By Mr. MEYER of Louisiana: Resolution of the New Orleans Board of Trade, against unskilled pilotage of deep-draft seagoing vessels through the jetties or South Pass at the mouth of the Mississippi River—to the Committee on Rivers and Harbors.

Also, house concurrent resolution No. 11, for divorcing the Mississippi River from the Red and Atchafalaya rivers, and for immediate completion of the locks at Bayou Plaquemine, and the improvement of that navigation—to the Committee on Rivers and Harbors.

By Mr. MOON of Pennsylvania: Petition of the Young People's Society Christian Endeavor of the Heidelberg Reformed Church, of Philadelphia, against sale of liquor on Government premises—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Electric Storage Battery Company, favoring the Lovering bill amending the customs drawback law—to the Committee on Ways and Means.

Also, petition of citizens of Hortons, Pa., against law regarding Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERLEY: Paper to accompany bill for relief of John T. Gathright—to the Committee on Invalid Pensions.

By Mr. TATE: Paper to accompany bill for relief of Lenora Merrill Flake—to the Committee on Pensions.

By Mr. TOWNSEND: Petition of John C. Fisher and 3 others, of Ann Arbor, Mich., against the passage of the domestic parcels-post bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *February 1, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

LOUISIANA PURCHASE EXPOSITION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, requesting that an appropriation of $100,000 be made to reimburse the Louisiana Purchase Exposition Company for money expended in connection with the Philippine exhibit under contract; which was referred to the Committee on Appropriations, and ordered to be printed.

CONVICTIONS FOR WIFE BEATING.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 24th ultimo, a report of Judge I. G. Kimball, of the police court of the District of Columbia, relative to the number of convictions for wife beating in the police court of the District of Columbia for the calendar years 1900, 1901, 1902, 1903, and 1904; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

CITY AND SUBURBAN RAILWAY.

The PRESIDENT pro tempore laid before the Senate the annual report of the City and Suburban Railway of Washington for the year ended December 31, 1904; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17473) making appropriations for the support of the Army for the fiscal year ending June 30, 1906, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. CAPRON, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had passed the joint resolution (S. R. 96) authorizing the temporary use of certain vacant houses in square 686 in the city of Washington, and for other purposes.

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. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

The message also returned to the Senate, in compliance with its request, the bill (S. 3431) to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one state or Territory into another State or Territory," so as to prevent the importation and exportation of the same.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the legislative assembly of Arizona, remonstrating against the annexation of a part of that Territory to the State of Utah; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA,
Office of the Secretary.

UNITED STATES OF AMERICA,
Territory of Arizona, ss:

I, W. F. Nichols, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of house memorial No. 2, which was filed in this office the 27th day of January, A. D. 1904, at 1 o'clock p. m., as provided by law.

In testimony whereof, I have hereunto set my hand and affixed the seal of the Territory of Arizona, at the city of Phoenix, the capital, this 27th day of January, A. D. 1905.

W. F. NICHOLS,
Secretary of the Territory of Arizona.

House memorial No. 2.

To the Senate and House of Representatives of the United States:

Your memorialists, the twenty-third legislative assembly of the Territory of Arizona, respectfully represent that:

Whereas an attempt is now being made before the Congress of the United States to provide for the annexation to the State of Utah of all that portion of the Territory of Arizona lying north and west of the Colorado River; and

Whereas the members of former legislative assemblies of the Territory of Arizona, who have carefully investigated the matter and have been fully advised, declare that the territory sought to be acquired by the State of Utah from Arizona comprises an area nearly as large as the State of Massachusetts; that it is rich in mineral resources, containing vast areas of valuable timber and grazing lands and thousands of acres of lands that can readily be brought under cultivation by a system of water storage and irrigation; that said tract is of inestimable value and important to the Territory of Arizona as a source of revenue and a field of industry and husbandry; and

Whereas the said tract is traversed from east to west by the Grand Canyon of the Colorado River, the most marvelous and majestic of all nature's handiwork of world-wide fame, and which has always been peculiarly and exclusively an Arizona endowment: Therefore,

Your memorialists respectfully declare that the people of the Territory of Arizona, through the members of the legislative assembly, are unalterably opposed to the annexation of any portion of said tract to the State of Utah, and earnestly protest against the enactment by Congress of any measure designed to accomplish such purpose, and request that the domain of Arizona be protected by Congress against the proposed unjust and indefensible encroachment by the State of Utah.

The secretary of the Territory is directed to forward one copy of this memorial to the President of the Senate, one copy to the Speaker of the House, and one copy to our Delegate to Congress.

WILFRED T. WEBB,
Speaker of the House.

GEO. W. P. HUNT,
President of the Council.

The PRESIDENT pro tempore presented a petition of the legislative assembly of Arizona, relative to an increase in the number of associate justices of the supreme court of that Territory; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA,
Office of the Secretary.

UNITED STATES OF AMERICA,
Territory of Arizona, ss:

I, W. F. Nichols, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of council memorial No. 1, and which was filed in this office the 26th day of January, A. D. 1905, at 12.30 o'clock p. m., as prescribed by law.

In testimony whereof I have hereunto set my hand and affixed the seal of the Territory of Arizona at the city of Phoenix, the capital, this 26th day of January, A. D. 1905.

W. F. NICHOLS,
Secretary of the Territory of Arizona.

Council memorial No. 1.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, respectfully represent:

That by your act of February 11, 1891, it was provided that thereafter the supreme court of the Territory should consist of a chief justice and three associate justices, and that this Territory should be divided into four judicial districts, district courts in each of which should be presided over, respectively, by the said justices;

That by law these justices have devolved upon them the jurisdiction of all Federal causes arising in their several districts, of causes at

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law and in equity in the several counties of their districts arising under Territorial jurisdiction as well as of the numerous causes arising before them in banc as a supreme court;

That since the passage of that, your act above-mentioned, the population of this Territory has nearly trebled and the volume of litigation has more than doubled, in consequence whereof it has become impossible for these courts to dispose of the litigation pending before them. The crowded condition of the calendars has become especially oppressive in the first and second judicial districts, where the necessity for prompt disposition of criminal cases is forcing civil litigants to await two and three terms of court before their causes can be heard, and this despite the fact that the judges hold court from an early till a late hour on each judicial day and devote more than a reasonable amount of time and energy to the attempt to dispose of the causes pending before them;

That this condition is remedial only by an increase in the number of judges;

Wherefore, by reason of the immediate need therefor, your memorialists respectfully urge this present Congress to enact a law increasing the number of associate judges of the supreme court of this Territory to four, and providing for five judicial districts, with district courts therein having the same jurisdiction as the existing district courts.

The Secretary of the Interior is hereby directed immediately to transmit one copy of this memorial to the President of the Senate of the United States, one copy to the Speaker of the House of Representatives of the United States, and one copy each to our Delegate to Congress and our Delegate-elect to Congress.

Passed house by unanimous vote January 20, 1905.

WILFRED T. WEBB, *Speaker.*

Passed council by unanimous vote January 19, 1905.

GEO. W. P. HUNT, *President.*

The PRESIDENT pro tempore presented a memorial of the legislature of Maine, relative to the improvement of the postal system; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

State of Maine. Resolutions relative to the improvement of the postal system.

Whereas a reclassification of mail matter on the reasonable basis of the service rendered is a matter of the greatest importance to the business interests of this Commonwealth;

Whereas an extension of the system of carrying merchandise in the United States mail would be of great benefit to, and is desired by, the people of this State: Therefore, be it

Resolved, That the Senators and Representatives from Maine in the Congress of the United States are hereby earnestly requested to use every effort to secure the quick enactment of legislation that will at once remedy the evils of the present system of mail classification, and will give to the American people the best merchandise post in the world.

Resolved, That we request our Senators and Representatives in Congress to support the bill prepared by the Postal Reform League, which bill provides for the consolidation of third and fourth class mail matter and the extension of the present parcel post's weight limit from 4 to 11 pounds, with minimum rate of 5 cents on pound parcel and maximum rate of 25 cents on 11-pound parcel.

Resolved, That a copy of this resolution be sent to the President of the United States, Postmaster-General, and to our members of both Houses of Congress, and to BOISE PENROSE, chairman of the Senate Post-Offices and Post-Roads Committee, and to JESSE OVERSTREET, chairman of the House Post-Office and Post-Roads Committee.

IN SENATE, *January 26, 1905.*

Read and adopted. Sent down for concurrence.

KENDALL M. DUNBAR, *Secretary.*

IN HOUSE OF REPRESENTATIVES, *January 27, 1905.*

Read and adopted in concurrence.

E. M. THOMPSON, *Clerk.*

A true copy. Attest:

KENDALL M. DUNBAR, *Secretary of the Senate.*

Mr. PLATT of New York presented a petition of the New York Board of Trade and Transportation, of New York City, praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of Constant Lodge, No. 398, Brotherhood of Locomotive Firemen, of Olean; of Joseph Bailey Lodge, No. 186, Brotherhood of Railroad Trainmen, of Hornellsville; of Local Lodge, Brotherhood of Locomotive Engineers, of Middletown, and of Seneca Division, No. 659, Brotherhood of Locomotive Engineers, of Buffalo, all in the State of New York, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of Dovre Lodge, No. 20, Independent Order of Good Templars, of Brooklyn; of Breidablik Lodge, No. 36, Independent Order of Good Templars, of Brooklyn; of Vart Land Lodge, No. 29, Independent Order of Good Templars, of Brooklyn; of Norway Lodge, No. 26, Independent Order of Good Templars, of Brooklyn; of the congregation of the Baptist Church of Westfield, and of the Woman's Christian Temperance Union of Little Genesee, all in the State of New York, praying for the enactment of legislation providing for continued prohibition of the liquor traffic in the Indian Territory according to recent agreements with the Five Civilized Tribes; which were ordered to lie on the table.

He also presented a petition of sundry citizens of McKinley, Isle of Pines, praying for the enactment of legislation providing for the annexation of that territory to the United States; which was referred to the Committee on Foreign Relations.

Mr. PENROSE presented petitions of Washington Camp No. 370, Patriotic Order Sons of America, of Bendersville; of Washington Camp No. 504, Patriotic Order Sons of America, of Cooksburg; of Washington Camp No. 88, Patriotic Order Sons of America, of Renova; of Washington Camp No. 90, Patriotic Order Sons of America, of Hazleton, and of sundry citizens of Fredericksburg, all in the State of Pennsylvania, praying for the enactment of legislation to restrict the immigration of aliens into the United States; which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Philadelphia, Pa., and a memorial of sundry citizens of Rahway, N. J., remonstrating against the enactment of legislation appropriating the nation's money for military purposes; which were referred to the Committee on Military Affairs.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to amend the customs administrative act, in order that members of the Board of General Appraisers shall not be removed from office except on notice and after a hearing before the President of the United States; which was referred to the Committee on Finance.

He also presented a petition of the Young People's Society of Christian Endeavor of Chestnut Hill, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the White Memorial Congregational Church, of Siglerville and Milroy, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of Kensington Lodge, No. 113, Brotherhood of Railroad Trainmen, of Philadelphia; of Lehigh Lodge, No. 292, Brotherhood of Railroad Trainmen, of Lehighton; of Campbell Lodge, No. 65, Order of Railway Conductors, of Pittston; of Lewiston Lodge, No. 682, Brotherhood of Railroad Trainmen, of Lewistown, and of Brownsville Lodge, No. 650, Brotherhood of Locomotive Firemen, of Brownsville, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of the State of Pennsylvania, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Illinois, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

Mr. HOPKINS presented petitions of Lake Lodge, No. 647, Brotherhood of Locomotive Engineers, of Chicago; of College City Lodge, No. 477, Brotherhood of Locomotive Engineers, of Galesburg, and of Racine Division, No. 27, Brotherhood of Locomotive Engineers, of Freeport, all in the State of Illinois, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of Driskell Post, No. 207, Grand Army of the Republic, Department of Illinois, of Paris, Ill., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented memorials of Local Union No. 154, Cigar Makers' International Union, of Lincoln; of Local Union No. 476, Cigar Makers' International Union, of Pontiac, and of Taussig & Co., of Chicago, all in the State of Illinois, remonstrating against any reduction in the duty on tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented a petition of Carson, Pirie, Scott & Co., of Chicago, Ill., praying for the enactment of legislation providing for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

Mr. ANKENY presented a joint resolution of the legislature of Washington, relative to the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Senate joint resolution No. 1. Adopted by the Washington State legislature, session 1905.

Whereas President Theodore Roosevelt is making a praiseworthy effort to induce the National Congress to enlarge and strengthen the powers of the Interstate Commerce Commission, to the end that rail-

roads and other common carriers may be brought under proper control; and

Whereas the people of our State are in hearty sympathy with the efforts of the President: Therefore,

Resolved by the senate (the house concurring), That we earnestly urge upon our Senators and Congressmen to assist President Roosevelt in every legitimate way in bringing about the desired legislation.

Resolved, That a copy of these resolutions be mailed to Senators FOSTER and ANKENY and Congressmen JONES, CUSHMAN, and HUMPHREY.

Mr. DICK presented the petition of G. W. C. Perry and 13 other citizens of Chillicothe, Ohio, praying for the enactment of legislation providing an increase of appropriations in aid of the militia; which was referred to the Committee on Military Affairs.

He also presented a petition of the Presbytery of Cleveland, Ohio, and a petition of the Sunday Union of Cleveland, Ohio, praying that an investigation be made into the conditions existing in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of local lodges Nos. 21, 421, 425, 432, 618, 132, and 35, of Youngstown, Dennison, Chicago Junction, Akron, Toledo, Cleveland, and Galion, all of the Brotherhood of Railroad Trainmen; of local divisions Nos. 14, 233, and 26, of Cleveland, Middleport, and Toledo, all of the Order of Railway Conductors; and of local divisions Nos. 522, 408, 65, 170, 358, and 142, of Chicago Junction, Middleport, Chillicothe, Wellsville, Dayton, and Toledo, all of the Brotherhood of Locomotive Engineers, in the State of Ohio, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. McCUMBER. I present a memorial of the International Reform Bureau, relative to the condition of the Indians in the Indian Territory. The memorial is very short, and I ask that it may be read and lie on the table.

There being no objection, the memorial was read, and ordered to lie on the table, as follows:

The International Reform Bureau. Memorial to United States Senate.

The International Reform Bureau earnestly reminds your honorable body that the Indians of the Indian Territory are very rich and very inexperienced in politics and commerce, and should therefore have a period of political tutelage under Territorial self-government, with continued protection against intoxicants, before being brought into statehood, and in that view petitions that "Indian Territory" be stricken out of pending statehood bill, and a Territorial government be provided now or in the next Congress instead.

Attest: WILBUR F. CRAFTS, *Superintendent*.

Mr. STONE presented a memorial of sundry citizens of Clinton, Mo., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Springfield, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of the Interstate Commerce Law Convention, of St. Louis, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Charles B. Kerney, late a captain, Porto Rico Provisional Regiment, to accompany the bill (S. 6488) to authorize the restoration of the name of Charles B. Kerney, late a captain, Porto Rico Provisional Regiment of Infantry, to the rolls of the Army and providing that he be placed on the list of retired officers; which was referred to the Committee on Military Affairs.

Mr. CULBERSON presented papers to accompany the bill (S. 5779) for the relief of the heirs of Bethel A. Smith, deceased; which were referred to the Committee on Claims.

He also presented a memorial of the Quarterly Conference of the St. John's Methodist Episcopal Church of Waco, Tex., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Keene, Tex., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented petitions of sundry citizens of Webster, of the Woman's Christian Temperance Union of Epsom, of the Woman's Christian Temperance Union of Henniker, and of the Woman's Christian Temperance Union of Jefferson, all in the State of New Hampshire, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

He also presented a petition of Prescott Jones Post, No. 32, Department of New Hampshire, Grand Army of the Republic, of Wilmot Flat, N. H., praying for the enactment of legislation to modify and simplify the pension laws of the United States; which was referred to the Committee on Pensions.

He also presented the petition of Ellen F. L. Guion, of Chicago, Ill., and a petition of the Association of Collegiate Alumnæ, of Chicago, Ill., praying for the enactment of legislation providing for compulsory education in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. COCKRELL presented a petition of Local Lodge No. 92, Brotherhood of Railroad Trainmen, of St. Joseph, Mo., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. HEYBURN presented a petition of Mountain Gem Lodge, No. 637, Brotherhood of Locomotive Firemen, of Glenns Ferry, Idaho, praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6943) granting an increase of pension to Francis W. Little, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 6341) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898, asked to be discharged from its further consideration, and moved that it be referred to the Committee on Finance; which was agreed to.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 5123) for the widening of the Bladensburg road, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. PROCTOR. I am directed by the Committee on Agriculture, to whom was referred the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906, to report it favorably with amendments, and to submit a report thereon.

I give notice that I will call up the bill at the earliest opportunity—I hope after the conclusion of the routine morning business to-morrow.

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

REPORT OF THE RECLAMATION SERVICE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 98) to print a second and revised edition of the Third Annual Report of the United States Reclamation Service, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Interior to have prepared, and the Public Printer to print as soon as may be practicable, a second and revised edition, with necessary illustrations, of the Third Annual Report of the Reclamation Service, House of Representatives Document No. 28, Fifty-eighth Congress, third session, the edition to be 6,000 copies, of which 1,000 are to be bound in form similar to the preceding reports of the service; and of that entire edition one-third shall be for the use of the Senate, one-third for the use of the House of Representatives, and one-third for distribution by the Director of the Geological Survey.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN MOBILE, ALA.

Mr. BERRY. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 14626) to quiet titles to land in the city of Mobile, State of Alabama, to report it favorably without amendment, and I submit a report thereon.

Mr. PETTUS subsequently said: I ask for the present consideration of House bill 14626, reported by the senior Senator from Arkansas [Mr. BERRY] this morning, from the Committee on Public Lands.

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.

DOG RIVER (MISSISSIPPI) BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17789) to amend an act entitled "An act to authorize W. Denny & Co. to bridge Dog River, in the State of Mississippi," to report it favorably without amendment.

Mr. MONEY. I ask unanimous consent to have the bill considered at the present time.

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.

HANNAH B. SABISTON.

Mr. OVERMAN. I am directed by the Committee on Claims, to whom was referred the bill (S. 6818) for the relief of Hannah B. Sabiston, to report it favorably without amendment, and I submit a report thereon. 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. It proposes to pay to Hannah B. Sabiston, of Carteret County, N. C., widow of the late John Sabiston, $67.25, for services rendered by John Sabiston as Government pilot for the port of Beaufort, N. C., and for which he was never paid.

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

AGRICULTURAL AND MECHANICAL COLLEGE OF OKLAHOMA.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands to report back favorably without amendment the bill (H. R. 17769) to grant certain lands to the Agricultural and Mechanical College of Oklahoma for college farm and experiment-station purposes, and I submit a report thereon. I ask for its present consideration.

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

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BEVERIDGE. After the bill had been about two-thirds read my attention was called to it. I see that it is something affecting a Territory and I should like to inquire what it is. I did not hear the first two-thirds of it.

Mr. HANSBROUGH. I think I can explain the bill in a word to the Senator. It simply provides for the donation of a section, 640 acres, of school land in Oklahoma to the agricultural college.

Mr. GALLINGER. It has passed the House.

Mr. HANSBROUGH. It has already passed the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BEVERIDGE. I do not know. The bill has passed the House. Has it been referred to the Committee on Territories?

Mr. HANSBROUGH. It was referred to the Committee on Public Lands. The committee unanimously authorized me to report the bill.

Mr. BEVERIDGE. It is a grant of public land to the agricultural college?

Mr. HANSBROUGH. It is a grant of land to the agricultural college.

Mr. BEVERIDGE. The agricultural college down there is pretty heavily provided for in the statehood bill, on which we are going to vote next Tuesday. I will say further, for the information of the Senator, that a bill passed the House on Monday and came here yesterday authorizing the legislative assembly of Oklahoma Territory to appropriate some money for this agricultural college. I call the Senator's attention to the facts. It appears to me this agricultural institution in Oklahoma is getting pretty well cared for, with the whole list of allotments of lands and benefits in the pending statehood bill, which I am informed was made up by the suggestion of the agricultural college's president. I have no doubt it may be all right, but it does excite inquiry. Here is a bill that came over from the House yesterday authorizing the legislative assembly now sitting to make an appropriation of money for the erection of two new buildings for this agricultural college; here is an enormous grant of land provided for the agricultural college in the new statehood bill, and here is this other bill. Now, there seems to be an accumulation of benefits here which excites the curiosity of the chairman of the Committee on Territories; that is all.

Mr. HANSBROUGH. Mr. President——

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BEVERIDGE. I suggest to the Senator that perhaps later in the day I will consent to the consideration of the bill, and that he let it lie over until we can confer about it.

Mr. HANSBROUGH. I hope the Senator will not object.

Mr. BEVERIDGE. There is no doubt that I shall yield to the persuasion of the Senator from North Dakota, as I usually do; but if he will let the bill go over for a little while, until we can talk about it, I shall be obliged to him.

Mr. HANSBROUGH. Of course.

The PRESIDENT pro tempore. Is there objection?

Mr. BEVERIDGE. I object at the present time.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

TRANSFER OF LAND FOR PUBLIC PURPOSES.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 6757) to amend section 2288 of the Revised Statutes of the United States, to report it favorably 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. It proposes to amend section 2288 of the Revised Statutes so as to read as follows:

SEC. 2288. Any bona fide settler under the preemption, homestead, or other settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, telegraph, telephones, canals, reservoirs, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim.

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

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 6984) to provide for the appointment of probation officers in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6985) authorizing the consolidation of actions for libel and evidence therein; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. STEWART introduced a bill (S. 6986) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming, and to make appropriations for carrying the same into effect; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. McCOMAS introduced a bill (S. 6987) for the relief of Pay Inspector Worthington Goldsborough, United States Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. ALGER introduced a bill (S. 6988) granting a pension to George G. Greusel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DICK (by request) introduced a bill (S. 6989) granting an increase of pension to Jacob O. Stout; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 6990) granting an increase of pension to William I. Hilkey;

A bill (S. 6991) granting an increase of pension to Newton K. Hanley; and

A bill (S. 6992) granting a pension to Margaret R. Birchfield (with an accompanying paper).

Mr. CULLOM introduced a bill (S. 6993) granting a pension to Helen B. Messenger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 6994) authorizing the Secretary of the Interior to set apart a tract of land on the Yankton Indian Reservation for a park, and other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

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

A bill (S. 6995) granting a pension to Harriet P. Lynch (with an accompanying paper);

A bill (S. 6996) granting an increase of pension to John Patton;

A bill (S. 6997) granting a pension to Matilda C. Heilman (with an accompanying paper);

A bill (S. 6998) granting an increase of pension to Ida R. Jones; and

A bill (S. 6999) granting an increase of pension to James D. Bartholomew.

