a pension to William McCloud—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 12032) granting a pension to Mary Allice Wiggins—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 12033) granting an increase of pension to Edwin R. Kelsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12034) granting a pension to Matthew W. Lincoln—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 12035) for the relief of Albert F. May—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 12036) for the relief of the trustees of the Methodist Episcopal Church South, at Sudley, Prince William County, Va.—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 12037) to amend the record of Company I, Twelfth Regiment Missouri Volunteer Cavalry, by including the name of John H. Thurston therein, with the date of his enlistment and date of his discharge—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 12038) granting an increase of pension to Levi H. Winslow—to the Committee on Invalid Pensions.

By Mr. TATE (by request): A bill (H. R. 12039) for the relief of William Morley—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 12040) granting an increase of pension to Charlotte E. Baird—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 12041) for the relief of the legal representatives of Neafie & Levy—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 12044) granting an increase of pension to Henry C. Parham—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 12045) granting a site for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.—to the Committee on the Public Lands.

By Mr. SHAFROTH: A bill (H. R. 12046) granting a pension to Frederick W. Kline—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A joint resolution (H. J. Res. 264) authorizing the President to restore Clayton J. Bailey to his position and rank as a first lieutenant in Twenty-eighth Regiment of Infantry, United States Volunteers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOREING: Paper to accompany House bill for the relief of Jasper Willis—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Paper to accompany House bill relating to the claim of Howard & Spivey, of the State of Arkansas—to the Committee on War Claims.

By Mr. BURKETT: Papers to accompanying House bill granting a pension to Moses Davis—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of J. J. Thames and other druggists of Taylor, Tex., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petition of the University of Texas, urging the establishment of a national standards bureau—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Ex-Slave Mutual Relief, Bounty, and Pension Association, in favor of Senate bill No. 1176, to pension ex-slaves—to the Committee on Pensions.

By Mr. DE VRIES: Petitions of the California Club and citizens of the State of California, urging the acquisition of the Calaveras Grove of Sequoias, and the preservation of the big trees, to accompany House bill No. 11000—to the Committee on the Public Lands.

By Mr. GRAHAM: Resolutions of the twenty-ninth session of the Illinois Association of Mexican War Veterans, Taylorsville, Ill., for increase of pension for services in war with Mexico—to the Committee on Pensions.

By Mr. GRIFFITH: Resolutions of Wheeler Post, No. 98, of Versailles, Ind., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of the Presbyterian Church of Hanover, and the Baptist Church of Levi, Ind., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. JACK: Paper to accompany House bill No. 5147, to correct the military record of John A. White—to the Committee on Military Affairs.

By Mr. KAHN: Petition of retail druggists of San Francisco, Cal., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By. Mr. McALEER: Petition of the Philadelphia (Pa.) Produce Exchange, urging the repeal of the tax of 2 cents on checks—to the Committee on Ways and Means.

Also, resolutions adopted at a meeting of German-American societies in Cleveland, Ohio, urging the Government to use its friendly offices to bring about a cessation of hostilities between Great Britain and the South African Republics—to the Committee on Foreign Affairs.

Also, resolutions of Branch No. 157, of Philadelphia, National Association of Letter Carriers, asking for the passage of House bill No. 4911, equalizing the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, letter of J. W. Dampman, in behalf of Maj. Gen. Alexander S. Webb, of New York, for his reinstatement on the military retired list—to the Committee on Military Affairs.

Also, resolutions of the Maritime Association of the Port of New York, in favor of Senate amendments to House bill No. 8347, restoring the appropriations for the maintenance of the Hydrographic Office—to the Committee on Appropriations.

Also, resolutions of Forest City Lodge, No. 10, Brotherhood of Locomotive Firemen, Cleveland, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the Sea Gull Specialty Company, of Baltimore, Md., protesting against the passage of section 7 of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Petition of the Woman's Christian Temperance Union of Winchester, Mass., in favor of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. MERCER: Resolution of the Commercial Club of South Omaha, Nebr., in reference to House bill No. 887, relating to the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. O'GRADY: Petition of G. Manuel and other druggists of Rochester, N. Y., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. OTEY: Papers relating to the claim of Albert F. May, of Virginia—to the Committee on War Claims.

By Mr. POWERS: Petition of druggists of Burlington, Vt., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. RIXEY: Paper to accompany House bill for the relief of the trustees of the Methodist Episcopal Church South, of Sudley, Prince William County, Va.—to the Committee on War Claims.

By Mr. SIBLEY: Petitions of certain churches and societies of Pottstown, Bradford, and Bloomsburg, Pa., asking for the passage of the anti-canteen bill, prohibiting the sale of liquors on premises used for military purposes—to the Committee on Military Affairs.

By Mr. TAWNEY: Paper to accompany House bill for the relief of Charlotte E. Baird—to the Committee on Invalid Pensions.

By Mr. TONGUE: Petitions of the Christian Church and Cumberland Presbyterian Church, of Cottage Grove, Lane County, Oreg., urging the enactment of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. WATERS: Petition of the First Baptist Church, of Redlands, Cal., asking for the passage of the anti-canteen bill, prohibiting the sale of liquors on premises used for military purposes—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of John Lucas & Co., of Philadelphia, Pa., for the reclamation of arid lands and increasing the appropriation to the Hydrographic and Geological Survey—to the Committee on Irrigation of Arid Lands.

SENATE.

FRIDAY, *June 1, 1900.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will, without objection, stand approved.

LEGISLATION AFFECTING PORTO RICO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, stating that the governor of Porto Rico has communicated to the President a suggestion that pending legislation in Congress affecting matters in that island should at once be referred there in order that the civil government may advise the lawmaking branch as to the possible bearing of such legislation; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

THE FIVE CIVILIZED TRIBES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, calling attention to the very great importance of having legislative action upon the agreement between the Commission to the Five Civilized Tribes and the Cherokee tribe of Indians, and also upon the agreement negotiated between the Commission to the Five Civilized Tribes and the Muscogee or Creek tribe of Indians, etc.; which was referred to the Select Committee on the Five Civilized Tribes of Indians, and ordered to be printed.

MAJ. W. L. FISK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, submitting a communication from Maj. W. L. Fisk, Corps of Engineers, presenting certain facts pertaining to disallowances by the Auditor for the War Department in the settlement of his accounts, aggregating $116.15; which, with the accompanying papers, was referred to the Committee on Appropriations.

CONFEDERATE CEMETERY AT CAMP CHASE, OHIO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army, submitting a communication from Capt. R. B. Turner, Sixth Infantry, quartermaster at Columbus Barracks, Ohio, relative to the rebuilding of the stone wall and iron gate inclosing the Confederate burial ground at Camp Chase, Ohio; which, with the accompanying papers, was referred to the Committee on Appropriations.

WILLIAM L. DUGGER.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of William L. Dugger *vs.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 269) granting a pension to Rosa G. Thompson, formerly Rosa G. Edwards;