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

A bill (S. 7000) for the relief of Charles Mummey (with accompanying papers); and

A bill (S. 7001) to amend an act entitled "An act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army."

Mr. HEYBURN introduced a bill (S. 7002) providing for the holding of terms of court at Grove, Cherokee Nation, Ind. T.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. McCREARY introduced a bill (S. 7003) for the relief of the trustees of the First Presbyterian Church of Harrodsburg, Ky.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7004) granting an increase of pension to James F. Hackney; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 7005) granting an increase of pension to Ada A. Thompson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 7006) for the relief of George K. Hathaway, administrator of John R. Hathaway, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULBERSON (by request) introduced a bill (S. 7007) for the relief of the estate of Robert M. Williams, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CRANE introduced a bill (S. 7008) permitting the Washington Market Company to lay a conduit across Seventh street west; which was read twice by its title, and referred to the Committee on the District of Columbia.

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

A bill (S. 7009) to appropriate a sum of money to the Mount Vernon Avenue Association, as assignee of the State of Virginia, and for other purposes;

A bill (S. 7010) for the relief of Jane Elizabeth Owen, legal representative of John Young, sr., deceased; and

A bill (S. 7011) for the relief of Thomas B. Miller, legal heir of Milton R. Muzzy.

Mr. NELSON introduced a bill (S. 7012) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes;" which was read twice by its title, and referred to the Committee on Territories.

Mr. SIMMONS introduced a bill (S. 7013) granting an increase of pension to W. A. Moore; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7014) for the relief of Mary J. Tatham, heir of Robert D. McCombs, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 7015) to provide for the survey, location, and platting of the lands along and in the St. Francis River, in the States of Arkansas and Missouri; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MARTIN introduced a bill (S. 7016) to incorporate the Economic Heating and Refrigerating Company, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SMOOT introduced a bill (S. 7017) to provide for a land district to include the Uintah Indian Reservation and Uintah County, in the State of Utah, to be known as the Uintah land district, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CULBERSON introduced a bill (S. 7018) relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for purposes of irrigation, and providing for the distribution of said stored waters among the irrigable lands in New Mexico, Texas, and the Republic of Mexico, and to provide for a treaty for the settlement of certain alleged claims of the citizens of the Republic of Mexico against the United States of America; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. QUARLES introduced a joint resolution (S. R. 103) requiring the Director of the Census to collect statistics of marriage and divorce; which was read twice by its title, and referred to the Committee on the Census.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GORMAN submitted an amendment providing for the extension of Rittenhouse street, in the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the salary of the consul at Nantes, France, from $1,500 to $2,000 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to appropriate $25,000 for geological and topographical surveys of the valleys of the Knik and Matanuska rivers, Alaska, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $130,629.67 to reimburse the directors of Providence Hospital, in the District of Columbia, for expenses incurred in the reconstruction of the Providence Hospital buildings, etc., intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill, which I beg leave to read:

To enable the Secretary of War to examine with a view of ascertaining if there is a watershed from which a supply of pure water could be obtained for the District of Columbia, provided the Government should become the sole owner of such watershed, and should protect the same and prevent any occupation thereof except for such water supply, $25,000.

I move that the amendment be referred to the Committee on the District of Columbia, and printed.

The motion was agreed to.

Mr. QUARLES submitted an amendment providing for the issuance of patents in fee to Abraham Elm and Simon Antone, Wichita Indians, for lands heretofore allotted to them in the Territory of Oklahoma, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. STONE (by request) submitted an amendment providing for the ratification and confirmation of the resolutions of the Seminole Council accepting and ratifying the contract and sale, made by the Seminole town site commissioners to John F. Brown, of the unsold lots in the town of Wewoka, Ind. T., etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FULTON submitted an amendment proposing to appropriate $15,000, to be paid to the Clatsop tribe of Indians, of Oregon, to be apportioned among those now living and the heirs of those who may be dead by the Secretary of the Interior as their respective rights may appear, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,500, to be paid to the Tillamook tribe of Indians, of Oregon, to be apportioned among those now living and the heirs of those who may be dead by the Secretary of the Interior as their respective rights may appear, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HEYBURN presented a paper, to accompany the amendment, submitted by him on the 26th ultimo, proposing to appropriate $1,200 for a superintendent in charge of agency and educational matters on the Coeur d'Alene Reservation in Idaho, intended to be proposed to the Indian appropriatian bill; which was referred to the Committee on Appropriations.

Mr. CULBERSON submitted an amendment directing the Secretary of War to inquire and report to Congress what sum or sums of money were actually expended by Texas during the period between February 28, 1855, and June 21, 1860, in payment of State volunteers or rangers called into service by authority of the governor of Texas, etc., 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.

Mr. GAMBLE submitted an amendment authorizing the Secretary of the Interior to issue a patent in fee to Louisa Morgan, a member of the Yankton band of Sioux Indians, for lands heretofore allotted to her on the Yankton Reservation, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to issue a patent in fee to Mrs. Mandan (Wanyagwankewin), a member of the Yankton band of Sioux Indians, for lands heretofore allotted to her on the Yankton Reservation, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT TO STATEHOOD BILL.

Mr. HEYBURN (by request) submitted an amendment intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to be printed, and, with the accompanying paper, to lie on the table.

DRAWBACKS OF CUSTOMS DUTIES.

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

Resolved, That the Secretary of the Treasury is directed to inform the Senate:

1. What aggregate amount has been allowed as drawbacks of custom duties since June 30, 1900.
2. What amount has been allowed as drawbacks of custom duties, each fiscal year, since June 30, 1900; and the amount allowed on each class of property imported.

ARMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 17473) making appropriation for the support of the Army for the fiscal year ending June 30, 1906, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist upon its amendments and accede to the request of the House for a conference.

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. PROCTOR, Mr. SCOTT, and Mr. COCKRELL were appointed.

DISPOSAL OF LANDS UNDER RECLAMATION ACT.

The PRESIDENT pro tempore. The morning business is closed, and the Calendar, under Rule VIII, is before the Senate.

The bill (S. 6313) providing for the disposal of lands acquired under the provisions of the reclamation act was announced as first in order on the Calendar.

The PRESIDENT pro tempore. This bill was before the Senate, as in Committee of the Whole, yesterday, and its consideration was interrupted by the hour of 2 o'clock arriving.

Mr. FULTON. Mr. President, I do not insist on having the bill considered at this time. I do wish, however, to take advantage of this opportunity to refer for just a moment to a question of difference among some of us yesterday as to how far the Constitution restrains the legislature in the exercise of the right of eminent domain.

Yesterday I made the statement that the question of the necessity or propriety of making an appropriation of property for a given use is purely a matter for the legislative department. That statement was questioned by the distinguished Senator from Colorado [Mr. TELLER], he stating that it is a question which has to be established in court. I do not know whether he meant the full extent of the doctrine, which might be implied from his words, or not. I take it that he did not, because I have very high regard indeed for the legal attainments and ability of the Senator from Colorado.

I refer to the authorities only in vindication of my own position. I call attention to the statement made by the Supreme Court of the United States, Justice Field announcing the decision, in the ninety-eighth volume of United States Reports, page 406, as follows:

When the use is public, the necessity or expediency of appropriating any particular property is not a subject of judicial cognizance.

The same doctrine is announced in Lewis on Eminent Domain, section 238, as follows:

The necessity for exercising the power is exclusively for the legislature. Whether the power of eminent domain shall be put in motion for any particular purpose, and whether the exigencies of the occasion and the public welfare require or justify its exercise, are questions which rest entirely with the legislature.

That doctrine is stated in a number of other authorities. Indeed, I think it is universally held by the authorities and the courts. That is what I contended for yesterday—that the question of the necessity or the propriety of appropriating land for a given use is entirely a question for the legislative department. Of course the question as to whether or not it is a public use to which it is proposed to devote it is a question for the court. That I concede.

In 113 United States the doctrine is laid down for which I contended yesterday, namely, that in determining whether or not the taking is for a public use, the benefit that would result to the public at large may be taken into consideration, and whether or not the property proposed to be taken is absolutely used—that is, physically used and employed by the public—is not the only question, but whether or not it affords so large a measure of benefit and advantage to the public that it rises to a matter of public importance and concern may be considered. I do not contend, nor did I yesterday, that that is the universal doctrine; but that there is one line of decisions holding that doctrine I do contend.

The PRESIDENT pro tempore. The time of the Senator from Oregon has expired.

Mr. FULTON. I do not care about having the bill further considered at this time. I simply wanted to refer to the authorities in vindication of my position as stated yesterday.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. TELLER. Mr. President, I do not think I have learned any new law from the authorities the Senator from Oregon read. In my practice some years ago it was a necessity that I should know, or at least think I knew, something about the doctrine which the Senator has been contending for. I know the courts have gone a good ways, but I know of no court that has ever said that the legislature could declare what was a public use unless it was a public use. I know more than that, Mr. President, that up to this time no legislative body has ever attempted to take private property and turn it over to anybody else. That is what this bill proposes to do.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. SPOONER. It is perfectly obvious that the bill can not pass at this time.

Mr. FULTON. The bill is to be passed over.

Mr. SPOONER. I suggest that it go to the Calendar.

The PRESIDENT pro tempore. Does the Senator mean that it shall retain its place where it is?

Mr. SPOONER. No; I think not.

The PRESIDENT pro tempore. The bill will then go to the Calendar under Rule IX.

Mr. SPOONER. Under Rule IX.

Mr. TELLER. Let it go there. Let us get rid of the bill.

The PRESIDENT pro tempore. It goes to the Calendar under Rule IX.

ACQUISITION OF IRRIGABLE LANDS.

The bill (S. 6406) providing for the purchase and condemnation of irrigable lands in certain cases was announced as next in order, and the Secretary read the bill.

Mr. SPOONER. This is the bill, I understand, which was under discussion yesterday.

Mr. FULTON. I understand not.

Mr. SPOONER. The bill to which the Senator was speaking is not the bill as to which I made the request. The bill that I asked might be sent to the Calendar under Rule IX is not the bill which the Senator thought it was.

Mr. FULTON. That may be, Mr. President. When the Calendar was reached the Chair announced that this was the bill which went over at the expiration of the morning hour yesterday, and therefore I spoke to it.

The PRESIDENT pro tempore. The first bill announced to the Senate to-day was the bill reported by the Senator from California [Mr. BARD], and that is the bill which went over under the objection of the Senator from Wisconsin. The bill which has now been read is the bill which was under discussion yesterday.

Mr. SPOONER. This is the bill I was after.

The PRESIDENT pro tempore. This is the bill the Senator from Wisconsin wishes to have go to the Calendar under Rule IX?

Mr. SPOONER. I ask that the bill may go to the Calendar under Rule IX.

Mr. FULTON. I wish to inquire for information in the future what is the effect of placing it on the Calendar under Rule

IX? What different position does it then occupy from what it would hold if it were passed over?

Mr. SPOONER. It is not so easy to get it up. It does not come up automatically.

Mr. FULTON. The Senator from Wisconsin wants to place more difficulty in the way of it, I see. I thought he had placed enough in its way yesterday.

The PRESIDENT pro tempore. Objection being made to the request that it shall go to the Calendar under Rule IX, the bill will go to the Calendar.

Mr. SPOONER. I should like to withdraw the request I made as to the bill which preceded this.

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws his objection to the bill which was first read.

Mr. SPOONER. I should like to have the bill now read.

The PRESIDENT pro tempore. The bill will be again read.

Mr. TELLER. I want to know what the bill is, Mr. President?

The PRESIDENT pro tempore. It is the first bill on the Calendar reported by the Senator from California [Mr. BARD], the title of which will be stated.

The SECRETARY. A bill (S. 6313) providing for the disposal of lands acquired under the provisions of the reclamation act.

Mr. TELLER. Mr. President, I object to that bill.

The PRESIDENT pro tempore. The Senator from Colorado objects to the consideration of the bill.

Mr. SPOONER. I have not read that bill.

Mr. TELLER. It is to the same effect as the bill which has just gone over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. TELLER. When I object to the bill it goes off this Calendar; it does not remain on this Calendar. I do not want this bill to appear here every morning.

The PRESIDENT pro tempore. If objection is made, and nothing is said except the simple objection, the bill objected to goes to the Calendar under Rule IX. If, on the contrary, objection is made without prejudice, or is coupled with the request that the bill retain its present position on the Calendar, it still remains there, of course.

Mr. TELLER. Mr. President, I want to add all the prejudice possible to this bill.

The PRESIDENT pro tempore. Then the bill goes over under Rule IX. The next bill on the Calendar will be stated.

LISTS OF PASSENGERS BY SEA.

The bill (S. 6489) to amend section 9 of the act of August 2, 1882, concerning lists of passengers, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in lieu of the list in duplicate of passengers now prescribed by section 9 of the act approved August 2, 1882, entitled "An act to regulate the carriage of passengers by sea," the master shall submit for inspection to the officer of customs who first makes demand therefor, and shall subsequently deliver with his manifest of cargo on entry, a correct list, signed and verified on oath by the master, of all passengers taken on board the vessel at any foreign port or place, specifying, in the manner to be prescribed from time to time by the Secretary of Commerce and Labor, the name of each passenger, age (if a child of 8 years or under), sex, married or single, location of compartment or space occupied during the voyage (if the passenger be other than a cabin passenger), whether a citizen of the United States, number of pieces of baggage; and if any passenger die on the voyage the list shall specify the name, age, and cause of death of each deceased passenger.

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

JAMES W. JONES.

The bill (S. 6311) for the relief of James W. Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, in line 6, before the word "hundred," to strike out "five" and insert "three;" and in the same line, after the words "hundred and," to strike out "thirteen" and insert "seventy-three;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James W. Jones, out of any money in the Treasury not otherwise appropriated, the sum of $373.71. Said James W. Jones, a clerk of class 1 in the office of the Auditor for the Post-Office Department, was, on February 25, 1898, erroneously arrested, and summarily dismissed on February 26, 1898.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUNACY PROCEEDINGS IN THE DISTRICT OF COLUMBIA.

The bill (S. 6244) to change the lunacy proceedings in the District of Columbia where the Commissioners of said District are the petitioners, and for other purposes, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That hereafter the proceedings instituted upon petition of the Commissioners of the District of Columbia to determine the mental condition of alleged indigent insane persons and persons alleged to be insane, with homicidal or otherwise dangerous tendencies, shall be according to the provisions of the Code of Law for the District of Columbia relating to lunacy proceedings: *Provided*, That the jury to be used in case the said Commissioners are the petitioners shall be impaneled by the United States marshal for said District, upon order of the court, from the jurors in attendance upon the criminal courts of said District, who shall perform such services in addition to and as part of their duties in said criminal courts: *Provided further*, That during such time as jurors are not in attendance upon said criminal courts the court may direct the said marshal to impanel the jurors in attendance upon the police court of said District, who shall perform such duties in addition to and as part of their duties in said police court; or the said court may direct a special jury to be summoned for such inquisitions. In case any such person adjudged to be of unsound mind has property, real or personal, the equity court of said District shall have full power in the same cause to appoint a committee or trustee of the person and estate of such person, according to the provisions of said code, and such committee or trustee shall reimburse the District of Columbia for all court costs expended or incurred by it and for all moneys by it expended or costs incurred in caring for and treating such insane person up to the time of such appointment.

SEC. 2. That in case any person adjudged to be of unsound mind in the District of Columbia who is committed to the Government Hospital for the Insane, or any other institution, recovers his or her reason, and who is discharged from such institutions as cured, the superintendent of said Government Hospital for the Insane, or the official in charge of any such other institution where such person has been under treatment and has been so discharged, shall immediately thereafter file with the clerk of the supreme court of the District of Columbia his sworn statement that such person, in his opinion, was at the time of his discharge of sound mind, and such statement shall be sufficient to authorize the court to pass an order declaring such person to be restored to his or her former legal status as a person of sound mind.

Mr. PETTUS. Mr. President, I desire to inquire of the committee reporting this bill if it does not, in substance, provide that the trustee of a lunatic shall pay all the expenses of the proceeding, whether he has any funds of the lunatic or not, and whether that was the intention of the committee? In other words, Mr. President, I suggest an amendment providing that the trustee shall pay if he has sufficient funds of the lunatic's estate in his hands.

Mr. HANSBROUGH. Mr. President, this bill was drawn by the Commissioners of the District of Columbia. While I have not examined thoroughly the existing law, I am under the impression that the committee is satisfied that the changes proposed in the bill are necessary in this District. The Commissioners have given the question very thorough consideration, and in some communications to the committee recommended the passage of the bill. The changes from the existing law, I will state, are inconsiderable.

Mr. PETTUS. I ask that the concluding words of section 1, in reference to costs, may be read.

The Secretary read as follows:

In case any such person adjudged to be of unsound mind has property, real or personal, the equity court of said District shall have full power in the same cause to appoint a committee or trustee of the person and estate of such person, according to the provisions of said code, and such committee or trustee shall reimburse the District of Columbia for all court costs expended or incurred by it and for all moneys by it expended or costs incurred in caring for and treating such insane person up to the time of such appointment.

Mr. PETTUS. I move to amend the bill, after the word "reimburse," on page 2, in line 13, of section 1, by inserting "out of the funds of the lunatic;" so as to protect the trustee from individual liability.

Mr. HANSBROUGH. I think there is no objection to that amendment, Mr. President.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Alabama [Mr. PETTUS] will be stated.

The SECRETARY. In section 1, page 2, line 13, after the word "reimburse," it is proposed to insert "out of the funds of the lunatic;" so as to read:

And such committee or trustee shall reimburse, out of the funds of the lunatic, the District of Columbia for all court costs, etc.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

YOSEMITE NATIONAL PARK.

The bill (H. R. 17345) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach

and include the said lands in the Sierra Forest Reserve was announced as next in order.

The PRESIDENT pro tempore. That bill goes over, as a matter of course, it having been previously passed by the Senate and a motion to reconsider entered.

HEIGHT OF BUILDINGS IN THE DISTRICT.

The bill (S. 5937) to amend an act to regulate the height of buildings in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 1, page 1, line 7, after the first word "That," to strike out "no buildings" and insert "all buildings;" in line 10, after the words "shall be," to insert "fireproof and shall not be;" in line 11, before the word "feet," to strike out "sixty" and insert "eighty;" and after the word "feet," to strike out "without being of fireproof construction;" so as to make the section read:

That section 2 of the act of Congress entitled "An act to regulate the height of buildings in the District of Columbia," approved March 1, 1899, is hereby amended by adding thereto the following: "*Provided*, That all buildings hereafter erected to front or abut on the plaza in front of the new Union Station, provided for by act of Congress approved February 28, 1903, shall be fireproof and shall not be of a height greater than 80 feet."

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That section 4 of said act of Congress regulating the height of buildings, approved March 1, 1899, as amended by act approved March 3, 1903, is hereby amended so as to add at the end thereof the following: "*Provided*, That hereafter no building shall be erected to front or abut on the plaza herein referred to which shall exceed 80 feet in height."

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HALE subsequently said: Mr. President, I was called away from the Chamber for a moment, and I will ask what was done with Senate bill 5937?

The PRESIDENT pro tempore. That bill was considered and passed with amendments.

Mr. HALE. I move a reconsideration of the vote by which the bill was passed.

The PRESIDENT pro tempore. The Senator from Maine enters a motion to reconsider the vote by which the bill was passed.

Mr. HALE. I do not know that the bill is not all right, but I want to examine it before its final passage.

Mr. GORMAN. May I inquire to what bill the Senator from Maine refers?

The PRESIDENT pro tempore. The bill (S. 5937) to amend an act to regulate the height of buildings in the District of Columbia, which has just been passed.

Mr. HALE. That bill raises a very important and very practical question, and it ought to be thoroughly examined before it passes the Senate.

Mr. GORMAN. Yes; and I will say to the Senator from Maine, who has moved to reconsider the vote by which the bill was passed, that it is a very practical bill, requiring all buildings on the front of the new Union Station to be absolutely fireproof and their height to be limited to 80 feet. That is all there is to the bill.

Mr. HALE. I will examine the provisions of the bill between now and to-morrow morning.

Mr. HANSBROUGH. I will say to the Senator from Maine that the Committee on the District of Columbia gave the bill very careful consideration.

Mr. HALE. There is no doubt of that.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

Mr. HALE subsequently said: I ask the Senate to recur for a moment to the bill (S. 5937) to amend an act to regulate the height of buildings in the District of Columbia. A little while ago I entered a motion to reconsider the vote by which the bill was passed, as I had not examined the bill. I have done that since and find that, so far as I am concerned, it is entirely unobjectionable. I think it a very good bill. I withdraw the motion to reconsider, which will leave the bill passed.

The PRESIDING OFFICER (Mr. KEAN in the chair). That leaves the bill passed.

COMMERCIAL RELATIONS FOR 1903.

Senate concurrent resolution No. 96, providing for printing Commercial Relations for 1903, was announced as the next business in order on the Calendar.

Mr. GORMAN. Mr. President, I suggest that that be passed over without prejudice.

The PRESIDENT pro tempore. That order will be made.

MONTHLY SUMMARY OF IMPORTS AND EXPORTS.

The joint resolution (S. R. 93) providing for the printing of the Monthly Summary of Imports and Exports, published by the Department of Commerce and Labor, was announced as next in order.

Mr. GORMAN. I will ask that that joint resolution may also be passed over, Mr. President, without prejudice.

The PRESIDENT pro tempore. The joint resolution will be passed over, retaining its place.

PENSION BILLS PASSED OVER.

The PRESIDENT pro tempore. There follow on the Calendar a number of private pension bills. The Chair supposes that the Senate does not expect to have those bills taken up at this time for consideration.

Mr. HANSBROUGH. I think it would be a good idea to have those bills passed over for the present.

The PRESIDENT pro tempore. The Senator from North Dakota suggests that the pension bills which follow next on the Calendar be passed over without prejudice. Is there objection? The Chair hears none, and that order is made.

HANNAH S. CRANE AND OTHERS.

The bill (H. R. 10558) referring the claim of Hannah S. Crane and others to the Court of Claims was considered as in Committee of the Whole.

Mr. KEAN and Mr. PLATT of Connecticut. Is there a report in that case, Mr. President?

The PRESIDENT pro tempore. There is a report.

Mr. KEAN and Mr. PLATT of Connecticut. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report, submitted by Mr. STEWART January 25, 1905, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 10558) referring the claim of Hannah S. Crane and others to the Court of Claims, submit the following report:

This bill has twice been favorably reported by the Committee on Claims of the House of Representatives, first by Mr. NEVIN, from the Committee on Claims, February 5, 1903, by House Report 3543, Fifty-seventh Congress, second session, and again by Mr. HOWELL of Utah, from the Committee on Claims, March 8, 1904, by House Report 1527, Fifty-eighth Congress, second session, and passed the House of Representatives December 19, 1904.

Your committee adopt the report of the Committee on Claims of the House of Representatives in the present Congress, and report the bill favorably, and recommend its passage with the following amendment:

Page 1, lines 13 and 14, strike out the words "together with legal interest thereon."

[House Report No. 1527, Fifty-eighth Congress, second session.]

The Committee on Claims, to whom was referred the bill (H. R. 10558) referring the claim of Hannah S. Crane and others to the Court of Claims, beg leave to submit the following report and recommend that said bill do pass.

The claim in question was referred by the Committee on Claims of the House of Representatives to the Court of Claims on March 16, 1886, and was returned by that court to the House of Representatives with a finding of facts under the Bowman Act on April 6, 1896. The findings are printed as House Document No. 346, Fifty-fourth Congress, first session. The findings made by that court, omitting a number of documents set out in full and which are in the statement following merely summarized are as follows:

"I. The act of Congress approved July 3, 1852 (10 Stat. L., 11), provided for the establishment of a branch for the United States mint in California at a cost of not exceeding $300,000.

"The contract for the erection and equipment of the mint at San Francisco was awarded to Joseph R. Curtis, April 15, 1853, the price agreed upon being $239,900.

"The following stipulations were a part of said contract:

"'It is agreed that the lot on which the mint is situated fronts 40 feet on a public street of San Francisco and extends back 60 feet, and that the party of the second part will forthwith submit the title of said lot to the attorney of the United States for the eastern district of California, and that he shall report the same to the Attorney-General of the United States for his opinion, and that if the title be not valid it shall be made so within nine months from the date hereof, to the satisfaction of the Attorney-General; and the party of the second part shall not be entitled to any part of the consideration until this provision is complied with and all the other stipulations of this contract.

"'It is also further agreed and understood that the party of the second part may purchase the adjoining 20 feet of ground on the west side of said lot, if the same can be obtained at a price which the party of the second part shall approve, and that on the conveyance of the same, together with the lot, mint, etc., contracted for, that the party of the first part will also pay the agreed sum for said 20 feet of additional ground.'

"This lot had on it a substantial brick building, erected in 1851, which was, prior to the execution of the contract aforesaid, used as an assaying office, which also coined and assayed gold under the authority of the act of September 30, 1850. (9 Stat. L., 531.) This building, together with the machinery and fixtures formerly in use, and with some additional machinery, was conveyed by deed of the said Joseph R. Curtis to the United States under the said contract, and the sum of $239,900 paid him in accordance with its terms, an additional pay-

ment having been made him by reason of the purchase of other ground than that on which the building itself was located. The United States went at once into possession and has been in possession ever since.

"II. Prior to the making of the said contract the lot had been owned in fee simple by, and was in possession of, the firm of Curtis, Perry & Ward, the members of which were Joseph R. Curtis, the contractor for the building of the mint; Philo H. Perry, and Samuel H. Ward.

"On March 22, 1853, Samuel H. Ward died at sea. His death was not known at San Francisco, however, until April 21, 1853—six days after the making of the contract betwen Curtis and the Secretary of the Treasury. As Curtis was dealing with partnership property, his contract was made for the benefit of the firm. Ward left a will in which his two partners, Curtis and Perry, were named as the executors. The will was duly proven and Perry alone qualified as executor.

"On August 23, 1853, the estate of Ward was appraised by a board of appraisers duly constituted, and the value of the lot and the building thereon was fixed at $40,000.

"On August 29, 1853, the executor, Perry, executed a deed purporting to convey to said Curtis all the interest in said lot of which Ward was seized and possessed at the time of his death, and received in payment therefor $13,333.33.

"The said Ward, by his will, bequeathed to his wife, Emily H. S. Ward, nine-tenths of his estate, and this proportion of the sum realized from the sale to Curtis of her husband's interest in the lot and building was paid to and accepted by her with full knowledge of the facts of sale to Curtis by the executor, but in ignorance of the extent of her estate in the land in dispute, as shown by the decision of the supreme court (50 Cal., 358).

"On March 18, 1854, Emily H. S. Ward and her co-legatees under the will of Ward instituted a suit in equity against Curtis and Perry, alleging that the contract between said Curtis and the Secretary of the Treasury was made in fraud of the rights of her husband, and asking a division of the profits of the transaction. The Secretary of the Treasury was given notice of the filing of this bill, a copy of the bill accompanying the notice. Prior to the receipt of the notice the Secretary had paid $100,000 to Curtis under said contract; and after its receipt, to wit, on May 4, 1854, and June 13, 1854, the Secretary of the Treasury paid to Curtis a total of $183,929.10, this sum including the value of other real estate purchased by said Curtis under his contract and not involved in this claim. The notice to the Secretary was given on March 31, 1854.

"III. In the year 1867 one James L. King instituted an action of ejectment in the district court of California against the superintendent of the mint at San Francisco to recover payment of one undivided one-sixth part of the lot in question, basing his claim for title on a deed, executed to him by Emily H. S. Ward on October 25, 1865, conveying all her estate, right, title, and interest in the real estate of her former husband, Samuel H. Ward, together with her interests in rents, back rents, issues, and profits of any real estate in California whereof her said husband was seized and possessed at his death. From this conveyance was excepted the certain lots previously conveyed by her contract, in no way covering the premises which are now the subject of consideration.

"The suit was defended by the United States district attorney under the direction of the Secretary of the Treasury and the Attorney-General.

"On August 15, 1878, judgment was entered in favor of the plaintiff for the recovery of one undivided sixth part of the lot in question. This judgment was affirmed by the supreme court of California (61 Cal., 221). A writ of error was sued out by the United States to the Supreme Court of the United States, and was by it dismissed on May 5, 1884.

"IV. The present claimants claim the former interest of Emily H. S. Ward by virtue of the following proceedings:

"James L. King conveyed all his right, title, and interest in said lot to Charles McLaughlin by deed of September 9, 1879. By a previous deed (November 7, 1867) King had conveyed to William W. Crane, jr., and James T. Boyd one-third of the interest which he had acquired under conveyance of Emily H. S. Ward.

"Hannah S. Crane, as executor of the will of William W. Crane, jr., on February 9, 1885, secured from the supreme court of Alameda County, Cal., a decree assigning, transferring, and distributing to her in accordance with the will of said Crane all property, real, personal, and mixed, of which the testator was seized and possessed at the time of his death, or in or to which he had any right, title, or interest.

"The fifth finding of the court sets out the proceedings of the appraisers of the estate of Samuel H. Ward, in whose report $1,250 is fixed as the monthly rental of the property belonging to the firm of Curtis, Perry & Ward, which was supposed to have been acquired by the United States under its contract with Curtis.

"It will be observed that the claimants are Hannah S. Crane, who acquired an interest as shown under the will of William W. Crane, jr., who was one of the two parties to whom James L. King executed the conveyance of November 7, 1867; James T. Boyd, the other of the parties in the said conveyance; Mary Ives Crocker and Kate May Dillon, whose interests were acquired through the conveyance of James L. King to Charles McLaughlin of September 9, 1879, as heretofore shown.

"The findings of the court do not set out the proceedings by which Mary Ives Crocker acquired the interest of Charles McLaughlin. These proceedings appear on pages 45, 46, 47, 48, 49, and 50 of the printed evidence filed in the Court of Claims, from all of which it appears that Charles McLaughlin died testate, his wife, Kate D. McLaughlin, being his sole residuary legatee and devisee. Before any distribution of the estate was had the said Kate D. McLaughlin also died testate, devising all her property to Mary Virginia Ives (then a femme sole, now Mary Ives Crocker) and Kate May Dillon. This devise became perfected by the vestiture, under proper legal proceedings, of title in the devisees on May 23, 1890.

"Upon the death of Samuel H. Ward one-half his realty descended to his wife by operation of the laws of California, unaffected by the provisions of his will; the other half was subject to Ward's testamentay disposition. (Laws of California, 1850–1853, Chap. CXLVII, sec. 11, p. 814.)

"This half was sold by Perry, the executor, to Curtis and passed, by the conveyance of the latter, to the United States. The other half was acquired by King under the conveyance from Emily H. S. Ward. It was a one-sixth interest in the whole, and this was the interest awarded to King, as shown by the ejectment proceedings.

"This one-sixth interest is represented by the claimants, and was acquired by them in proceedings which are summarized as follows:

"James L. King to W. W. Crane and J. T. Boyd, one-third of one-sixth, or one-eighteenth to both, being one thirty-sixth to each; W. W. Crane to Hannah S. Crane, one thirty-sixth; James L. King to Charles D. McLaughlin, two-thirds of one-sixth, or two-eighteenths; Charles McLaughlin to Kate D. McLaughlin, two-eighteenths; Kate D. McLaughlin to Mary Ives Crocker and Kate Dillon, one-eighteenth to each.

"The result of these several conveyances is the ownership by James T. Boyd of one thirty-sixth; Hannah S. Crane of one thirty-sixth; Mary Ives Crocker of two thirty-sixths; Kate Dillon of two thirty-sixths; making six thirty-sixths or one-sixth, the entire interest.

"It is thus seen that all the interests are represented in this application, and that the entire legal and equitable title will be vested in the United States as the result of the proposed proceedings, the bill providing that before receiving compensation for the use and occupancy of the property and for the value thereof 'all of said parties shall execute a release to the United States for all right, title, and interest whatsoever in and to the said property.'

"By reference to the case of Kinkead *v.* United States (150 U. S. Reports, p. 483) it will be seen that the bill as drawn in this case follows very closely the form of that passed by Congress on January 17, 1887 (24 Stat. L., 358), the material portion of which is set out in the opinion of the court at page 496, and the entire act in the dissenting opinion, pages 504, 505. It will be seen by reference to the opinion that the court held that an act passed in this form did not preclude inquiry into the title to the property, or any other material fact in the case, and the court in fact decided in that case adversely to the title set up by claimants. In that case, as in this, there had been a former proceeding in the Court of Claims in which the facts had been found by the court, but a want of jurisdiction had prevented the court from passing upon the legal merits of the claim. This defect of jurisdiction was removed by the passage of the act of January 17, 1887, and upon a hearing of the claim the Court of Claims and Supreme Court determined it adversely to the demands of the petitioners.

"This is all that the petitioners and claimants in the present case ask, though in one important particular their claim to such relief is certainly stronger than that which was before the Supreme Court in the Kinkead case. In that case there had not only been no judicial decision in favor of the title of the claimants, but there had been much action of the Executive Departments adverse thereto. In the present case, on the contrary, there has been a judicial decision in a proceeding to which the officers of the United States were parties—the United States themselves not being liable to suit by name in an action of ejectment—and in which the district attorney of the United States throughout appeared on behalf of the defendant under the direction of the Department at Washington, and a judicial decision by the highest court of the State of California in favor of their rights. This decision was carried to the Supreme Court of the United States by writ of error, but the writ of error was, before hearing, voluntarily dismissed on motion of the Attorney-General, who was evidently of the opinion that it could not be sustained.

"Another case which forms a conclusive precedent for granting the relief herein asked is the famous one of the Arlington estate.

"George W. P. C. Lee, son of Gen. Robert E. Lee, brought an action of ejectment against several officers of the United States Army for the recovery of the possession of a tract of land in Virginia used as a military station and national cemetery, and held by the defendants solely in their capacity as officers of the United States Army. The Supreme Court decided in favor of the claim of Mr. Lee on its merits and against the title set up in behalf of the United States, and gave judgment in his favor for the recovery of possession of the land against the officers of the United States. (See United States *v.* Lee, 106 U. S. Reports, p. 196.) Thereupon Congress promptly made the following appropriation by the deficiency appropriation act of March 3, 1883 (22 Stat. L., 584):

"'To enable the Secretary of War to remove all claims and pretensions in respect of the property in the State of Virginia known as Arlington, on which a cemetery for the burial of deceased soldiers of the United States has been established, and which property was taken by the United States for public use in the year anno Domini 1864, $150,000; but this appropriation shall not be paid out of the Treasury until the Attorney-General shall be satisfied, and so certify to the Secretary of War, that the deed or deeds to be given to the United States to the end aforesaid will convey a complete title and contain covenants of general warranty and covenants against every manner of claim against or in respect of said property, whether in rem or in personam, and also against all and every claim for damages in respect of, or the use and occupation of said property, and also a release by every person entitled of all claim for and to the amount bid, or any part thereof, in behalf of the United States, on the tax sale of said property.'

"In the present case the claimants have sued, precisely as Lee did, for the recovery of possession of their land from the officers holding it on behalf of the United States. The United States district attorney appeared on behalf of the defendants and resisted the suit at every step. Judgment has been rendered in favor of the claimants. Judgment in the action of ejectment, of course, entitles them to be put in possession of the land by the appropriate process. This, however, they have not yet invoked, preferring the peaceable remedy, more appropriate to be invoked by a good citizen, of an application to Congress to recognize their judicially established title and take the land, now used for public purposes, on payment to them of a fair and reasonable compensation. This compensation the Court of Claims is authorized by the terms of the bill to determine. Their application does not go so far as to ask the relief given in the Arlington estate case, by direct appropriation by Congress, but asks that they be permitted to go into court and get the judgment of the court on the value of the property, with suitable compensation for its use and for judgment for that.

"After establishing their title by the wearisome process of a steadily contested litigation, it would surely be inconsistent with justice and good faith on the part of the Government to award them anything short of such indemnity as the courts of the United States may hold to be justified by the evidence."

For the reasons above given your committee therefore report back the bill (H. R. 10558) favorably and recommend its passage.

The bill had been reported from the Commitee on Claims with an amendment, on page 2, line 2, after the words "United States," to strike out "together with legal interest hereon;" so as to read:

That jurisdiction be, and the same is hereby, conferred on the Court of Claims to hear the claim of Hannah S. Crane and others for the value of certain real property in the city of San Francisco, in the State of California, in which they claim an undivided one-sixth interest, upon the evidence already filed in said court and such additional legal evidence as may be hereafter presented on either side; and if said court shall find that said parties acquired a valid title to said real property as claimed, said court shall award the said parties the market value of the undivided one-sixth of said property at the time possession was taken of it by the United States.

The amendment was agreed to.

Mr. PLATT of Connecticut. Mr. President, I am not going to object to the passage of the bill, because I think it is very necessary that the title should be cleared up, and I have confidence that the Court of Claims will fairly consider the case. But, if I have heard the report correctly, it certainly discloses a want of care on the part of the Attorney-General in examining this title. I think the Government must pay if there is an outstanding title. Therefore I have no objection to the passage of the bill.

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

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

The bill was read the third time, and passed.

POST-OFFICE AND COMMERCE DEPARTMENT COMMISSIONS.

The bill (S. 6744) relative to the commissions of officers who are under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor, respectively, was considered as in Committee of the Whole.

Mr. HALE. There is no report in this case, and I should like the Senator who reported the bill, or any other Senator who has knowledge on the subject, to explain what the need is for this legislation.

Mr. SPOONER. The bill was very carefully considered by the Committee on Foreign Relations. Originally the Secretary of State impressed the seal upon all commissions issued by the President. It became a great burden. A law was passed excepting one Department, authorizing the seal to be impressed by that Department as to officers commissioned for service in that Department. Then another, the War Department; then the Navy Department——

Mr. HALE. One Department at a time?

Mr. SPOONER. One after another, until there are now but two as to which that is not the law—the Post-Office Department and the Department of Commerce and Labor. This completes the system.

Mr. HALE. As to the Department of Commerce and Labor, of course the law has to apply to it because it is new?

Mr. SPOONER. Yes.

Mr. HALE. And the law never has been applied to the Post-Office Department?

Mr. SPOONER. No.

Mr. HALE. So that the law by which, as a matter of convenience, the seal is affixed in the Department where the officers serve is by this bill applied to every Department of the Government. That is it?

Mr. SPOONER. Yes. It hastens the issue of commissions, and really we thought there could be no objection to it.

Mr. HALE. That is entirely satisfactory.

Mr. PLATT of Connecticut. Mr. President, I make no objection to the bill. I drew and introduced a similar bill and had it referred to the Committee on the Judiciary, as I supposed perhaps that committee had some jurisdiction of it. But I do not wish to contend about it on the matter of jurisdiction. I simply take this occasion to remark that I find that almost all the committees of the Senate are considering bills which, in my judgment, should properly be considered by the Judiciary Committee. This bill does not differ particularly from the bill I introduced and had referred to the Committee on the Judiciary, and I am entirely willing that it shall pass.

Mr. SPOONER. If the Senator from Connecticut introduced a bill like the pending one, I know absolutely that the Committee on Foreign Relations, in favorably reporting this bill, have made no mistake. This bill was introduced by the Senator from Illinois [Mr. CULLOM] and referred to the Committee on Foreign Relations, and I think nobody on the committee was aware, probably, that the Senator from Connecticut had introduced a similar bill.

Mr. HALE. It was referred to the Committee on Foreign Relations because the State Department hitherto has had jurisdiction of the seal.

Mr. SPOONER. We had a statement from the Department explaining the legislation hitherto and stating the necessity for this proposed legislation.

Mr. PLATT of Connecticut. I do not know why the Committee on Foreign Relations is particularly entitled to bills relating to the seal of the United States on commissions issued to officers serving within the United States and not in any way affecting the foreign relations of this Government.

Mr. SPOONER. In reply to the Senator from Connecticut, I will say that I do not know, either. So there is no controversy about that. I do not know why originally the seal should have been in the custody of the Secretary of State. There was some reason for it.

Mr. HALE. Naturally.

Mr. SPOONER. It was the first or one of the first Departments created. I do know that it was impossible, with the growth of the country and the vast increase in commissions, for the Secretary of State to have seasonably discharged the duty of impressing the seal, and Congress, recognizing that, many times changed the law as to different Departments.

I think the Senator from Connecticut is technically correct, that this bill should have been disposed of by the Committee on the Judiciary.

Mr. PLATT of Connecticut. I was trying to the best of my ability to correct the defect which has been found. I only am glad to be relieved from the responsibility of it by the Committee on Foreign Relations.

Mr. SPOONER. I am quite certain that if the Committee on Foreign Relations had known that the Senator from Connecticut had introduced a similar bill, and that it was pending before the Committee on the Judiciary, they would not have acted upon this bill without conference with the chairman of the Committee on the Judiciary.

But the substance of the whole business is that we all agree that the bill is right.

Mr. PLATT of Connecticut. That is right.

Mr. SPOONER. Therefore I think it may safely be passed.

The PRESIDING OFFICER (Mr. KEAN in the chair). The amendment reported by the Committee on Foreign Relations will be stated.

The SECRETARY. In line 2, after the word "affixed," it is proposed to strike out "and all official acts done by officers thus commissioned;" so as to make the bill read:

Be it enacted, etc., That hereafter the commissions of all officers under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor shall be made out and recorded in the Post-Office Department and the Department of Commerce and Labor, respectively, and the Department seal affixed thereto, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States. And all commissions heretofore issued by the Department of Commerce and Labor with the seal of that Department affixed are hereby declared legal and valid.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED ADDITIONAL LAND OFFICE IN UTAH.

The bill (S. 6707) creating an additional land office in the State of Utah, was announced as the next business in order on the Calendar, and was read.

Mr. CLAY. From what committee does the bill come, Mr. President?

The PRESIDING OFFICER. The Committee on Public Lands.

Mr. CLAY. Is there a report?

Mr. SPOONER. Will the Senator from Georgia pardon me for a moment?

Mr. CLAY. With pleasure.

Mr. SPOONER. I should like to inquire if the bill is recommended by the Department?

The PRESIDING OFFICER. The Chair will endeavor to ascertain whether there is a report.

Mr. HALE. Let the report be read, if there is one.

Mr. CLAY. Does the bill simply provide for a transfer?

Mr. SPOONER. No, for a new district.

The PRESIDING OFFICER. There is no report.

Mr. CLAY. There is no report? I think the bill had better go over.

The PRESIDING OFFICER. The bill will go over. Does the Senator ask that it go over without prejudice or under Rule IX?

Mr. SPOONER. Without prejudice.

Mr. PLATT of Connecticut. I notice that we have divisions in our Calendar. One division is of bills which have been "passed over without prejudice under Rule VIII," and then we come to a division that is headed "Point reached under Rule VIII, when last under consideration." I find in this division of the Calendar bills which have been passed over without prejudice. It does not seem to me that bills passed over without prejudice ought to be retained on this division of the Calendar. It simply requires that they come up day after day, and they are objected to day after day. I think when a bill is passed over without prejudice it ought to go under the division of the Calendar of bills which have been passed over without prejudice.

The PRESIDING OFFICER. The present occupant of the chair understands that it is the intention of the clerks to do that.

Mr. PLATT of Connecticut. It may have been done, but I

think I am not mistaken in saying that when we have been proceeding with the Calendar, we have, at the commencement of it, in past sessions certainly, come to bills which had not been transferred to the other division of the Calendar, although they had been passed over without prejudice.

Mr. HALE. Of course, the only object in having this separate list, which is new, under the title of "Passed over without prejudice under Rule VIII," is that whenever a case is objected to and is passed over without prejudice, it is transferred from the daily Calendar that we consider to the other list. It ought to be. Then when we take up the Calendar, we take it up at the point that was last reached, and go on with the bills, not taking up those which have been passed over without prejudice.

Mr. PLATT of Connecticut. Take the Calendar of to-day, if the Senator will permit me——

Mr. HALE. Yes.

Mr. PLATT of Connecticut. Page 14. The second case on that Calendar is Order of Business 2963, a bill (S. 6404) providing for the purchase and condemnation of irrigable lands in certain cases.

Mr. HALE. If the Senator will permit me——

Mr. PLATT of Connecticut. If I am not mistaken, that bill——

Mr. HALE. No. The Senator will remember that that bill gave rise to debate which was extended past the hour of 2 o'clock. The objection was not insisted upon, and it went over, and no entry was made of its being passed over without prejudice. I remember that, because——

The PRESIDING OFFICER. If the Chair remembers rightly, the hour of 2 o'clock arrived when the bill was still under consideration.

Mr. SPOONER. This morning it went over under Rule IX.

Mr. PLATT of Connecticut. It should have gone over under Rule IX.

Mr. HALE. That was not asked for. Nothing was done yesterday except that the unfinished business came up, and therefore this bill remained on the Calendar. No objection was made, which would pass it over without prejudice, and no suggestion was made yesterday that it be passed to the Calendar under Rule IX. It kept right on the daily docket.

Mr. SPOONER. It came up this morning, and went to the Calendar under Rule IX.

Mr. HALE. So it will not appear again on the daily Calendar?

Mr. SPOONER. No.

Mr. HALE. The Senator from Connecticut is clearly right, and I think the clerks should see to it that when a bill is passed over without prejudice it is passed over to this other subdivision of the Calendar, and then we can go on with the new cases which have never been objected to.

Mr. SPOONER. Let me say to the Senator from Connecticut, the correctness of whose position I admit, that this morning when we took up the Calendar at the "point reached under Rule VIII, when last under consideration," Order of Business 2962 and Order of Business 2963 were reached. Order of Business 2963 had gone over without prejudice yesterday.

Mr. HALE. No.

Mr. SPOONER. Yes; it had.

Mr. HALE. It had gone over. There was no entry that it went over without prejudice. That had been suggested, but when 2 o'clock was reached nothing was done. It simply stood on the Calendar.

Mr. SPOONER. Very well.

Mr. HALE. It did not go over without prejudice.

Mr. SPOONER. This morning both bills went to the Calendar under Rule IX.

Mr. HALE. They are there now, undoubtedly.

Mr. SPOONER. Yes.

Mr. PLATT of Connecticut. What was the condition yesterday of Order of Business 2962, the first bill on the Calendar—Senate bill 6313?

The PRESIDING OFFICER. The Chief Clerk has the RECORD, and will read from the RECORD in regard to the action on the bill.

The Secretary read from page 1641 of the RECORD, as follows:

Mr. TELLER. I do not believe this bill, without further amendment, will do the work that the Senator from Oregon thinks it will, and I shall object to it for the present.

The PRESIDING OFFICER. The bill will go over under the rule, objection being made.

The PRESIDING OFFICER. This was on Monday.

Mr. PLATT of Connecticut. Then it ought to have gone, ought it not, to the bills passed over without prejudice?

The PRESIDING OFFICER. The Chair thinks the Senator from Connecticut is right.

Mr. PLATT of Connecticut. Of course, I am making no complaint at all except——

Mr. HALE. The rule ought to be general.

Mr. PLATT of Connecticut. The rule ought to be general; and where a bill is passed over without prejudice it ought to be put over in the bills passed without prejudice, and the Calendar from day to day ought to contain only bills which have not gone over.

Mr. HALE. Yes.

The PRESIDING OFFICER. The Senator from Connecticut is evidently correct. The Chair thinks the clerks at the desk try to be absolutely correct about the matter, but sometimes there is a mistake made.

Mr. HALE. It is all right now.

The PRESIDING OFFICER. Order of Business 3181, being Senate bill 6707, goes over without prejudice.

Mr. CULLOM. What does that mean? Does it come up tomorrow in the ordinary call, or is it likely to come up then?

The PRESIDING OFFICER. It does not, unless called up.

Mr. CULLOM. If it goes over without prejudice, I do not know why it should not.

Mr. SPOONER. What is the Order of Business?

The PRESIDING OFFICER. Order of Business 3181.

Mr. SPOONER. The bill creating an additional land office in the State of Utah?

The PRESIDING OFFICER. It is.

Mr. SPOONER. I ask that it may go over under Rule IX.

The PRESIDING OFFICER. The bill goes over under Rule IX.

Mr. SPOONER. And if there is not forthcoming a recommendation from the Department, I shall move when it is reached that the bill be recommitted to the Committee on Public Lands.

SELECTION OF TIMBER LANDS.

The bill (H. R. 14622) prohibiting the selection of timber lands in lieu of lands in forest reserves was announced as next in order on the Calendar.

Mr. BERRY. The Senator from North Dakota [Mr. HANSBROUGH], who reported the bill from the Committee on Public Lands, it appears is not in the Chamber. I think I heard him state in the committee room this morning that he wishes to offer an amendment to one part of the bill, and I ask that it be passed over without prejudice until he comes in.

The PRESIDENT pro tempore. The bill will be passed over.

LIGHT STATION NEAR POINT CABRILLO, CALIFORNIA.

The bill (S. 6648) to establish a light and fog-signal station near Point Cabrillo, California, was considered as in Committee of the Whole. It proposes to appropriate $50,000 for the establishment of a light and fog-signal station at or near Point Cabrillo, California.

Mr. KEAN. Is there a report accompanying that bill? I think there are a good many fog signals being located on the California coast. I am not opposed to the bill, however.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. GALLINGER January 26, 1905, as follows:

The Committee on Commerce, to whom was referred the bill (S. 6648) to establish a light and fog-signal station near Point Cabrillo, California, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Commerce and Labor Department, as will appear by the following letter:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, January 21, 1905.

SIR: This Department has the honor to acknowledge the receipt of a letter dated January 17, 1905, from your committee inclosing a copy of Senate bill 6648, "To establish a light and fog-signal station near Point Cabrillo, California," on which suggestions are asked touching the merits of the bill and the propriety of its passage.

In reply this Department begs leave to state that the Light-House Board, to whom the matter was referred, reports that a light-house near Point Cabrillo would be of great assistance to navigation between Point Arena light-house and Cape Mendocino light-house, California, a distance of 115 miles, which is without a light or fog signal for that entire distance. The large vessels which traverse the coast usually keep well out, using Point Arena and Cape Mendocino or Punta Gordo as points of departure, but the smaller craft that transport the commerce of the small landings along the coast to the northward of San Francisco, which has now assumed quite large proportions, must feel their way as best they can close along inshore. During northerly and easterly weather it is to the advantage of all vessels going up the coast to keep well in under the lee of the land. For the benefit particularly of these a light and fog signal here is desirable.

The establishment of this light and fog-signal station, for the erection of which many petitions have been received, would enable vessels bound for Mendocino City to lie off the shore and hold on to the light or fog signal, instead of running the risk of entering that harbor at night or in foggy weather. After a careful examination of various sites, that at Point Cabrillo is considered the most advantageous.

The Light-House Board at its session on October 3, 1904, recommended the establishment of a light and fog-signal station at or near

Point Cabrillo, California. This Department, concurring with the Board, recommends the passage of this bill.

Respectfully,

V. H. METCALF, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

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

HEIRS OF GEORGE M'GHEHEY.

The bill (H. R. 9758) for the relief of the heirs of George McGhehey for services rendered as mail contractor was considered as in Committee of the Whole. It proposes to pay to the heirs of George McGhehey, deceased, $137.39, for services rendered by George McGhehey as mail contractor on routes No. 7870 and No. 7871, Arkansas, during 1861, as per balance to credit of George McGhehey, for service found due from January 1 to March 31, 1861, the date to which said service was certified.

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

TAXES AND ASSESSMENTS ON CHURCH PROPERTY.

The bill (S. 6514) for the relief of the Church of Our Redeemer, Washington, D. C., was considered as in Committee of the Whole. It provides that all taxes and assessments levied or unpaid on the part of lot 70 in Haw's subdivision, and fronting 37.42 feet on Eighth street W. extended by a depth of 121.67 feet, from July 1, 1885, to September 23, 1904, are hereby remitted, and all tax sales based thereon hereby canceled, in view of the fact that the property was held during that period for religious purposes by the Church of Our Redeemer.

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

AMENDMENT TO COPYRIGHT LAW.

The bill (H. R. 6487) to amend section 4952 of the Revised Statutes was announced as next in order; and the Secretary read the bill.

Mr. LODGE. I think the bill had better be passed over without prejudice, in the absence of the Senator from Connecticut [Mr. PLATT], because I understand he was considering some amendment about notice. The bill is a very important one and ought to pass; but an amendment was suggested by the Senator from Georgia [Mr. BACON], and I think he and the Senator from Connecticut were considering an amendment to meet that point. I am not sure about it, but that is my impression.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

RICHMOND LOCOMOTIVE WORKS.

The bill (S. 6568) for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Navy be, and he is hereby, authorized and directed to examine the claim of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works, for the payment of the sum of $10,490.96, alleged to be due for damages and losses incurred in the construction of the machinery of the armored battle ship Texas, through delays caused by the Government, without any fault on the part of the said company, and shall allow so much as said claimant may be found to be justly and equitably entitled to receive, not exceeding the said sum of $10,490.96. And whatever sum shall be found due on such examination by the Secretary of the Navy shall be paid to the said Richmond Locomotive Works, and is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and is to be in full and final settlement of all of its claims for damages and losses, as aforesaid.

Mr. LODGE. Is the bill from the Naval Committee?

The PRESIDENT pro tempore. It is reported from the Committee on Claims. The bill was reported by the Senator from Virginia [Mr. MARTIN].

Mr. MARTIN. It is from the Committee on Claims. It simply authorizes the payment of such sum as the Secretary of the Navy may on investigation ascertain to be justly due.

Mr. LODGE. I have no objection to it. The amount is $10,000, is it not?

Mr. MARTIN. Not exceeding $10,490.96.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 14749.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. CLARK of Montana. Mr. President, on the pending question of joint statehood for the Territories now before this body, I desire to submit some observations. In view of the fact that quite a number of speeches have been made in opposition, in which the subject has been discussed with eminent ability, it might seem to be a work of supererogation on my part to pursue the subject any further; but having an intimate knowledge and acquaintance with two of the Territories involved—that is to say, Arizona and New Mexico—by reason of large industrial and mining interests in both of them, I feel I would be derelict in my duty to the people of these Territories, and also, as I firmly believe, to the interests of this Government and the country at large, were I to remain silent when an attempt is being made, as I interpret the meaning and significance of this bill, to inflict a great injury upon at least two of these Territories which will be irreparable.

I have never visited Oklahoma and the Indian Territory with a view of studying their conditions or resources or possibilities. I have heard them set out in glowing colors recently in this Chamber; and it is very gratifying to me, and must be to every patriotic citizen of this Republic, to learn that both of these geographical divisions are richly endowed with abundant resources, comprising fertile lands, deposits of coal and oil, and great forests of useful and ornamental woods; that railway facilities are being extended; that villages and towns and cities, embracing the most recent modern improvements, are springing up all over both Territories; and that schoolhouses and churches, and all the adjuncts of the highest civilization, are being established and adopted.

I learn further, Mr. President, that each of these Territories has a population approaching closely a half million of people, which is increasing very rapidly, particularly in Oklahoma. Both Territories contain large areas of fertile agricultural land and ample streams of running water, and are favored with a sufficient rainfall to preclude the necessity of irrigation.

The Senator from Indiana, who has charge of this bill, in reply to a statement of the Senator from North Dakota, when the latter was delivering a masterly presentation of objections to this bill, in which he said that the State of Indiana, with only 30,000 people at the time, was admitted into the Union "on trust," admitted the fact, and in explanation made the following lucid and truthful statement:

Mr. BEVERIDGE. The Senator has done me the honor to refer to my State, saying that State was taken into the Union "on trust." That is true; it was taken on trust; but the State gave collateral—collateral which this nation always requires; collaterals placed in its hands by nature; collaterals of running streams bank full, of rainfall, and of soil, and all the elements that have made Indiana blossom in wealth and beauty; collaterals that absolutely made it certain that a great population would go there to live and strengthen the Republic. That is the reason it has redeemed its trust. The nation trusted to its future, but the nation knew that Indiana possessed all the natural qualities that made its future sure.

Now, Mr. President, no one will question the fact that every feature of that trust referred to by the Senator from Indiana has been faithfully and brilliantly redeemed and fulfilled. From that small beginning, with undeveloped resources and only 24,500 people, invested with the dignity of statehood in 1816, that State, which now has again honored the distinguished Senator with reelection, has become one of the wealthiest and most powerful States in the Union.

Turn to Oklahoma and the Indian Territory for comparison with the early conditions which existed in Indiana, and do we find any lack of "collaterals" which the Senator so graphically describes? The natural endowments of nature found in Indiana and the Territories in question were remarkably similar, with this difference in other respects: That each of these Territories contains approximately 475,000 inhabitants, or 1,900 per cent more than did Indiana at the date of its admission.

I think, Mr. President, that it is safe to say that the conditions existing to-day in both Oklahoma and the Indian Territory, as to numbers of inhabitants, culture of the soil, growth of towns and cities, and general development, compare very favorably with the Senator's State a quarter of a century after it was thought worthy to be received into the Union.

I will say this much with reference to these two Territories, that they are both undeniably entitled to separate admission; and if it be the desire of those people, separately expressed, to be thus admitted, they should scornfully protest against the attempt to consolidate them into one State. From the best information

I can obtain, I fully believe that 85 per cent of the people of the Indian Teritory are in favor of statehood for themselves; and, further, that the great majority of the people of Oklahoma entertain the same opinion as to that Territory.

It is a fact that the question of a large population has never in the history of the country been regarded as a serious factor of qualification in the admission of States. By consulting the list of thirty-two States, quoted by the distinguished Senator from Kentucky, comprising all of the States admitted since the Colonies gained their independence, you will find that sixteen of them had less than 100,000 people, sixteen of them had over 100,000, but none of them had as many as either of the two Territories—Oklahoma and the Indian Territory—that are now in question.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Indiana?

Mr. CLARK of Montana. Certainly.

Mr. BEVERIDGE. Does the Senator admit that the element of population should be considered at all in determining the qualifications of statehood?

Mr. CLARK of Montana. I certainly do.

Mr. BEVERIDGE. Then it is not the question of taking in an area regardless of the number of people who live there or who can live there in the future?

Mr. CLARK of Montana. I will say in answer to the Senator from Indiana, that while I consider the question of population as one of the qualifying considerations I do not consider it paramount. A reasonable number of people living in any one of the geographical divisions of this country are certainly qualified to be admitted into the Union when they form their own government.

Mr. BEVERIDGE. If the Senator will pardon me for one further interruption at this point, then I think I will not interrupt him further.

Mr. CLARK of Montana. Certainly.

Mr. BEVERIDGE. The Senator says he does not regard the element of population as a paramount qualification, although he admits it is one qualification.

Mr. CLARK of Montana. Certainly.

Mr. BEVERIDGE. I think all concede that the elements are area, population, the quality of population, and prospects of the future. Which one of those does the Senator think is paramount, if the number of people there and to be there in the future is not?

Mr. CLARK of Montana. As I stated, any reasonable number of people. To meet the requirements of the statute as it passed, I believe 60,000 people have been considered as the number as properly qualified for State government. There must be enough to give one Representative in Congress.

Mr. BATE. Will the Senator pardon me for an interruption?

Mr. CLARK of Montana. Certainly.

Mr. BATE. In regard to the Senator's statement of a population of 60,000, the ordinance of 1787 regulates that matter. General Washington submitted that in reference to Tennessee. But 60,000 are not regarded everywhere as the proper number. In 1816 and along there, when States came in, Indiana had a population of 24,000 and Illinois had a population of 34,000. So the number could not affect the question, but it is whether the population is sufficient to organize the State and have the State self-sustaining.

Mr. CLARK of Montana. If, therefore, Mr. President, these Territories—speaking now of Oklahoma and Indian Territory, or either of them—are, of their own volition, knocking at the door of Congress, seeking admission into the Union of States, I can see no good reason why their request should not be granted.

I would consider that an expressed wish on the part of those people in both Territories for joint or separate statehood, each speaking for themselves alone, should be deemed necessary as an absolute condition precedent to any action on the part of Congress, and my vote will be cast strictly in accordance with this theory so far as these two Territories are concerned. I am unqualifiedly opposed to thrusting greatness upon any Territory without the consent of its people. Such an act, even if not unconstitutional, would be arbitrary, undemocratic, reprehensible, and subversive of good faith, and unworthy of any God-fearing and liberty-loving people. Such a policy could be prompted only by narrow and selfish principles, suggested by jealousy of the marvelous and rapid expansion and development of the great West.

Now, Mr. President, I will leave these two Territories to work out their own destinies, promising them my cordial support in every effort they may make to reach the goal of statehood. The other proposition involved in this bill is to couple the two great Territories of Arizona and New Mexico and make of them one sovereign State of the Union. To this scheme I am unalterably and emphatically opposed.

First, however, I desire to express my views upon what I deem to be a legitimate and valid claim on the part of each of these Territories to be admitted, independent of each other, into the great sisterhood of States.

This Government obtained all the land comprising these Territories by treaty with Mexico in 1846 and by the Gadsden Purchase in 1853 after the war with Mexico, in which our arms were victorious and, as was so eloquently said by the Senator from Tennessee [Mr. BATE], it was dearly purchased with the blood of our gallant soldiers. That portion now constituting New Mexico was partially settled by Mexicans, while that part comprising Arizona had very few inhabitants at the date of the cession. I am in possession of a Spanish map dated 1777, which indicates that there were no settlements in the valley of the Gila River, and only a few Indian tribes occupied it. South of Tulquson (now Tucson) and extending to the present line of Sonora there were located a number of Spanish missions, presidios, and pueblos. It was a valuable acquisition for the United States to secure, settle up, and develop with American enterprise and energy, and prepare it to become the foundation of two great States of this Union, which will be its early destiny.

It now comprises two great Territories, with areas, respectively, 113,920 square miles in Arizona, and 122,580 square miles in New Mexico; and each of them contains a larger population, with seven exceptions, than any of the States hitherto admitted. I am of the opinion that a conservative estimate of the inhabitants of these Territories would be 225,000 for Arizona and 300,000 for New Mexico, as they are both increasing very rapidly in population.

Mr. President, I am of the opinion that the time has come when, with the possible exception of Alaska, Territorial governments should be eliminated and the few remaining ones should be clothed with the dignity of statehood.

This question has been discussed in every political convention and with such force as to lead to the adoption of planks, urging its fulfillment, in the platforms of the two great political parties of this nation. This, then, is the consensus of opinion of the constituent elements of both parties, emphatically expressed and reiterated and adopted as party policy for the guidance of the Representatives of both parties in Congress, and should be respected and observed. Can we afford to ignore them and trample them under foot? That is what the promoters of the bill propose to do.

Mr. President, there are very many disadvantages incident to Territorial government. The average citizen, no matter what may be his attainments, no matter what efforts and sacrifices he may have made in the interests of humanity or the upbuilding of his community or Territory or country, realizes that he does not enjoy the full privileges of American citizenship, that he can have no part in the election of the Chief Executive of the nation, and naturally he experiences a sense of wounded pride. This may be called sentimental, but it is nevertheless a commendable spirit that touches the heart of every patriotic American citizen. If you ask for a more substantial reason, I will state to you that the resident of a Territory can not enjoy the protection to person and property that he is entitled to and would receive under State government. The judicial systems prevailing in the Territories are far from satisfactory and do not meet the requirements of the people. Take Arizona, for instance, which is divided into four judicial districts, with one judge in each district. Appellate jurisdiction is vested in the supreme court, which is composed of the four district judges, and this court meets once a year to review cases on appeal. These courts also have jurisdiction in all Federal cases. These judges are appointed by the President of the United States, and not from members of the bar locally, but almost invariably from some of the Eastern States.

It is hinted that political debts are sometimes liquidated in this manner. Be that as it may, we do know that, while most of these appointees are excellent men, men of honor and integrity—and in this respect Arizona has been very fortunate—they are disqualified to act intelligently in many cases by reason of the peculiar conditions existing there. Litigation arises largely on account of contentions about water rights and mining titles, and damages resulting therefrom, with which the appointed judges are not familiar, and it requires a long experience to comprehend the intricacies and peculiarities of the practice in this character of litigation. If judges were selected from California, Montana, or some of the other mining States, it would be different, but you could not get a competent lawyer in those States who would accept the salary provided for a Territorial

judge. Then, again, with every change of administration, even if the political conditions are not changed (which I confess are not as frequent as some of us might desire), new judges are sent out, and these have to become familiar with the practice undoubtedly at the expense of some of the litigants.

I will furthermore state that the absence of a separate Federal court is a serious handicap to any Territory. All who have had any experience in the West understand fully the great advantages which those courts insure to litigants on both sides, on account of superior learning, independence, and the method of impaneling juries, by selection from different parts of the State, thereby securing juries free from the influence of local prejudices.

And now, Mr. President, there is another fact which I desire to emphasize, and that is this: Under a Territorial form of government it is impossible to make the rapid strides in the development of the resources of the country and in public improvements that do invariably follow the transition from Territorial government to statehood. I have witnessed this in my own State, Montana, as well as in the neighboring States of Washington, Utah, and Idaho. In a Territory there is always a feeling of uncertainty and instability. This is not confined to the residents thereof, but unfortunately prevails everywhere outside of its boundaries and works to its great prejudice. People seeking homes hesitate to move into a Territory. This word "Territory" seems to convey the idea of frontier life, with all its usual unsettled conditions which, in the public mind, render it undesirable as a proper place to establish homes and educate children. While the converse of this is true of all the remaining Territories, yet it is hard to convince people of the fact.

This same feeling of instability regarding the Territories prevails, moreover, in the commercial and financial centers of this country, and the effect is to circumscribe credits and limit the investment of capital, which are so essential to the carrying out of great improvements, to the opening of mines, building of reduction works, building of railroads, establishing power plants, and other great industrial enterprises, without which there can be no rapid growth or progress. All of these apprehensions will be dispelled, as shadows flee before the dawn of day, when the first rays of the sun of statehood shall kiss the majestic peaks of Arizona and New Mexico.

Then there will be a rapid shifting of scenes; the glad tidings of emancipation will be heralded from the mountain tops and through the valleys; and four new stars, I fondly hope, may be emblazoned upon the glorious flag of this great Republic.

Mr. President, having delineated some reasons, and there are many others which I could adduce if I had the time, why the remaining Territories should be admitted into the Union, I desire to show why Arizona and New Mexico should be admitted separately, each upon its own merits and not jointly as one State, as is proposed by the provisions of this bill.

In the absence of any specific provision of the Constitution or of any general act of Congress regulating the admission of States, it is contended by some that the power of Congress to change boundaries of Territories and divide them, when circumstances warrant it, is unlimited, and this is probably correct; but, Mr. President, there is no precedent in the history of this Government where Congress has attempted to materially enlarge the area of a Territory or to consolidate two Territories into one. Congress did, however, exercise its right to divide a Territory when found too large, in this very instance, by organizing Arizona out of the Territory of New Mexico. The wisdom which prompted this act on the part of Congress, in 1863, is confirmed by the fact that the population of both Territories since that time has increased perhaps tenfold, and this is a confirmation strong enough to satisfy any reasonable person. Moreover, by the very terms expressed in the enabling act, the Government entered into a solemn compact with the people of Arizona which it is in honor bound to respect. It is in the following unequivocal words:

Provided further, That said government shall be maintained and be continued until such time that the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States.

Can anything be more explicit than this? Can anyone contend that Congress can ignore this compact without a gross violation of an assurance which it should sacredly observe? Believing in the integrity of the Congress and that its autonomy would be maintained, Arizona devoted its energies to the formation of a model government; to the establishment of Territorial institutions; to the building up of an admirable school system, adapted to its own conditions and requirements, for the education of its children; to the adoption of a code and the enactment of appropriate legislation, and, Mr. President, the conditions there are totally different from those which exist in New Mexico, where the dominating population is of Mexican origin, in every respect dissimilar in habits, customs, laws, language, religion, and traditions. I desire to be distinctly understood that I do not intend to draw any invidious comparisons as between the inhabitants of these respective Territories.

The people of New Mexico are intelligent, industrious, and law-abiding, and are capable and equally deserving of separate statehood, and on this basis my appeal for that Territory is equally as earnest as for Arizona. Arizona has, however, built up certain conditions adapted to its own needs and requirements, and hence I ask, Mr. President, would it be fair or just to ask it to sacrifice the work of nearly half a century and share its hard-earned advantages with others without adequate compensation? Mr. President, these two Territories are almost as widely different as the antipodes. Lying on opposite sides of the great continental divide, the topography, geology, climate, and resources are all dissimilar. New Mexico has vast areas underlaid with valuable lignite coal deposits. These constitute one of the greatest elements of its wealth and prosperity. Arizona has none that have proved to be valuable. In New Mexico, while there are valuable mines of the precious metal ores, the people are largely engaged in coal mining, agriculture, and pastoral pursuits. In Arizona agriculture, stock raising, and fruit growing are largely pursued, but the greatest industry is the mining of silver, gold, and copper ores and the reduction of the same, to which I will presently allude.

People so absolutely separated as these by natural barriers, and with such diverse pursuits and proclivities, should have separate State governments. It is absolutely impossible to harmonize these interests in either the enactment of laws or the execution of the same, with any semblance of justice to all.

Mr. President, I think it is generally conceded by all fair-minded men who appreciate the blessings of a republican form of government, that the consent of the governed should always be respected. I submit then, whether or not, in this instance, we should ascertain the wishes of the people of these respective Territories, and once obtained, whether or not we should be governed by the same in the disposition of this measure. Or, Mr. President, finding the people of both of these Territories almost unanimously opposed to the measure, as I confidently believe to be the case, shall we proceed to enact a veritable "force bill" and inflict it upon them against their will? I have too much faith in the sense of fairness and justice in the minds and hearts of the members of this distinguished body to apprehend for a moment that they would entertain such a purpose.

The people of both Territories have spoken on this subject in no uncertain manner. Read the able speech of the Hon. J. F. WILSON, Delegate from Arizona, and you will find that protests of the most emphatic character, coming from citizens of every occupation and profession, and from every county and almost every community in the Territory have been filed. From the members of the legislature now in session at Phoenix, a joint resolution has been received, and I will ask leave to have it incorporated with my remarks in the RECORD.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

The joint resolution referred to is as follows:

PHOENIX, ARIZ., *January 20, 1905.*

Hon. J. F. WILSON,
Delegate to Congress, Washington, D. C.

To the Senate of the United States:

We, the legislative assembly, representing the unanimous sentiment of the people of this Territory, most respectfully, earnestly, and emphatically protest against the proposal embodied in the bill now pending before the Senate of the United States to make one State of the Territories of Arizona and New Mexico. We insist that such is without precedent in American history. It threatens to fasten upon us a government that would be neither of, by, nor for the people of Arizona. It would be a government without the consent of the governed. It humiliates our pride, violates our traditions, and would subject us to the domination of another Commonwealth of different traditions, customs, and aspirations. With the most kindly feeling toward the people of the Territory of New Mexico, we must protest against this proposed union and would rather remain forever a Territory than accept statehood under such conditions.

Resolved further, That the text of this resolution, over the signatures of the president of the council and the speaker of the house, with the votes by which it was passed, be forthwith telegraphed to the President of the Senate, to our Delegate in Congress, to Senators BATE, GORMAN, BAID, NEWLANDS, BAILEY, FORAKER, MORGAN, and BACON, and to Marcus A. Smith.

Above resolution passed house and council by a unanimous vote.

WILFRED T. WEBB,
Speaker of House.
GEORGE W. P. HUNT,
President of Council.

Mr. CLARK of Montana. Mr. President, I am very familiar with the Territory of Arizona and its people. I have made two visits there since this measure was introduced in the House of Representatives, and found it to be an almost universal topic of discussion, and I never heard one voice in favor of it. On the contrary, it was universally denounced as an unrighteous act, and I feel confident that were it submitted to a vote of the people of that Territory not 1 per cent of that vote would be cast in its favor.

As to the feeling in New Mexico with reference to it, I do not know from personal observation, but the legislature, which is presumed to voice the sentiment of the people—at least it should do so—has sent a joint memorial to Congress, which I will ask leave to have printed with my remarks.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

The memorial referred to is as follows:

Territory of New Mexico. Thirty-sixth legislative assembly. Council joint memorial No. 1, protesting to the Senate of the United States against the passage of statehood bill with the clause providing for the admission of New Mexico and Arizona as one State.

To the Senate of the United States Congress:

Your memorialists, the legislative assembly of the Territory of New Mexico, most respectfully protest against the passage of that clause of the statehood bill now before your honorable body, providing that New Mexico and Arizona shall become one State under the name of Arizona or any other name. Not only have the two great political parties of the nation in their national platforms repeatedly promised New Mexico and Arizona admission into the Union as separate States, but the people of this Territory, relying on these promises and knowing their cause to be just, have likewise in their political platforms expressed themselves as unalterably opposed to becoming united with Arizona, as provided in the bill now pending before your honorable body.

It certainly can not be seriously insisted that New Mexico, after having been a Territory of the United States for more than fifty years, during which time her people have been a law-abiding people and most faithful and loyal to the General Government, is not fitted to take upon herself the responsibilities of a State government. If extent of area, wealth, population, intelligence, and educational progress are elements to be considered in the admission of a new State, then we submit that New Mexico is entitled to admission at once. New Mexico is now fourth in area among all of the States and Territories, and her population—200,000 at the last census—was larger than that of 31 of the present 45 States at the time of their admission. The population of New Mexico is about one-ninth that of the average of all the States, while Ohio had but one-eighth and Indiana but one-twentieth of the general average when admitted. Our taxable property has a value of more than $200,000,000. Our system of public schools, our numerous modern school buildings throughout the Territory are models well worthy the emulation of some of the States of the Union. Strikes, lockouts, and mob violence are unknown in our Territory, and the administration of justice is certain, and therefore the courts have the confidence of the entire people.

Here are some special reasons why our claims should be considered favorably by your honorable body: New Mexico during the civil war showed her devotion and loyalty to the General Government by the great number of soldiers she furnished for the Union Army. In the recent war with Spain New Mexico furnished more than one-half of the soldiers that constituted the famous Rough Rider regiment, commanded by Col. Theodore Roosevelt.

In the opinion of your memorialists Arizona is not without her claims to separate statehood. In 1863, when that Territory was taken from New Mexico, Congress, in the act establishing the Territory, promised it statehood within its present boundaries.

A Territorial form of government is not compatible with the interests of the people. Such a government is intolerable and obnoxious to the American citizen. A Territorial government is only intended to endure up to the point where the people are ready to enter the Union as a State.

Such a government as ours in this Territory is a denial of many of the substantial rights of the people living within the Territory. It is an injustice to them to longer keep them in Territorial bondage. With the entrance of this Territory into the Union of States our wealth will rapidly increase. Capital will find investments here that is too timid to enter a Territory. Our great mineral resources, including vast iron and coal deposits, copper, silver, gold, sulphur, and other extensive minerals, will be rapidly developed, and in a few years, under a State government, enjoying civil liberty, we will be a prosperous people: Therefore, be it

Resolved, That the secretary of the Territory be, and he is hereby, directed to transmit certified copies of this memorial to the President of the United States, to the honorable Secretary of the Interior, to the President of the United States Senate, and to the members of the Senate Committee on Territories; and the secretary of the Territory is further directed to have printed 500 copies of this memorial and to mail a copy to each of the members of the two Houses of Congress.

JOHN S. CLARK,
President of the Council.
CARL A. DALIES,
Speaker of the House.
HARRY P. OWEN,
Chief Clerk of the Council.
GEORGE W. ARMIJO,
Chief Clerk of the House.

Approved by me this 18th day of January, A. D. 1905.

MIGUEL A. OTERO,
Governor of New Mexico.

Filed in office of the secretary of New Mexico, January 18, 1905—4.10 p. m.

J. W. RAYNOLDS, *Secretary.*

A true copy:
[SEAL.]

J. W. RAYNOLDS,
Secretary of New Mexico.

Mr. CLARK of Montana. From this it is evident, Mr. President, that New Mexico would vote down the measure if submitted to them. If, however, this memorial does not express the opinion of a large number of the people of that Territory, they would, in a joint vote with Arizona, have the power to adopt a constitution by reason of their numerical predominance and thereby coerce their neighbors in Arizona into an unwilling, and I might say an unholy, alliance.

The Senator from Indiana asked the Senator from California the following question:

Mr. BEVERIDGE. I ask the Senator what harm can come from submitting this question to the people themselves, and letting the people themselves say at the ballot box whether they want this or whether they do not, and whether or not that would be a more accurate expression of their desires than the sentiment of the governors appointed over them.

At a casual glance this proposal might seem to have a semblance of fairness, but under the hypothesis which I have just mentioned it would be absolutely unfair. No one would interpose any objection if the people of each Territory were allowed to vote separately on the question, but this was not contemplated in the proposition submitted by the Senator from Indiana. Later on in his admirable speech the Senator from California gave a complete answer to the question proposed.

Mr. President, it has been stated here by the very few who have had the courage to defend this indefensible measure, that Arizona has very little arable land and a limited supply of water. It is true that nature in her creation of the Grand Canyon of the Colorado, 60 miles in length and a mile in depth, thus presenting a scene of grandeur unsurpassed in the world and rivaled only by that of the Yellowstone National Park, effected a deep drainage in the Territory and consequent aridity, which, however, will be largely obviated by the irrigation projects in contemplation and in actual process of construction by the Government under the provisions of the reclamation act. That is the most important measure which has been enacted in a long time by this Congress. This work is being done under the direction of the most competent and skillful engineers. At least 750,000 acres in Arizona are easily available for irrigation, and that area, owing to the unparalleled fertility of the soil, will sustain a population of three-quarters of a million. This is, however, a matter of secondary importance.

I wish to say, Mr. President, that in the valley of Salt River the Government is already constructing an immense reservoir which, by the diversion of the waters of that river during the torrential period for storage, will contain sufficient water to irrigate 150,000 acres of land. It is intended by means of this dam to develop sufficient power to pump the water from the low sections and valleys, so as to irrigate another 100,000 acres of lands. In that valley of the Salt River in Arizona there is such fertility of soil that a larger amount of hay, alfalfa, and other products and cereals, as well as fruits, acre for acre, can be grown upon a single acre than can be produced anywhere else in this country.

There have been some animadversions in certain of the newspapers in this country upon the operations of the Government in carrying out the system of reclamation. I want to say to you, Mr. President, from personal experience in these different States and Territories, I find that this work is going forward under the direction of the most skillful men that the world has ever produced in this new line of engineering work with such precision and such enthusiasm and integrity of action that it is going to yield fruit of a manifold character that we and our posterity may hope to enjoy.

Mr. President, this matter of irrigation in the Territory of Arizona and the consequent cultivation of the soil is a matter of secondary importance. The mountains of Arizona are literally impregnated with valuable mineral deposits, and mining is the paramount industry there. Now only in the early stages of actual development her mines of copper yielded the past year about 230,000,000 pounds of fine copper, worth in the markets of the world $35,000,000 for the copper alone, and having an additional value of five or six million dollars for the precious metals which were contained therein. These figures are based upon estimates of the largest producing companies and are approximately correct. Arizona is at least the third in the list of States producing that metal, and in 1905 it will stand second, and next to Montana.

The Senator from Minnesota, referring to this matter and quoting the production of copper for the years 1900 to 1903, showing an increase in that time from 118,300,000 pounds to 147,000,000, an increase in three years of about 25 per cent, stated this was "only a slight increase." I consider it a very gratifying increase. Arizona began the production of copper in 1880 with 2,000,000 pounds of the metal. In 1885 the production was 22,000,000 pounds. In 1890 it was 35,000,000 pounds. In 1900 it was 118,000,000 pounds, and in 1905 it will be 250,000,000 pounds, and perhaps considerably more than that, as new dis-

tricts are being found and new mines are being opened up in many places; and besides this, there are numerous and extensive mines of lead, silver, and gold.

Mr. President, it is such industries as these of which Arizona can justly boast, that attract population and build up populous centers which are up to date in every respect; and if Arizona had not one acre of arable land, she has in her forests and mines sufficient elements of wealth and industry to constitute one of the greatest States of the Union.

Mr. President, there is another feature that deserves to be considered in connection with this matter.

The great plateaus of Arizona and New Mexico are destined to become the great sanitarium of this country, if not of the world. It has been repeatedly demonstrated, and in two cases under my own observation, that life in the open air with exercise and diversion in the dry and invigorating air of that region will cure consumption. When we realize that in the United States 1,500,000 people are afflicted with that insidious and dreaded scourge we can appreciate the advantages that will accrue and the blessings that will flow to suffering humanity for ages to come when these opportunities are made available. The open-air cure has been amply demonstrated. What a pathetic story we read of hundreds of victims of this disease at Lake Saranac and other health resorts sleeping all night on porches or in tents, with the mercury ranging 40 degrees below zero, in their desperate efforts and struggles against the approach of death.

Under the starry skies of Arizona and New Mexico and in the delicious tonic air of that region they would find a healing balm that would restore them to health and happiness.

Mr. President, I look in vain for any good reason, based upon the alleged facts upon which this measure is supposed to be founded, that would warrant the extraordinary zeal manifested by its promoters in urging its passage in this Chamber; and hence I am forced to conclude that there must be some ulterior purpose, which may be nothing less than the restriction of the representation of western interests in this branch of the National Congress.

I realize that there is a disposition to undervalue the importance of that section of the country and a disinclination to accord to it the credit to which it is justly entitled for the part it plays in the grand march of empire. I ask your indulgence, Mr. President, for a moment while I briefly allude to the thrilling activities of that country, which must challenge the admiration of the entire world, and which do entitle it to the highest consideration at your hands.

Mr. President, looking to the near future, the prospects of the Pacific coast States and Territories tributary thereto, and the great western part of this Republic in general, are radiant with hope and promise. With the open door in China, which this Government will maintain; the brilliant rise of Japan to rank as one of the great powers amongst the nations of the earth; with our own insular possessions in the Far East in process of development, the oriental trade of this nation must swiftly assume gigantic proportions. We see here a happy verification of the famous exclamation of that great and far-seeing statesman, Thomas H. Benton, when, pointing in the direction of the setting sun, he said: "There lies the East." The great intermountain States, which were only recently Territories—Montana, Idaho, Wyoming, and Utah—are making rapid strides, beyond the expectations of the most sanguine, in the fulfillment of every promise. Montana came in with a population of a hundred and thirty-two thousand, and to-day it has more than 250,000 people. Her towns are growing very rapidly. Such a condition of prosperity exists there to-day that I wish the framers of the bill could see it in confirmation of my contention that under statehood progress can be obtained that is absolutely impossible under a Territorial government.

The intermountain and Pacific coast States and Territories are contributing their hundreds of millions of dollars annually to the nation's wealth, and helping indirectly to build up our great cities which lie in or near the current of traffic which flows toward the Atlantic coast. Montana produces 275,000,000 pounds of fine copper annually, which is one-third of the entire production of the United States and one-fifth of the entire world's production. In the precious metals Colorado stands at the head, with a gold production of $26,000,000 last year, when many of her best mines were closed. Washington and Oregon are distributing the products of their great forests and grain fields all over the habitable globe. The mines of Alaska are pouring out a heavy stream of gold. The recent marvelous development of Nevada's hidden treasures of gold astounds the world; and right here permit me to say a word in behalf of that much-maligned State.

I was delighted the other day when the senior Senator from that State came so valiantly to its defense. When Nevada was admitted she had all of the necessary "collateral," both tangible and concealed in the hidden fissures of her great mountains. The decline in silver prostrated her great industries for a time, but now all is changed. Her magnificent streams of water, as pure as ever fell from heaven, that for ages have flowed down into the sinks of the Humboldt and Carson and disappeared in those desolate dead sea wastes, are now being diverted by the Reclamation Service to quicken into life the adjacent fertile lands. The discoveries of great deposits of gold-bearing ores in the last two years at Tonopah, Goldfields, Bullfrog, and several other places eclipses the most fairy Aladdin or Monte Christo tales of dazzling wealth. Ores are daily being shipped that carry thousands of dollars per ton. Those containing less than a hundred dollars a ton are left on the dumps for lack of shipping facilities. The fame of these developments has extended to the ends of the earth. So far the evidences of permanence in depth are assuring, and henceforth there will be heard no more reproaches for the premature admittance of Nevada.

A new transcontinental railway, just completed, the last rail having been laid on Monday, passing through that State, affords it another outlet and connects Salt Lake City with Los Angeles. The latter city, a veritable hive of industry, has doubled in population in the last three years, and it is now the second city on the coast. The country round about, a terrestrial paradise, the land of almost perpetual sunshine and adorned with perennial flowers, is now sending to the markets of the East its annual crop of more than 27,000 carloads of citrus fruits, and the coming orchards will increase it within five years to 50,000 carloads.

The extensive improvements now being made by the Government will make San Pedro Harbor, near by, next to the natural harbors of San Francisco and Puget Sound, the best in the world, and, being the first protected harbor north of the isthmian canal, on the Pacific coast, it will be the distributing point for Southern California, Arizona, New Mexico, Colorado, and the entire zone eastward which lies south of the territory covered by the Union Pacific Railway; and when that great national enterprise is completed—as it surely will be within a decade—the entire region which I have described will throb with a new energy and new life, and Arizona and New Mexico will feel the thrill of its pulsations and share in its prosperity.

Mr. President, I have directed your attention to the great West, its present activities, and its startling probabilities. I appeal to you, my fellow-Senators, to consider its claims to consideration as a coworker and great factor in carrying out, on this continent, the highest standard of civilization that has ever been attempted in the history of the world.

I beseech you, do not turn your back upon us or tie our hands. Meet us with encouraging words and allow us to throw off the shackles of a dispiriting and intolerable system of Territorial government, whose tendency is to cramp and dwarf the progress of these Territories rather than to build them up.

With full well-earned privileges, justly accorded to the great West, it will join hands with the East, the Middle West, and the South to eliminate sectional strife and work together in harmony in a common cause—the uplifting of mankind and the honor of the nation.

Mr. DILLINGHAM. Mr. President, it has not been my intention to submit any remarks on the bill, and I should not now do so were it not that the issue involved has been changed by the various amendments which have been offered.

I suppose everybody is aware that this is a contest which has been waging for twenty years, more or less, and that since Arizona became a Territory of the United States ten other Territories have been admitted into the Union of States. During this time various attempts have been made by Arizona and New Mexico to be admitted, but all of them have failed. In the meantime, Oklahoma has been organized as a Territory, and in a period of ten or twelve years has come so prominently to the front that two years ago she rapped at the doors of the Union for admission and presented considerations that attracted the admiration of everybody who gave them attention.

At that time what was known as "the omnibus statehood bill" was presented, providing for the admission of Oklahoma, of New Mexico, and of Arizona, and the debate upon the bill went on day after day and week after week.

The committee, for the first time, so far as I know, in the history of this class of legislation, was directed by the Senate to visit the Territories. They went through Arizona, through New Mexico, through Oklahoma, and through Indian Territory. They took a vast amount of evidence, which was printed and presented to the Senate. They made an exhaustive report, and they warmly favored the admission of Oklahoma, with the

Indian Territory attached, as a State. At the same time they opposed the admission of Arizona and New Mexico as separate States.

Now, in all the investigation that was made by the committee at that time, I do not recall a place visited where a whisper of jealousy was made on the part of any person as between Arizona and New Mexico. Those in Arizona praised New Mexico and those in New Mexico praised Arizona. There was a strong feeling in favor of statehood. The plea was that if they could have statehood, then prosperity would come to them as it had not in the past. Statehood, they said, was going to be the element of success which has been mentioned by the Senator from Montana [Mr. CLARK] to-day.

Toward the close of the session two years ago a proposition that had first been put into the shape of an amendment to the then pending bill in the House of Representatives was brought forward in the Senate. It is substantially the same as that which has been embodied in the bill we are now discussing, providing for the admission of Oklahoma and the Indian Territory as one State and of Arizona and New Mexico as another State. But it was too late in the session to take it up for consideration.

I suppose the purpose of the bill which we are now discussing, known as the "Hamilton bill," is simply to carry out that purpose, and, if possible, solve this difficulty by submitting to these two Territories the question whether they will jointly come into the Union as one State. It is not an effort on the part of anybody to force statehood upon them in that form. It is not, as the Senator who has preceded me has said, a force bill. It has nothing whatever of that characteristic.

The opposition in the previous Congress to the admission of Arizona and New Mexico as separate States was based upon the belief that neither one of them alone possessed within itself those elements of statehood—area, population, in number and character, and those qualities of permanence and probable growth—that would entitle them to separate statehood. But, recognizing the desire, or the apparent desire, of the people there for statehood as an institution, this bill has been proffered to them as a possible solution of the differences of opinion then existing.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER (Mr. HOPKINS in the chair). Does the Senator from Vermont yield to the Senator from Colorado?

Mr. DILLINGHAM. Certainly.

Mr. PATTERSON. The Senator from Vermont has told of the visit of the subcommittee to Arizona and New Mexico, and the universal desire expressed by those who gave testimony for admission as States. Did the committee in interrogating the witnesses in Arizona and New Mexico inquire of anybody how the people would like Arizona and New Mexico to be joined as a single State?

Mr. DILLINGHAM. I do not think it was mentioned.

Mr. PATTERSON. No?

Mr. DILLINGHAM. As I say, I do not think it was mentioned.

Mr. PATTERSON. The expressed desire for statehood in each was that each should be a State?

Mr. DILLINGHAM. Undoubtedly.

Mr. PATTERSON. Yes.

Mr. DILLINGHAM. The scheme I have referred to was the result of the discussion in this body which, as the Senator will remember, extended over several weeks.

Mr. PATTERSON. I should like to ask the Senator from Vermont another question, and that is with reference to submitting the question to a popular vote. New Mexico has nearly twice the population that Arizona possesses. The vote of New Mexico might be sufficiently great in favor of statehood to overwhelm the vote of Arizona in opposition to statehood, and yet in that event no matter how strong the opposition of the people of Arizona might be to the joint statehood, they would nevertheless by the joint vote be coerced into a statehood they did not desire. Is not that true, too? In other words, does this bill submit to the people of Arizona the question whether they are willing to be joined in statehood with New Mexico, or submit to the people of New Mexico the question whether they are willing to be joined in statehood with Arizona?

Mr. DILLINGHAM. The Senator is very well aware that the provision of this bill is that it shall be submitted to the people of the two Territories——

Mr. PATTERSON. Yes.

Mr. DILLINGHAM. And if accepted by a majority——

Mr. PATTERSON. It is a joint vote of the voters of both Territories.

Mr. DILLINGHAM. I can not make it any clearer.

Mr. PATTERSON. No.

Mr. BEVERIDGE. Will the Senator from Vermont permit me to ask the Senator from Colorado a question?

Mr. DILLINGHAM. Certainly.

Mr. BEVERIDGE. With the permission of the Senator from Vermont, I will ask the Senator from Colorado this question: Is the Senator from Colorado in favor of submitting this question to the vote of the people of each of the Territories separately?

Mr. PATTERSON. I certainly am opposed to coercing the people of one Territory into a statehood union with the people of another Territory against the will of the people of either one of the Territories.

Mr. BEVERIDGE. Yes; but directing the Senator's attention to my question, is the Senator opposed to submitting to the vote of each Territory separately the question whether they shall be joined?

Mr. PATTERSON. No; I am not.

Mr. BEVERIDGE. The Senator is in favor of that?

Mr. PATTERSON. If that is the dernier ressort in order to prevent this outrage, then I would be in favor of it. But let me tell you what ought to be done, in my judgment, if it is to be determined by a vote of the people of the two Territories. The question should be submitted to the voters of the Territories before the expense and trouble of a constitutional convention has been entered upon.

If you will amend the bill so as to submit the question nakedly to the people of Arizona and to the people of New Mexico separately, as to whether they desire to be joined in a State, and then let the calling of the constitutional convention rest upon a majority in each of the Territories in favor of joint statehood, I will vote for that as a substitute for all pending amendments.

Mr. BEVERIDGE. This clarifies the situation a great deal. The Senator from Colorado, whose acuteness of intellect I admire and respect, as he personally knows, would say that the only objection of submitting this question to a vote of the Territory directly is the mere question of the expense of calling a constitutional convention.

Mr. PATTERSON. I do not think that anything I said justifies the Senator from Indiana in reaching or stating a conclusion of that kind.

Mr. BEVERIDGE. Of course, if I am inaccurate I want to be corrected.

Mr. PATTERSON. I said as a dernier ressort, to avoid what I believe is an outrage upon the people of the respective Territories, I would vote for an amendment to submit it to the popular vote in each of the Territories; but if there is to be a vote, the vote should be had before there is any constitutional convention.

Mr. BEVERIDGE. On account of its expense, the Senator said.

Mr. PATTERSON. There are numberless reasons.

Mr. BEVERIDGE. That is the reason the Senator gave.

Mr. PATTERSON. That is true, but one is not expected to give all his reasons.

Mr. BEVERIDGE. Of course I would not expect the Senator to give all his reasons.

Mr. PATTERSON. That is one reason, and a good, substantial reason; but quite independently of the question of voting, if we know anything through the expression of popular opinion from the residents and the associations of the several Territories, the mass of the people of Arizona, at least—and I believe I am justified in saying the same thing about the people of New Mexico—are unalterably opposed to this union.

Mr. BEVERIDGE. Now, then——

Mr. PATTERSON. And in a body like this, so far away from the seat of controversy, we ought to respect, if it is possible for us to learn, the true state of public opinion in those sections of the country. We do know what that public opinion is, and we ought to respect it and hold it inviolable.

Mr. BEVERIDGE. Now, the Senator says that as a last resort, to use the English, to prevent the perpetration of this outrage upon those people he would be willing to let the people of each Territory separately vote upon the question. Of course the Senator sees that the people themselves would not vote for an outrage upon themselves, and so it would be no outrage to submit it to a vote of the people.

So far as I am concerned, I am not now, nor have I ever been, afraid to hear the voice of the people directly; and that is what never has been heard upon this question. The Senator knows that we have heard from interested parties, but the voice of the ballot box, speaking directly, will certainly convey a truer interpretation of the people's will.

The Senator gave as the only reason why he is against submitting it to a vote of the people of each of the Territories the fact of a constitutional convention, which reduces it merely to a question of expense; but since that expense is paid by the nation, and since it costs the people nothing, and since the whole thing will result in a campaign of education, I think the Senator himself will admit that that is the best thing to do, even from his point of view; and I am glad to hear the Senator say that he would be willing, although I never would, and I think probably the Senate would not, but still he approaches our position near enough to say that he would be willing to vote to submit this question to the vote of the people themselves.

Mr. PATTERSON. Mr. President, with the permission of the Senator from Vermont——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Colorado?

Mr. DILLINGHAM. I am perfectly willing to yield, Mr. President.

Mr. PATTERSON. The Senator from Indiana has a very happy faculty of stating what other Senators believe and what other Senators conclude, but when you come to analyze his statements they are far removed from the opinions really expressed. It is a faculty that is developed to a larger extent in the Senator from Indiana, as is being demonstrated every day to us upon this floor, than in any other member of this body.

Mr. President, it is not always necessary to go directly to the ballot box in order to determine what the real sentiment of a great community is. When you take a Territory like Arizona and find its legislature, its bar associations, its newspapers, every organized body that in its business and operations is able to express a public opinion, united in one unqualified statement, it is not necessary, I imagine, to call an election to allow each particular voter to go to the ballot box in order to determine just precisely what the people of that Territory desire in a matter of this kind.

It is for that reason, because every element of that Territory has spoken, because every organization has spoken, its legislature, its bar associations, its other organizations——

Mr. BATE. The school organizations.

Mr. PATTERSON. Its school organizations and its other organizations from one end of the Territory to the other have spoken. It is because they have all spoken and have all spoken the same words, and those words are unalterable opposition to this union that we have a right to say it is an outrage, and it must be an outrage, to force them into a union with a section of the country they do not want to be joined with.

Mr. BEVERIDGE. Is it an outrage to permit them to vote?

Mr. PATTERSON. Oh, no.

Mr. BEVERIDGE. Certainly not.

Mr. PATTERSON. That is almost too absurd a question to answer.

Mr. BEVERIDGE. Yet that is the point. The bill forces nothing on anybody. It permits the people to say whether they will accept its provisions or not.

Mr. DILLINGHAM. Mr. President, I do not think it is necessary that I should pursue that question any further than it has been carried by my friend from Indiana, who has completed my argument on that point much better than I could have done it myself.

But the issue presented by this bill has been changed during this debate. We first have an amendment that was proposed by the Senator from Colorado [Mr. PATTERSON], who has just spoken, which, as I understand it, proposes to make a separate State out of New Mexico; one presented by the Senator from Ohio [Mr. FORAKER], which proposes to make three States of Oklahoma, New Mexico, and Arizona; and yet another amendment proposed by the Senator from North Dakota [Mr. MCCUMBER], proposing to make four States out of this territory.

That being the case, the old question has come back again, and I propose this afternoon for a little while to inquire whether Arizona and New Mexico separately possess those qualities which entitle them to statehood at this time. In order to do that fairly, in order to make no comparisons with the great Central States like Illinois and Indiana and others of that class, which came into the Union with a very small population, but possessed of vast areas of fertile soil, watered by the rains of heaven continually, having a climate which is admirably adapted to agricultural development, and which are now maintaining millions of people—I say not to make a comparison with that class of States I propose to compare the condition of these two Territories with the States that have sought and found admission to the Union since 1863, most of them the Rocky Mountain States, the western division of States. I wish first to call attention to the increase in population between 1880 and 1900 in these different political divisions.

In New Mexico the increase in population has been 76,000; in Arizona, 82,000; but in Colorado, lying just north, it has amounted to 345,000. Wyoming has increased her population 71,000; Idaho, 129,000; Montana, 204,000; North Dakota, 282,000; South Dakota, 303,000; Utah, 132,000; Washington, 443,000; Nebraska, 614,000. Leaving Wyoming out of this calculation, it appears that the increase in each of the other States mentioned has been greater than the entire population of Arizona in 1900.

In each of the States of North Dakota and South Dakota the increase in population has been more than twice the entire population of Arizona in 1900, in Colorado nearly three times the entire population in 1900, and in Washington more than three times.

Again, in each of the following States, North Dakota, South Dakota, Montana, and Colorado, the increase in the twenty years has been greater than the entire population of New Mexico in 1900, while the increase in Washington has been twice as great as the total number of inhabitants in the Territory mentioned. The increase in the population of Colorado has been greater than was the population of both Arizona and New Mexico in 1900, and that of Wyoming has more than trebled in size in twenty years.

In South Dakota the increase of population has been nearly equal to the population of both Arizona and New Mexico in 1900; in Washington it has been greater, and in Nebraska it is nearly three times as great as the population of both Territories at the date of the last census.

Mr. BATE. I wish to ask a question of the Senator. Is it not a fact that the States mentioned, the western tier of States with this population, increased much more rapidly after they became States than they did in the Territorial form, and if these two yet in Territorial form had had the same opportunity as the others and had been admitted as States, would they not have had the same ratio of increase?

Mr. DILLINGHAM. I am very glad to say to the Senator from Tennessee that some of them have, notably Colorado, and I will speak of that later—a splendid State and with great resources.

Mr. BATE. I agree with the Senator about Colorado. But, if the Senator will pardon me, Colorado presents an exceptional case. She has developed very rich mines there recently which have added much to her population, and it is a grand great State. I wish to say furthermore that Colorado has been a State since 1876.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. Certainly.

Mr. HEYBURN. Does it not appear from the census that Arizona has multiplied its population by more than three since 1880, and that——

Mr. DILLINGHAM. In 1880 it was 40,000, and it was 122,000 in 1900.

Mr. HEYBURN. Arizona has multiplied its population by more than three and Colorado has multiplied its population by just a little less than three.

Mr. DILLINGHAM. But the increase is greater. The proportions do not tell the story.

Mr. HEYBURN. Speaking of the percentage of growth, is there a State east of the Missouri River that has doubled its population in that time?

Mr. BEVERIDGE. I do not wish to interrupt the Senator from Vermont, but this same question came up in debate——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. DILLINGHAM. I yield to the Senator.

Mr. BEVERIDGE. The question of multiplication of population, as the Senator will readily see, contains no argument, for the reason that if a school is started and has one pupil and there are two pupils it is an increase of 100 per cent, etc. It is not a question of multiplication of population. It is a question of increase. Arizona had a very, very small population, and has a small population still. I use the schoolhouse illustration, which was used ad infinitum here two years ago, to show what everybody knows and what the Senator himself, I am sure, knows, that the question of multiplication of population is no illustration at all. It is a question of increase.

Mr. HEYBURN. Is it not a question of ratio or percentage?

The PRESIDENT pro tempore. One moment, if Senators please. A Senator should not interrupt the speaker until he has asked consent and has been recognized by the Chair.

Mr. DILLINGHAM. In further answer, Mr. President, to the question of the Senator from Tennessee [Mr. BATE], I will say that those States where population has increased rapidly since their admission to the Union are the States where there are large agricultural possibilities. I have mentioned the Da-

kotas, and I call his attention to Washington, and especially to Nebraska, where the increase in population has been 614,000 during the twenty years, or nearly three times as great in number as the population of both the Territories which I have mentioned. I attribute this growth in these States to their great agricultural resources in large part.

I wish also to call attention to the character of the population in these two Territories as bearing upon the question of their ripeness for admission into the Union. We find that in 1900 there were in Arizona 26,480 Indians, which I do not suppose will be counted as an asset in this calculation, but rather as a burden. There were 28,000 Mexicans, an element which, as I understand it, is so distasteful to the people of Arizona that they strongly object to a union with New Mexico because of the preponderance of this class in the latter Territory. That leaves about 70,000 whites, according to the census of 1900, in the Territory of Arizona.

Now, then, what is the character of the people of Arizona? Take the question of illiteracy. We find that in this Territory, in 1880, 17.7 per cent were illiterates, but in 1900 the percentage had increased to 29 per cent. I do not know how that could happen except upon this supposition: Everyone who has traveled through Arizona knows that her larger towns, like Prescott, Phoenix, and other places of the same character, containing from 2,500 to 6,000 inhabitants, are filled with an exceptionally fine class of American citizens. They are educated men. They have gone there, very many of them, because of the climate that the Senator from Montana mentioned. They were out of health, but have recovered and have settled there. They have entered into business. They have enriched society.

On the other hand, the increase in population in that Territory has been largely drawn there by the ranch and by the mine, particularly the latter, and undoubtedly it is this class of population that causes the percentage of illiteracy which I have mentioned. But as compared with the group of States from which come many of the Senators here who sympathize with the aspirations of Arizona and New Mexico to become States, please remember that the percentage of illiteracy in Arizona is 29, while in the whole western division of States, as given by the census, it is only 6.3.

There are 23½ per cent of the people of Arizona who do not speak English, and as further indicating the transient character of a certain portion of the population of that Territory I call attention to the fact that only 43.6 of males over 15 years of age are married, while the percentage in New Mexico, Oklahoma, the Indian Territory, in Ohio, and in most of the States runs from 55 to 56 per cent.

The truth is, Mr. President, that Arizona lies in the semiarid region of this country. There is very little agriculture in the Territory. There are undoubtedly valuable mines, mines that will grow in their production. I have no doubt of that, but the class of people who constitute the increase of population is being drawn largely by the mines, because the ranches have been as thoroughly covered with cattle for the last ten or fifteen years as they can well be unless some means are discovered for furnishing water other than have been discovered heretofore.

Let us consider the conditions affecting population in New Mexico. In 1900 she had a population of 195,000. The question has been debated here as to how many of them were of Mexican origin and how many of them were Americans. Delegate RODEY estimated that two-fifths of the whole population are Mexicans. Mayor Moran, of Albuquerque, a very intelligent gentleman, testified that in his judgment there are 60 per cent of them Mexicans. The testimony indicates that the Americans are confined almost wholly to the towns, while the Mexicans are scattered all over the Territory and are to a very large extent small farmers on the streams and herders of cattle, sheep, and goats.

The Mexican population of New Mexico has been slow to take on American thought and American methods, and especially slow in acquiring the English language. They have been scattered badly and did not have the advantage of schools until 1889, when the present system was inaugurated. We find that in that Territory the use of an interpreter is found necessary wherever business is to be conducted. I think it appeared that in every court in the Territory, except in three counties, interpreters were required, the juries being mixed. Every political convention has an interpreter by the side of the speaker. In the legislature the same is true. The ballots of the Territory are printed in the two languages, and at all the political meetings an interpreter stands by the side of the speaker, and, if it be an English speaker, makes known to the Mexican portion of the audience what is being said. Even in the courts the charge to the jury is interpreted to the jury in the same way.

I am very glad to say that the degree of illiteracy in New Mexico has been decreasing very rapidly since 1880. It amounted to 65 per cent at that time, but by 1900 it had been reduced to 33.2 per cent—higher, to be sure, than it is in Arizona; higher, perhaps, than it is in any State of the Union. The conditions in both those Territories is in marked contrast with those in the western division of States, where the degree of illiteracy is only 6.3 per cent, or with Oklahoma, a Territory which has had its existence for only ten or fifteen years, and which to-day contains a population of 1,000,000 or 1,200,000 people and has a percentage of illiteracy of only 5.5.

Making the test as to whether these Territories should come into the Union at this time yet more clear, let us look at the number of farms which are operated by their owners. We find in Arizona that there are 5,000 of them—I will give the round numbers—in New Mexico, 11,000; in the Two Territories, 16,000 and a fraction. In Colorado we find operated by their owners 19,000 farms; in Idaho, 15,000; in Montana, 12,000; in North Dakota, 41,000; in South Dakota, 41,000; in Wyoming, 5,000; in Utah, 17,000; in Nebraska, 76,000, and in Washington, 28,000.

But that does not tell all the story. It simply shows that the number of farms operated by the owners in those two Territories is vastly less than those so operated in most of the States which have been admitted since the organization of Arizona as a Territory. But the percentage of improved lands in those farms is also comparatively small. That in Arizona is only 13.2 per cent; in New Mexico, 6.4 per cent; while in Colorado it is 24 per cent; in Idaho, 44 per cent; in North Dakota, 62 per cent; in South Dakota, 59 per cent; in Utah, 25 per cent; in Nebraska, 61.6, and in the State of Washington 40 per cent. This simply indicates that in Arizona and New Mexico, while the number of farms occupied by their owners is smaller than those so occupied in any other of those political divisions, the percentage of improved lands in that small number of farms is vastly smaller than it is in any of the States mentioned.

Very naturally the question comes as to whether this condition will be improved, whether we can hope in the future to see Arizona blossoming like the rose, and see her a great agricultural State supporting the millions of people of whom the Senator from Montana [Mr. CLARK] spoke this afternoon. It does not seem so to me, and the reason for my opinion is based upon the testimony of those who have made a study of the conditions there—Government officials, who have been charged with that duty. The Senator from Minnesota [Mr. NELSON], in his speech the other day, presented a letter from the Director of the United States Geological Survey, Mr. Walcott, which he caused to be printed in the RECORD, and which I will ask leave to have printed in my remarks without taking the time to read it.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., December 21, 1904.

Hon. KNUTE NELSON,
United States Senate, Washington, D. C.

SIR: I have received your favor of December 17, inquiring about irrigation in the Territories of New Mexico and Arizona.

In reply, I am inclosing table which will be printed in the forthcoming Census Report upon the acreage of irrigation in each drainage basin in these Territories. In addition to this, considerable development is possible in each Territory and will probably be carried out in the course of time by the Reclamation Service.

It is estimated that in New Mexico the irrigated acreage can be increased by 200,000 or 300,000 acres. A project has already been worked up for the use of the waters of the Rio Grande in Mesilla Valley. Investigations are in progress to determine the feasibility of irrigating considerable areas in the valleys of the Animas and La Plata in northern New Mexico; some development is possible under the San Juan, considerable in the drainage of the Pecos, and perhaps some on the headwaters of the Little Colorado and Mimbres.

In Arizona the chief developments possible are on the Colorado River, where several hundred thousand acres will eventually be irrigated; in Salt River Valley under the Tonto reservoir now under construction; in the Gila Valley under the proposed San Carlos reservoir, and in the valley of the Little Colorado in northern Arizona. It is roughly estimated that the present irrigated acreage in Arizona can be increased by about 500,000 acres.

Very respectfully, CHAS. D. WALCOTT, *Director.*

Irrigation in New Mexico, 1902.

Source of water supply.	Number of farms irrigated.	Number of acres irrigated.
All sources	9,285	254,945
Streams:		
Rio Grande and tributaries	5,023	93,105
Pecos River and tributaries	1,473	54,018
Canadian River and tributaries	1,420	54,375
San Juan River and tributaries	524	20,455
Gila River and tributaries	260	9,322
Cimarron River and tributaries	72	6,481
Independent streams	316	8,314
Trinchera Creek and tributaries	13	691
Other sources:		
Springs	108	3,072
Wells	76	2,112

Irrigation in Arizona, 1902.

Sources of water supply.	Number of farms irrigated.	Number of acres irrigated.
All sources	3,867	247,250
Streams:		
Colorado River and tributaries, exclusive of Little Colorado River and tributaries	274	10,661
Little Colorado River and tributaries	456	11,776
Gila River and tributaries, exclusive of Salt River and tributaries	1,669	80,448
Salt River and tributaries	1,293	138,810
White River and tributaries	6	384
Other sources:		
Springs	41	1,061
Wells	128	4,110

Mr. DILLINGHAM. What Director Walcott says is embodied also in the testimony of Mr. Newell, the officer having this work in charge, which can be found in the book of testimony which was printed two years ago.

From all these sources it appears that in Arizona in 1902 there were about 247,250 acres of land under irrigation, and we are told that that has been increased until at the present time it amounts to 300,000 acres. Under the act of Congress the Government work on the Colorado, the Salt, and the Gila rivers will add, so officers of the Reclamation Service tell us, 500,000 acres of irrigated land in the next ten years, so that at the end of ten or fifteen or twenty years 800,000 acres of land will embrace all that can be watered by the present system and by the system now being prepared by the Government. It does not appear from any of these reports that the storage of water for irrigation purposes can be increased beyond what it will be increased by the works now in the course of construction. So *ultimately* we may expect to see in Arizona 800,000 acres of land under irrigation.

I may state further that in the Senate committee's hearings on this bill Mr. Fowler, representing Arizona before us, only claimed that 800,000 acres would come under irrigation, and that only within twenty or thirty years.

What does that mean? When we think of agricultural States we think of those where, in addition to a good soil, is found a suitable climate, an abundant rainfall, and where, through the fruits of agriculture, a large volume of population may be maintained. But we think of Arizona as she is—a vast Territory as large, perhaps, as New England and New York combined, situate in the semiarid region of the country, and in which, according to the testimony, it is not probable that the next twenty years will see irrigated more than 800,000 acres, or less than 1¼ per cent of her entire area. And it appears from the testimony of all that agriculture can not prevail in that section in the absence of irrigation. The annual rainfall there is only 12 or 15 inches, as against 40 inches in most of the Western States.

The same is substantially true of New Mexico. There may be found under irrigation 254,945 acres; but under the system of improvement inaugurated by the Government there will be added irrigated areas of 300,000 acres, making in all about 550,000 acres, or about three-fourths of 1 per cent of the area of that great Territory. I do not know, nor have I heard it stated by anybody in the discussions of two years ago nor in those of this year, where the water is to come from to bring under cultivation the other 98 or 99 per cent of the area of these Territories.

Go a step further for the purpose of comparison. I have stated that ultimately Arizona will have 800,000 acres under irrigation. Colorado at the present time has more than double that area, or 1,611,271 acres. California has nearly, if not quite, 1,600,000 acres, and Montana has 951,152. Almost every one of the States in that section has more land irrigated to-day than has Arizona.

Under the conditions indicated it is difficult to understand how Arizona can ever have an agricultural basis for a population sufficient in number to entitle her to admission to the Union as a State.

If that be so, we have to look for other reasons, and we have to consider the proposition that has been urged so eloquently by the Senator from Montana this afternoon. He says that Arizona is to become a great mineral-producing State; that it is such to-day, and that the prospects of future increase in mineral production warrant her in asking admission into the Union at this time. That certainly has not as yet been demonstrated.

I have a table that was presented in debate—I think by the Senator from Kentucky, and which I have taken from the RECORD—giving the production of gold and silver in Arizona since 1882. In that year the value of gold and silver produced was $8,565,000. From that time down, instead of increasing, it decreased every year until 1892. In that year it began to increase, and in 1902 it had reached a point nearly as great as it was before. To be specific, in 1882 it was $8,565,000; in ten years' time it had gone down gradually to $2,550,952, but in 1902 had risen again to $8,253,000. Thus in twenty years the production of precious metals has fluctuated to a remarkable extent, and not until within two years has it nearly reached the record established in days of earlier development.

Now, as to the production of copper. In 1882 the production in pounds was 17,000,000; in 1892 it was 38,000,000; in 1902 it was 130,778,611; in 1903 it was 147,648,271. I do not know what copper is worth; but, calling it 10 cents per pound, that would make $13,077,861. Adding to that the production of gold and silver, you have $21,330,861 as the total mineral production for the year.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Colorado?

Mr. DILLINGHAM. Certainly.

Mr. PATTERSON. The Senator from Montana [Mr. CLARK] this morning, I believe, stated that the copper production of Arizona last year was 230,000,000 pounds——

Mr. DILLINGHAM. Yes; from the figures for 1904.

Mr. PATTERSON. And that this year it would amount to 250,000,000 pounds. He also stated that the product of last year was worth $35,000,000.

Mr. DILLINGHAM. I know the Senator from Montana made that statement. It was a very remarkable increase from 1903.

Mr. PATTERSON. And that this year it will be the second copper-producing State in the Union.

Mr. DILLINGHAM. Admit that, for the sake of argument——

Mr. PATTERSON. Now, let me suggest to the Senator from Vermont, having an eye to the prosperity of the agricultural sections of the country—States like Kansas, Nebraska, Ohio, and Indiana—whether it would be an unmixed evil if there was not such a vast amount of agricultural land in Arizona, provided its mineral productions were so great as to call in a large population. In such a case these agricultural sections could find a splendid market in Arizona.

Mr. DILLINGHAM. Mr. President, I shall be as much delighted as the Senator from Colorado if that time ever comes; and I do not deny that it will come. I hope it will. I simply say that it has not yet come, nor is the prospect so promising that we are warranted at this time in taking Arizona, her growth having been so slow, into the Union as a State upon trust of her future.

Going further than that, let us take New Mexico, whose production of metals in 1902 was only two and a half millions of dollars in value. So New Mexico can not base her claim for admission upon that branch of production.

But I want to take the matter up in still another form for comparison with the newer States, because these two Territories have constantly insisted that they have not been as well used as were those Territories in the western part of the country that have become States.

I have before me a table showing the value of all products of farms, manufactures, mines, wells, and quarries. Those of Arizona amounted in 1902 to $39,509,661; those of New Mexico to $18,447,883, making an aggregate of $57,957,544 for the year.

Now mark, that is the product of farms, of manufactures, of mines, of wells, and of quarries in these Territories. In Colorado I find that such products amounted in 1900 to $176,481,999, or four times greater in value than those of Arizona, nine times greater than those of New Mexico, and three times greater than both combined. I find that in Idaho those products amounted to $30,544,307, or one and one-half times greater in value than those of New Mexico and nearly as great as those of Arizona. In Montana they amounted to $113,957,866, or three times more than those of Arizona, six times more than those of New Mexico, and more than twice greater than both combined. In North Dakota they amounted to $73,770,575, or nearly twice those of Arizona, four times those of New Mexico, and more than both those Territories combined. The same is true and more than true of South Dakota. In Utah they amounted to $50,036,584, or nearly as much in value as products of both Arizona and New Mexico combined. In the State of Washington they amounted to $127,016,205, or more than twice as much as the value of similar products in both the Territories in question.

As I said before, I fail to make any comparison with the older and richer States, but confine my attention to those which

have been admitted since the organization of Arizona as a Territory.

A claim is made also that there is great wealth in Arizona and New Mexico, and particularly in Arizona, on account of its grazing lands. That is true, but it appears that you can only graze cattle within 5 miles of water, because the 5 miles constitutes a day's journey for cattle, and, therefore, in those parts of the Territory where water is not found cattle can not be herded.

It appears that the number of neat cattle kept in Arizona in 1900 was 742,635; in New Mexico, 991,859; in Colorado, 1,433,318; in Idaho, 363,534; in Montana, 968,387; in North Dakota, 657,434; in South Dakota, 1,546,800; in Utah, 343,690; in the State of Washington, 394,923; and so the list might be extended.

Mr. SPOONER. What was the number in Arizona and New Mexico?

Mr. DILLINGHAM. In Arizona, 742,635, and in New Mexico, 991,859. Colorado has more cattle than both the Territories; Montana has nearly as many as both; North Dakota has more than Arizona, and South Dakota has more than both.

But as was demonstrated by the Senator from California [Mr. BARD], in a speech delivered two years ago, the cattle industry in Arizona has gone, I think, to its utmost limits. In 1880, after the railroads were built through that region of country, there were 136,000 cattle in the Territory. In 1890 the number had increased to 928,000; but in 1892 there were droughts, and their number decreased. Since then their number has been still further reduced, so that in 1900 there were only 607,000. There can be no further growth of that industry unless, by the sinking of wells or by some other means, a water supply is found which the cattle can reach in those arid regions.

Now, just a word more, Mr. President. I had not intended to inflict a long speech upon the Senate, but I did want to bring out by statistics, which would answer the general statements to the contrary that have been made upon the floor of the Senate, the conditions existing in these Territories as compared with the conditions in the States in their neighborhood.

If these two Territories are adimitted as one State what will their condition be? We find that in 1900 New Mexico had a population of 195,000. Mr. RODEY thought that two-fifths of that number were Mexicans, and the mayor of Albuquerque thought that 60 per cent of the population was of that class; but take 50 per cent as a safe average, and it will appear that there are 97,500 Mexicans in that Territory. In Arizona there are 28,000 Mexicans. So, according to the census of 1900, the Mexicans in the two Territories numbered 125,000. Of whites in New Mexico there would be, by the census of 1900, 97,500, and in Arizona 70,000, making 167,500 whites, as against 125,500 Mexicans. But assuming that the immigration into those Territories since 1900 has gone on at the same ratio that existed between 1890 and 1900, there would be an addition to those Territories of 64,000. I can not conceive that such an immigration into those Territories would be composed of any class except whites. If that is so, and that number be added to the 167,500 already there it would indicate a total white population in the two Territories at the present time of 231,500, as against 125,500 Mexicans.

I must admit also, Mr. President, that I have not the fear of the aggressive force and power and action of the Mexicans which has been expressed on the part of some during these debates. After having gone pretty well over New Mexico, and having had very large numbers of Mexicans, some educated and some uneducated, brought before the committee and interrogated, I learned to look upon them as a people who are neither forceful nor aggressive, but law-abiding, peaceful, industrious, and, generally speaking, esteemed by all the people of that Territory. The judges testified that the Mexicans made very good jurors in the courts; but the testimony of Mr. Hughes upon that subject is so very pertinent that I want briefly to refer to it. Mr. Hughes is the editor of a paper in the city of Albuquerque. He was one of the persons selected by Delegate RODEY to make a statement before the committee on behalf of the Territory of New Mexico. I read from his testimony. He said:

> There is no corruption among the people of this Territory, or native people, unless a corrupt politician gets into them and corrupts them.

Then he adds——

Mr. SPOONER. Does that refer to American politicians or Mexican politicians?

Mr. DILLINGHAM. Of course, he is defending the Mexicans. He says:

> I was in the Pomeroy campaign in Kansas—

Perhaps this answers the Senator's question—

> I was in the Pomeroy campaign in Kansas, and I know what political corruption is. I have been a member of the legislature since 1887. I never knew a member to receive money for anything. If a native of this Territory likes you, and if they have confidence in you, you can get almost everything with them, and I will say this about them in politics, that in my twenty-two years' experience I have never had one of them to lie to me in politics. If the leaders say in a precinct here that it is going to come out so and so, it is going to come out that way. I have been the chairman of this committee here for years, and I never paid a Mexican a cent for his vote in this Territory. They are a quiet, peaceable people. You must remember that up to 1865 the peons of this Territory, which was possibly two-thirds of the population, were practically slaves. Lincoln's emancipation proclamation emancipated them. We have two or three hundred of them here working in the railroad shops. They are faithful workers. Forty or fifty of them are working in the woolen mills. They are not energetic. They do not care about getting rich like Americans. They are perfectly willing to let things go easy. They never suggest anything in the legislative assembly; they are perfectly willing to let anything go through. If you get a bill through and the next session you want to amend it, they say nothing, but go ahead and vote for the amendment.

That is a pretty good picture, I judge, of the passive character of the Mexican population of New Mexico. They are improving.

Mr. SPOONER. They are getting Americanized.

Mr. DILLINGHAM. They are getting Americanized.

In 1887—

This same Mr. Hughes said—

> I had the honor of introducing into the legislature the first public school bill. It was beaten, but the next session it was passed.

Then he said:

> We have in this town as good a school system as any American town in the country.

That is doubtless true.

Mr. President, I do not propose to take any further time in the discussion of this question. I think I have demonstrated from facts that neither of these Territories alone at this time has the elements of statehood. The committee have been actuated simply by the motive of offering statehood to the two Territories as one State. They have had no desire to thrust statehood upon them, but, inasmuch as the cry was for statehood, and for nothing else, and for the advantages which come with statehood, the committee have favorably recommended this bill, believing that if it is submitted to the people of the Territories they will decide it satisfactorily to themselves and, of course, satisfactorily to Congress.

Mr. TELLER. Mr. President, the Senator from Vermont [Mr. DILLINGHAM] says he has submitted to the Senate the facts in this case. He asks us to take the statements his committee made at a former session of Congress when they returned from a hasty trip through that section of the country. I recall very well the speech which the Senator made here, and the principal objection he seemed to have then against the people of that section was that the country was too large. I remember he told us that the committee stopped at one place, and then they did not reach another town of importance until they had gone 80 miles. To some people, I have no doubt, 80 miles is a great distance, but to some of the people who live in the West it is a very short distance. I can, however, readily imagine the Senator, coming from Vermont, would regard 80 miles as an immense distance, because if he was placed in the center of Vermont he could not go 80 miles in any direction without getting out of the State.

The Senator has not got the facts. I do not care what his committee did; it was utterly impossible for that committee, considering the short space of time they spent in those Territories, to have come here with an intelligent report.

Mr. BATE. And they have refused to allow the bill to be sent back to the committee for the purpose of getting additional testimony.

Mr. TELLER. I do no intend to go into a discussion of this matter to-night, but I think it is fair that some reply should be made under the circumstances, when the Senator from Vermont attacks a whole community, and not only attacks their commercial and industrial ability, but their intelligence as well, and tries to show that they are not making the progress they ought to make, but are progressing much more slowly than they should.

It is true that Arizona and New Mexico are not as thickly populated as they would have been if we had given them State governments long ago. The Senator from Minnesota [Mr. NELSON] yesterday said that so far as investments, etc., are concerned, it did not make any difference whether you live in a State or in a Territory. I think the Senator from Minnesota never lived in a Territory, or if he did it was so long ago that he has forgotten about it. The experience of every man on this floor who comes from a State admitted to the Union in the last generation will bear me out in the statement that immediately on the admission of a State there is an industrial progress such as had never taken place before. So we have kept Arizona and New Mexico from the blessings of statehood and from that prosperity which statehood brings, and has always brought, to

every single community in the last forty years at least, during which time I have been familiar with all the States admitted.

Mr. President, I desire to say to the Senator from Vermont, in reference to that magnificent State of his, which is good for raising men and women, though that is about all it is good for, I think—I know it has sent to us out West a great many good people—that if he will take the pains to go to the Statistical Abstract and look up the references to Vermont, as he has been doing with reference to Arizona and New Mexico, he will find that for the last twenty-odd years the State of Vermont has been retrograding and not progressing. There are fewer farms to-day in Vermont than there were in 1880, and they are of less value than they were in 1880.

Mr. DILLINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. TELLER. Certainly.

Mr. DILLINGHAM. I want to inform the Senator from Colorado that the farm products of Vermont in 1900 were greater in value than all the gold and the silver and the copper and the farm products of Arizona.

Mr. TELLER. I have not said they were not, but I did say that the farms were less in number in 1900 than they were in 1880—twenty years before.

Mr. DILLINGHAM. Less in number——

Mr. TELLER. I have the Statistical Abstract before me. The value of the farms and the machinery on them was thirty millions less in 1900 than it was twenty years before.

Mr. DILLINGHAM. May I say a word?

Mr. TELLER. If those figures are indicative of the progress necessary for a State to have, then I think that State is on the retrograde.

I have taken these figures from the Abstract within the last thirty minutes. In 1880 Vermont had 35,522 farms. In 1900 she had 33,104. In 1880 the percentage of farms improved was 67.3; in 1900 it was 45. Arizona in 1880 had farm land of the value of $1,127,946. In 1900 she had farm land of the value of $13,682,960. The value of all farm property, which includes stock, etc., in Arizona in 1880 was $4,427,746. In 1900 it was $29,993,847.

In 1880 the farm property of Vermont was worth $109,346,000; in 1900 it was $83,000,000. In 1880 the value of all the farm property of Vermont, and that includes machinery, was $130,811,490, and in 1900 it was $108,000,000.

Mr. President, I do not say that because Vermont has less value in her land, less value in farm property, less value in everything in the State she should not remain a State in the Union, or if she were out she should not come in, although it would not be a healthy prospect to admit a community that was running behind at the rate of 30 per cent in twenty years.

Mr. President, I consider the statements made on this floor by the Senator from Vermont as unfair, unjustifiable, and, I must say, untruthful.

Mr. DILLINGHAM. In what respect untruthful?

Mr. TELLER. When the Senator says that only a small area of this country can be cultivated. He has seen scarcely an acre of it; he does not know anything about it; and it can be demonstrated by governmental reports that that is not a true statement of the facts.

It is said by the Senator that in Arizona they have used up all the water. That is not true. There is a great big river on the border——

Mr. DILLINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. TELLER. I yield to the Senator.

Mr. DILLINGHAM. I do not think the Senator wants to do me an injustice.

Mr. TELLER. I do not intend to.

Mr. DILLINGHAM. I said what I did upon the authority of reports of the Department and letters from the officers of the Geological Survey. Now, if those are in fault, I am not responsible for it.

Mr. TELLER. Very well.

Mr. DILLINGHAM. Every figure I gave I used upon the authority of Mr. Newell and the Director.

Mr. TELLER. I am not going to question the Senator's sincerity, but I am going to challenge, and I do it because I know it is not true, the statement that the water of Arizona is already appropriated. On its western border there is a river running from the highlands in Colorado, hundreds of miles away, getting its water from Colorado snows, that can be diverted to irrigate thousands and tens of thousands of acres of land inside of the Territory of Arizona, if the Government carries out its reclamation policy.

Mr. DILLINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. TELLER. Certainly.

Mr. DILLINGHAM. I was not aware that I had stated that all the water had been used.

Mr. TELLER. Practically you did.

Mr. DILLINGHAM. No; I stated that the Government officers have made estimates as to what amount of land can be irrigated when the water is impounded, and the Government is now engaged in certain works for the impounding of the water. I did not say that it has all been used. The figures I gave are the estimates of the Department as to the results when the water has been used.

Mr. TELLER. I do not intend to go into details, but I want to say that ten years ago I was by that river for ten days when it was running 600 feet broad, 29 feet deep, and running at the rate of 8 miles an hour, and every drop of it going to the sea. It was the season of the year, too, when the water could have been put out upon the land had there been proper exertions made by the Government or by private capital. I was there in April when that was the condition of the river. Already they had cut the alfalfa, and it was in blossom and ready for the second cutting.

I stated here the other day that a 40-acre tract of land there will produce more on the average than a hundred and sixty acres in the North. I can show by the practical experience of men who live in that section that on a 10-acre piece of ground men have made a good living in the immediate vicinity of this river and got the water from the river by artificial means and not by gravity.

I venture to say here that all New England put together can not produce as much as the Territory of Arizona can produce in twenty-five years from now if we conserve and use what nature has provided—the water in that country—as we ought.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. I do.

Mr. BEVERIDGE. If it will not interrupt the Senator from Colorado, I should like to call his attention to the fact that the testimony of Mr. Fowler, the most ardent and the ablest advocate of statehood whom the committee encountered in all Arizona, showed that of a ranch of 400 acres he was able to irrigate only 40 acres, and that only by paying for water rights for 160 acres, although his ranch adjoined the river and all the irrigating channels were dug; and this was true merely because of the lack of water.

And further, not to take up too much time, I repeat what the Senator from Vermont said, that the figures given as to the amount of land which in the whole Territory can be brought under cultivation are the estimates not only of the present but of the future possibilities if the reclamation system succeeds.

Mr. TELLER. I know what can be done.

Mr. BEVERIDGE. And Fowler, I am reminded——

Mr. TELLER. The Government is now building a reservoir, and the Senator from Montana [Mr. CLARK] stated here to-day (I have no doubt he had the figures correct, although I would not pretend to say that those figures were exact; but he gave them) that 150,000 acres were to be watered by this reservoir, and that the power of this water used for irrigating purposes is to be used to pump water up on the higher land and water another 150,000 acres.

Mr. DILLINGHAM. May I interrupt the Senator for a moment?

Mr. TELLER. Yes.

Mr. DILLINGHAM. The Senator, I know, wants to do me justice. Mr. Fowler, who appeared before the committee, made a statement as to what would be the result when the waters were impounded, and the only claim he made—what he said would be accomplished in the course of twenty years, more or less—was 800,000 acres of land would be brought under irrigation.

Mr. TELLER. I do not know who Mr. Fowler is, and I do not know anything about his capacity or his ability to tell us the facts in the matter.

Mr. DILLINGHAM. I will say that Mr. Fowler is a very prominent citizen of Phoenix.

Mr. TELLER. He may know.

Mr. DILLINGHAM. He was the Republican candidate for Delegate from Arizona——

Mr. TELLER. He lives in the Salt River country.

Mr. DILLINGHAM. And he is engaged in the irrigation business.

Mr. TELLER. I know of him. He lives in what we call the Salt River country.

Mr. DILLINGHAM. Yes.

Mr. TELLER. It is a very productive country. They are short of water in that immediate neighborhood.

I do not intend to go into any general discussion. I know very well that it does not make a bit of difference what you prove on the floor here; there are certain Senators who do not intend to vote for the admission of Arizona and New Mexico as two States. I can not conceive that they believe that either one of them can not sustain itself as well as a dozen other States have been able to sustain themselves during the last one hundred years. If they do believe that, I can only conceive that they believe it because they have not informed themselves as they ought to inform themselves before they vote upon a question of this kind.

The Senator from Vermont says, "Of course we are not forcing statehood on these Territories." I should like to know what this is, if you are not forcing statehood on them. You deny to them the right to say whether they want to come in as a State or not. It is the first time in the history of this country that any community asking the right of statehood has not been allowed to determine whether they would come in or not. Why do you say you are not forcing it upon them when not one of you men who are supporting this bill will vote to give the people an opportunity to say whether they want to come in or not, unless you can combine the two elements of New Mexico and Arizona together, as if the people of Arizona had not a right to be heard?

When Colorado was made a State we were given an opportunity to go to the polls and say whether we wanted to be a State or not. That has been the case with every State yet admited, so far as I know, except the State of Nevada. Perhaps the State of California was an exception, because her people were here clamoring as no other people ever did clamor for State government, practically threatening, if Congress did not admit them, to organize a government of their own. All we have asked is that these communities, not together, but separately and distinctly, should have the voice that every American citizen is entitled to have, and which, I repeat, has never been denied to American citizens; and no decent excuse can be made here why it should be denied now.

Mr. DILLINGHAM. Mr. President, I desire to say one word in reply to what has been said by the Senator from Colorado [Mr. TELLER]. I do not need to go back to the early history of Vermont and speak of it, because I remember a very handsome eulogy that the Senator himself, whose mother was a native of that State, paid to the early history of Vermont some two or three years ago in debate here. Vermont came into this Union as the first admitted State. She had been a State for a good many years before coming into the Union. She was organized in 1776. She fought through the Revolution as a State side by side with the thirteen original States, but by reason of New York's claim upon her she was not admitted into the Union. But after the close of the war and after the treaty of peace she continued an independent republic for some eight or nine years, exercising all the functions of government; and the nation finally invited her to come into the Union, and she came. She had done her part in the Revolution, and she was in fact as much one of the original States as the thirteen which had been colonies.

Vermont has had her history since that time. I think the history is a pretty fair one for a small State. I am sorry that the Senator saw fit to think it was an argument on this question to attempt to show that Vermont had decreased in the amount of her farm property during the period he mentioned. That charge has been made over and over again, and over and over again it has been answered. Her small farms have been sold, and have come in with other small farms and made larger farms. That accounts for the decrease in the number of her farms and the number of the individuals who own them.

Vermont has prospered and her farmers are prosperous to-day. They never have been more prosperous than they are to-day. During the period of the war the price of farms in Vermont soared until it reached an unprecedented figure. Butter was high. She was a dairying State. After the seventies those values began to decline, but slowly, and the farm property of Vermont was the last class of property to reach specie basis after the adoption of the act for resumption of specie payment.

Now, briefly stated, that accounts for these things. I would not have said this except for the trouble the Senator took to throw a ball at the State of Vermont, because I, as one of her Senators, had taken the liberty to discuss a question that is pending in the Senate.

Mr. TELLER. Mr. President, I have thrown no ball at the State of Vermont. I am as thoroughly acquainted with the history of Vermont, perhaps, as is the Senator. I trace my blood back to the first governor of the State, too.

I called attention to the fact that here is a State in the Union that has not progressed as many other States have, not with the suggestion that she was to be denied any of the rights of statehood or that any mistake was made when Vermont was brought into the Union. I understand her history. The State was brought into the Union whenever the State of New York was willing to allow her to come. It could not have come until that was done. Otherwise it would have come when the thirteen other States did, undoubtedly.

I do not intend to allow the Senator to say that I have been attacking the State of Vermont. Neither did I mean to charge the Senator with any misstatement. I did not believe his information was good; I do not yet believe it is; but I said then that I admitted his sincerity and all that.

Mr. President, a man who has spent nearly forty-five years in the Western country, although born in the East and educated in the East, can not but have some little feeling for that section of the country. I have seen it grow up. I have seen it grow from a scattering population until to-day it has one-fourth of the people in the Union. It is producing a majority of all the grain produced in the United States. It has produced for the last sixty years 99 per cent of all the gold and silver that have been produced in this country. It has produced practically all the lead. It has wealth untold, and that, too, in every part of it.

I know what these great Territories of Arizona and New Mexico can do. I am familiar with their capacity for improvement and progress, and I know the people of those sections, more particularly of New Mexico than I do of Arizona, which is very much more American than New Mexico.

I confess to some irritation and some vexation when I am told that among the reasons why you should deny citizenship to these people is the fact that they still speak the Spanish tongue and have to have an interpreter in court. I do not wonder that the Spaniards of New Mexico speak the Spanish tongue, and I should have less respect for them if they did not.

They come of a great race. They can go back not long since when they were the dominating power of the world; and if you want to go back into the history of individuals, you can find among the people of that race men who were as thoroughly imbued with the ideas that were crystallized in our Declaration of Independence as you can find anywhere in the world. You can go back hundreds of years and find those men proclaiming these great political truths that sometimes we think are of modern origin and with respect to which we are entitled to claim credit as the promoters and discoverers. The history of her statesmen and her warriors gives to the people of that country a right to be proud of their race and of the people from whom they come.

I know families in the State of New York that retained the Dutch language for more than two hundred and fifty years, and were not willing to part with it because they remembered the glory of William of Orange and the Dutch people from whom they sprung.

Most of these people have been denied the privileges of schools. They did not come, perhaps, from that immediate part of the Spanish people who were imbued with the necessity of education as the Anglo-Saxon race is, and we here have denied to them for more than fifty years the opportunity of putting themselves in the line of progress, notwithstanding the solemn pledge made to the Government of Mexico when they became a part of the United States that they should be incorporated into this Union, notwithstanding the fact that there have been at last thirty or forty reports in favor of their admission made by members of every political party that has ever been in power and declarations that they were entitled to admission made by every political organization, as I could show if I took the time to read them, from 1850 to the present time. And yet we hear it said here that they have not the capacity, that they have not the financial ability, that they have not that knowledge of the rights of men which would enable them to maintain a government. They are as able to maintain a government as are the people of Vermont, and I will venture to say that they will maintain as good order in New Mexico or Arizona as do the people of New York or Massachusetts or any New England State.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent

in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 2, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 1, 1905.

CONSULS.

James C. Kellogg, of Louisiana, to be consul of the United States at Barranquilla, Colombia, vice Clair A. Orr, resigned.

Daniel S. Kidder, of Florida, now consul at Algiers, to be consul of the United States at Nanking, China, vice William Martin, nominated to be consul-general at Hankau, China.

James Johnston, of New Jersey, now consul-general at Hankau, to be consul of the United States at Algiers, Algeria, vice Daniel S. Kidder, nominated to be consul at Nanking, China.

CONSUL-GENERAL.

William Martin, of New York, now consul at Nanking, to be consul-general of the United States at Hankau, China, vice James Johnston, nominated to be consul at Algiers, Algeria.

REGISTER OF LAND OFFICE.

Walter L. Cohen, of Louisiana, to be register of the land office at New Orleans, La., his term having expired January 19, 1903. (Reappointment.)

ASSOCIATE JUSTICE.

Arthur A. Wilder, of Hawaii, to be associate justice of the supreme court of the Territory of Hawaii, vice Francis M. Hatch, resigned.

PROMOTIONS IN THE NAVY.

Lieut. George R. Slocum, to be a lieutenant-commander in the Navy from the 24th day of August, 1904, vice Lieut. Commander Harry M. Hodges, promoted.

Lieut. Commander Clifford J. Boush, to be a commander in the Navy, from the 12th day of January, 1905, vice Commander William W. Kimball, promoted.

POSTMASTERS.

ARKANSAS.

James T. Reding to be postmaster at Huntington, in the county of Sebastian and State of Arkansas, in place of James T. Reding. Incumbent's commission expires February 11, 1905.

Henry Thane to be postmaster at Arkansas City, in the county of Desha and State of Arkansas, in place of Henry Thane. Incumbent's commission expires February 11, 1905.

CALIFORNIA.

Herve Friend to be postmaster at Hollywood, in the county of Los Angeles and State of California. Office became Presidential January 1, 1905.

George P. Manley to be postmaster at Sanger, in the county of Fresno and State of California, in place of George P. Manley. Incumbent's commission expires February 11, 1905.

Winslow L. Rideout to be postmaster at Lakeport, in the county of Lake and State of California, in place of Winslow L. Rideout. Incumbent's commission expired January 31, 1905.

GEORGIA.

Alice B. Bussey to be postmaster at Cuthbert, in the county of Randolph and State of Georgia, in place of Alice B. Bussey. Incumbent's commission expires February 11, 1905.

James F. Dever to be postmaster at Rockmart, in the county of Polk and State of Georgia. Office became Presidential July 1, 1904.

IOWA.

William W. De Long to be postmaster at Eddyville, in the county of Wapello and State of Iowa, in place of William W. De Long. Incumbent's commission expires February 4, 1905.

Chester A. Van Scoy to be postmaster at Woodbine, in the county of Harrison and State of Iowa, in place of Chester A. Van Scoy. Incumbent's commission expires February 11, 1905.

Jacob H. Wolf to be postmaster at Primghar, in the county of O'Brien and State of Iowa, in place of Jacob H. Wolf. Incumbent's commission expires February 11, 1905.

LOUISIANA.

Thomas J. Woodward to be postmaster at New Orleans, in the parish of Orleans and State of Louisiana, in place of J. Watts Kearny, deceased.

MARYLAND.

Thomas O. Jefferson to be postmaster at Federalsburg, in the county of Caroline and State of Maryland. Office became Presidential January 1, 1905.

MICHIGAN.

Robert E. Newville to be postmaster at Boyne, in the county of Charlevoix and State of Michigan, in place of Robert E. Newville. Incumbent's commission expires February 11, 1905.

MINNESOTA.

Thomas A. Bury to be postmaster at Two Harbors, in the county of Lake and State of Minnesota, in place of Nels C. Nelson. Incumbent's commission expired December 20, 1904.

Hattie J. Hodgson to be postmaster at Herman, in the county of Grant and State of Minnesota, in place of Hattie J. Hodgson. Incumbent's commission expired January 31, 1905.

MISSOURI.

Warren T. Meyers to be postmaster at Warsaw, in the county of Benton and State of Missouri. Office became Presidential October 1, 1904.

MONTANA.

George W. Crane to be postmaster at Fort Benton, in the county of Chouteau and State of Montana, in place of George W. Crane. Incumbent's commission expired December 20, 1904.

NEW HAMPSHIRE.

Adelia M. Barrows to be postmaster at Hinsdale, in the county of Cheshire and State of New Hampshire, in place of Adelia M. Barrows. Incumbent's commission expires February 11, 1905.

NEW YORK.

Archibald K. Fowler to be postmaster at Caledonia, in the county of Livingston and State of New York, in place of Alfred H. Collins. Incumbent's commission expires February 11, 1905.

OHIO.

Christopher J. Butts to be postmaster at Osborn, in the county of Greene and State of Ohio, in place of David M. McConnell. Incumbent's commission expired December 12, 1903.

Emley B. Gatch to be postmaster at Milford, in the county of Clermont and State of Ohio. Office became Presidential July 1, 1904.

SOUTH CAROLINA.

James A. Davison to be postmaster at Blackville, in the county of Barnwell and State of South Carolina. Office became Presidential October 1, 1904.

Bernhard Levy to be postmaster at Walterboro, in the county of Colleton and State of South Carolina, in place of Bernhard Levy. Incumbent's commission expires February 11, 1905.

John P. Little to be postmaster at Clinton, in the county of Laurens and State of South Carolina, in place of John P. Little. Incumbent's commission expires February 11, 1905.

SOUTH DAKOTA.

Calvin Betts to be postmaster at Mount Vernon, in the county of Davison and State of South Dakota. Office became Presidential January 1, 1905.

TEXAS.

John C. McBride to be postmaster at Woodville, in the county of Tyler and State of Texas. Office became Presidential January 1, 1905.

Lafayette Sharp to be postmaster at San Augustine, in the county of San Augustine and State of Texas. Office became Presidential January 1, 1905.

UTAH.

Simon P. Dillman to be postmaster at Vernal, in the county of Uinta and State of Utah, in place of Reuben S. Collett, removed.

WISCONSIN.

James R. Shaver to be postmaster at Augusta, in the county of Eau Claire and State of Wisconsin, in place of Charles W. Culbertson. Incumbent's commission expires February 11, 1905.

CONFIRMATIONS.

Executive nomination confirmed by the Senate January 31, 1905.

POSTMASTER.

PENNSYLVANIA.

Henry G. Moyer to be postmaster at Perkasie, in the county of Bucks and State of Pennsylvania.

Executive nominations confirmed by the Senate February 1, 1905.

POSTMASTERS.

ARKANSAS.

Lyman S. Roach to be postmaster at Texarkana, in the county of Miller and State of Arkansas.

CALIFORNIA.

William E. Reading to be postmaster at Bodie, in the county of Mono and State of California.

FLORIDA.

John B. Leffingwell to be postmaster at Bradentown, late Braiden Town, in the county of Manatee and State of Florida.

KANSAS.

Fannie M. Hutchison to be postmaster at Wilson, in the county of Ellsworth and State of Kansas.

MASSACHUSETTS.

Lawrence W. Dower to be postmaster at Easthampton, in the county of Hampshire and State of Massachusetts.

MICHIGAN.

Ada M. Emery to be postmaster at Hancock, in the county of Houghton and State of Michigan.

MISSISSIPPI.

Jennie D. Ligon to be postmaster at Gloster, in the county of Amite and State of Mississippi.

MONTANA.

Albert Pfaus to be postmaster at Lewistown, in the county of Fergus and State of Montana.

NEW YORK.

Henry Gordon to be postmaster at Fishers Island, in the county of Suffolk and State of New York.

Charles H. McOmber to be postmaster at Watervliet, late West Troy, in the county of Albany and State of New York.

James H. Smith to be postmaster at Franklinville, in the county of Cattaraugus and State of New York.

PENNSYLVANIA.

Zacharias A. Bowman to be postmaster at Annville, in the county of Lebanon and State of Pennsylvania.

SOUTH DAKOTA.

William A. Abbott to be postmaster at Waubay, in the county of Day and State of South Dakota.

James Erickson to be postmaster at Bryant, in the county of Hamlin and State of South Dakota.

WISCONSIN.

John C. Grell to be postmaster at Johnson Creek, in the county of Jefferson and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 1, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HULL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HULL. I desire to offer a resolution and ask unanimous consent for its present consideration. It is for the selection of a member of the Board of Managers of the Soldiers' Home.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. Res. 213) for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers.

Resolved, etc., That Edwin P. Hammond, of Indiana, be, and he is hereby, appointed as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to fill out the unexpired term of George W. Steele, resigned, which term expires April 21, 1908.

Mr. HULL. Mr. Speaker, I just want to say one word.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Reserving the right to object, Mr. Speaker——

Mr. HULL. Mr. Speaker, Mr. Steele resigned his position on the Board of Managers, and it is the ordinary rule to select a man from the State where the Home is located. That is to say, Mr. Steele represented Indiana on the Board and the House is located at Marion, Ind. He was the local manager. Upon his resignation the Indiana delegation, as far as I have heard from them at all, have recommended this gentleman. No other name has been presented to the Committee on Military Affairs, and they have unanimously recommended the passage of this resolution.

Mr. WILLIAMS of Mississippi. And the usual course for making appointments of this sort is upon recommendation of the Military Committee?

Mr. HULL. This is the usual course. This simply fills out the term which Mr. Steele would have served if he had not resigned.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

FOREST RESERVES.

The SPEAKER laid before the House the bill (H. R. 14710) authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law, with Senate amendments.

The Senate amendments were read.

Mr. MONDELL. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I call up the conference report on the fortifications appropriation bill (H. R. 17094).

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent that the reading of the conference report be dispensed with, and that in lieu thereof the statement be read.

The SPEAKER. The gentleman asks unanimous consent to dispense with the reading of the conference report, and that the statement be read. Is there objection?

There was no objection.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17094) "making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 4; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter inserted by the said amendment insert the following:

"For construction of fire-control stations and accessories, including purchase of lands and rights of way, and for the purchase, installation, operation, and maintenance of necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring and all special instruments, apparatus, and materials, coast signal apparatus, and salaries of electrical experts, engineers, and other necessary employees, connected with the use of coast artillery; for the purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the machinery necessary for their manufacture at the arsenals, one million dollars;" and the Senate agree to the same.

On amendment numbered 3, the conference committee have been unable to agree.

L. N. LITTAUER,
GEO. W. TAYLOR,
Managers on the part of the House.

GEO. C. PERKINS,
F. E. WARREN,
JNO. W. DANIEL,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17094) making appropriations for fortifications and other works of defense, submit the following written statement in explanation of the effect of the action agreed upon, and recommended in the accompanying conference report, as to each of the Senate amendments:

On amendments Nos. 1 and 4: Appropriates in one paragraph and in the sum of $1,000,000 for two objects proposed in the bill as it passed the House in the sum of $500,000 each.

On amendment No. 2: Transfers two 12 and two 10 inch rifles to the insular possessions as proposed by the Senate instead of five 12-inch rifles as proposed by the House.

On amendment No. 3: Requiring estimates in detail for fortifications in the insular possessions, proposed by the Senate, the conference committee have been unable to agree.

L. N. LITTAUER,
GEO. W. TAYLOR,
Managers on the part of the House.

Mr. LITTAUER. Mr. Speaker, I move that the report be agreed to, and that the House insist on its disagreement to amendment numbered 3 and ask for a further conference.

Mr. WILLIAMS of Mississippi. Mr. Speaker, it is impossible, from the reading of the statement, to understand exactly what is agreed to and what is not agreed to, and the distinction between them. Will the gentleman make an explanation of what this amendment is?

Mr. LITTAUER. I should be pleased to make the statement the gentleman desires. The Senate paid the House the unusual compliment in this bill of not adding to or disagreeing to a single cent of the appropriations contained in the bill. [Applause.] They did, however, insert four amendments, two of which are concerned about the amalgamation under one head of two of the items already in the House bill covering the installation of the newly developed system of fire control, as recommended by the Secretary of War, which the conferees were pleased to accept because it made for good administration, and, we believe, for economy as well.

The second amendment was in reference to transferring the surplus guns from the United States to insular emplacements. The House bill contained the right to transfer five guns of 12-inch caliber, and it was found that we had but two of 12-inch and two of 10-inch to so transfer. To this we, the conferees, agreed.

The matter of disagreement is the serious matter in this report. As a rule, the House always approves that estimates in connection with apropriation bills should be in the completest detail, in order that the House should have before it ample information and complete control in dealing with every considerable item. Now, this amendment of the Senate declares that hereafter all estimates for fortifications for the insular possessions shall be made and submitted to Congress in detail for each place in each insular possession.

Following out the general rule, we ought to have accepted that amendment with its demand for detail, but in connection with fortifications your conferees were positive that this would be a wrong policy and would be a national disadvantage. If the Senate amendment should prevail, the estimates would publish to the world the number of guns and their caliber estimated to be placed in the forts in each harbor in the insular possessions, and this information would become public property and public knowledge. This has always been considered bad policy; such information has always been confidential and should be so kept.

We have appropriated for the fortifications of the United States over $100,000,000. These appropriations have been made in lump sums for the various items of fortification, for the batteries, for the guns, etc.; but, accompanying these lump sums, each year your committee has had submitted to it a confidential statement showing in detail just what money was to be expended and where and how, showing, for instance, if the estimates are for batteries, $4,000,000, where the batteries are to be placed, how many guns in each battery, and the caliber of these guns. It has been the custom of the Fortifications Committee, as a rule, to give one-half, or one-third, or one-quarter of these estimates, and, in anticipation of such action, these confidential statements have been presented each year in such proportionate form. We can not afford to advertise to the world the amount of armament in exact detail intended to be placed in each battery.

In foreign countries the giving or procuring such information is a crime and is severely punished. I feel confident that the countries of the world would pay amply if they could get the information of the exact details of guns and emplacement in each fort in the harbors of the United States.

Now, what Congress needs in connection with insular fortifications and what it must receive before I, for one, will vote for more appropriations for insular fortifications is that we shall have a comprehensive scheme in detail, showing just what is necessary for the fortification of these harbors in the insular possessions, approved by the highest military authority. Then Congress will be able to consider carefully what insular fortification is going to cost and conclude which harbor should be fortified and the expense attendant upon such fortification.

The President has ordered that this design be carried out, and has lately ordered a board of the highest military authorities in connection with officers of the Navy to determine not only what is required in connection with the fortification of the harbors of the United States, but also to formulate a complete scheme of fortification for the insular possessions and give an estimate of cost, so that in the near future we will have before us the full information which we have long desired, and will not be hereafter compelled to make indeterminate appropriations. I believe that the Senate amendment is a mistake, contrary to good policy and to our national disadvantage.

Mr. WILLIAMS of Mississippi. Mr. Speaker, has the gentleman from New York any rough estimate of about how much in toto the great scheme of fortifying the Philippine Islands will amount to?

Mr. LITTAUER. No; there has never been any complete scheme formulated; there have been isolated places considered. We had a year ago an estimate of the engineers for their work in connection with the fortification of six harbors, which amounted to $10,000,000.

Mr. WILLIAMS of Mississippi. That is the engineers' part for six of the harbors?

Mr. LITTAUER. Yes; Manila, Subig Bay, Guam, Honolulu, Pearl Harbor, and San Juan.

Mr. WILLIAMS of Mississippi. But nobody contends that that is more than a beginning of a system of defense?

Mr. LITTAUER. That sum was intended for those harbors. In this year's report we had some kind of information about the engineers making plans for Cebu and Iloilo.

Mr. WILLIAMS of Mississippi. Those six harbors would be just the incipiency of the general system of defense in the islands?

Mr. LITTAUER. What we are going to have recommended to us, of course, nobody knows; there has never been any board of eminent men brought together to determine what we really need. Let us get that report and then we will know where we stand.

Mr. WILLIAMS of Mississippi. Of course, the gentleman understands what I am trying to get before the country if I can.

Mr. LITTAUER. Some idea of the probable total cost.

Mr. WILLIAMS of Mississippi. Some definite idea of what these indefinite expenses would be.

Mr. LITTAUER. I do not believe anybody can give that information to-day. I have no information that would lead in that direction at all.

Mr. ROBINSON of Indiana. Mr. Speaker, I sympathize with the gentleman's position that we ought not to give a detailed statement of matters of fortifications in our insular possessions; but in the confusion I did not quite get the position of the gentleman or the position of the conferees of the House on the subject of giving detailed statements of expenditures in insular possessions outside of those for fortification purposes.

Mr. LITTAUER. This bill is concerned only with fortifications. Consequently there is no other detail that we could give.

Mr. Speaker, I move that the report be agreed to.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

Mr. LITTAUER. Mr. Speaker, I move that the House do further insist on its disagreement to Senate amendment No. 3, and ask for a conference thereon.

The SPEAKER. The question is on the motion of the gentleman from New York that the House do insist on its disagreement to Senate amendment No. 3, and ask for a further conference.

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

The SPEAKER announced the following conferees on the part of the House: Mr. LITTAUER, Mr. MARSH, and Mr. TAYLOR.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17865), the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, with Mr. LAWRENCE in the chair.

Mr. OVERSTREET. Mr. Chairman, I will ask the gentleman from Tennessee [Mr. MOON] if he will not occupy some of his time now.

Mr. MOON of Tennessee. Mr. Chairman, I yield ten minutes to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Chairman, in the brief time which is allotted to me this morning to address the Committee of the Whole House on this measure, I desire to revert simply to the application for increased salaries and compensation of the carriers and clerks in the larger cities. Some misunderstanding occurred on Monday between the distinguished chairman of the Committee on the Post-Office and Post-Roads, the gentleman from Indiana [Mr. OVERSTREET], and myself, and I desire to

state that in looking up the memoranda which I made at the time of the public hearing which was held before that committee in the closing days of the last session I find that I was perfectly right in my understanding, as stated upon that occasion, that there was something said and understood with regard to having this matter formally considered at the next session of Congress.

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

The CHAIRMAN. Does the gentleman yield?

Mr. GOULDEN. I do.

Mr. RIDER. Does the gentleman refer to the last hearing before the Post-Office Committee in the last session of the present Congress?

Mr. GOULDEN. I do.

Mr. RIDER. Well, at that time there was a distinct understanding that that matter would receive favorable consideration at the hands of the committee and some action would be taken at this session.

Mr. GOULDEN. Mr. Chairman, I thank the gentleman from New York [Mr. RIDER], who was present on that occasion. He bears out the claim that I made, that the committee was to give favorable consideration to this matter at this session of Congress. In addition thereto I find that the ranking member of the minority of the committee, the gentleman from Tennessee [Mr. MOON], on Monday last used the following language:

> We believe that some change ought to have been made and some increase made in the compensation of carriers, particularly in the larger cities, and of post-office clerks on account of the increased cost of living and rents.

I desire further to say that I believe consideration was given to this matter during this session by the committee, but not of a serious character, because the very words of the gentleman from Tennessee [Mr. MOON] would indicate the fact that something had been said and some discussion had upon this subject. But of course, Mr. Chairman, I appreciate that this understanding with the majority members of the committee and the chairman was made previous to the last great national campaign, and sometimes our memories are treacherous after the election is over.

The question of the increased compensation to carriers is a grave matter to the men in the larger cities who are giving such faithful and valuable service to their country.

In my own city of New York the expenses of living are higher, perhaps, than in any other city except the Capital city of the United States. It is claimed that living is higher here than anywhere else in the country, but, however, we know that rents and all matters entering into the living of the people are great in New York City. The increased cost of living is fully 30 per cent more now than it was five years ago. We pay our police force there $1,400 a year and retire them when incapacitated with age on a pension of one-half of their yearly salary. We pay our fireman $1,400 a year and retire them when they are incapacitated on one-half salary. In the event of a policeman or fireman being injured fatally when in the discharge of his duties we pension his widow, so that there is no comparison whatever between the compensation of the letter carriers in New York and that of the police and fire departments. Further, I would add for the information of the committee that while we have an eight-hour law which should apply to the letter carriers, nevertheless, in the great centers, these men are often required to be on duty practically from ten to twelve hours. Their work is most arduous and tiring. They should be well and amply compensated.

This question has been agitated for some years, and I trust, Mr. Chairman, that at the next session of Congress we shall not be confronted with a deficiency in the National Treasury, nor with a majority of the committee who are either afraid or unwilling to take up this subject and do full and ample justice to a deserving class of men. In reference to the increase in the bill now before the House, I want to say that I regard it, under the circumstances, as very creditable to the committee that the increase is only $13,000,000 in round figures, in all $181,000,000, to run the greatest and most important Department of the Government, and one that comes nearer to the hearts of the people than any other. I find those increases are almost entirely in five items, and I wish that the first item—in reference to the carriers and clerks—had been increased, and, instead of $1,000,000, had been made three or four million dollars, and thus justice done to that hard-working, meritorious class of men. I do not agree with my distinguished friend from Maine [Mr. LITTLEFIELD], who thinks there ought to be something done to make the income and the expenditures of this Department more nearly equal. I believe that the people in this country are always ready and willing to approve expenditures of money by any legislative body when they get something for it. In this case we undoubtedly are obtaining full value for moneys expended in all the departments of the postal service, and I, therefore, trust that the committee and Congress may at the next session find an opportunity and the means to do simple justice to these men. I yield the balance of my time back to the gentleman from Tennessee [Mr. MOON]. [Loud applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield twenty-five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, it has always been my desire to never ask the attention of the House in the discussion of any question that is not then pending before it, but unfortunately our method of legislating here frequently makes it impossible for a Member to discuss some vital question at the time it is called up. I understand that we are shortly to have legislation by a committee; that the Interstate and Foreign Commerce Committee proposes to bring in a bill enlarging the powers of the present Interstate Commerce Commission and further regulating railroads. It is possible, it is highly probable, that there will accompany that bill a rule not only limiting debate to a very short period but also limiting amendments. It follows that those of us who are not so fortunate as to be members of that committee will be denied any opportunity to discuss the question unless we take advantage of general debate under some other legislation.

I have never entered upon the consideration of a question with so much doubt as to my own ability to arrive at a correct conclusion or with quite so much a realization of the tremendous results that are likely to follow from the action of Congress. Unfortunately we at times have to consider not simply what we desire to do but also how we may do it, and in consequence I am sometimes guilty of the political heresy of believing that—

> For forms of government let fools contest;
> That which is best administered, is best.

Certainly it is that the division of power between the States and the nation, and the further division of power within the States and the nation into the three branches of legislative, executive, and judicial, gives rise to many problems as to how to do a thing that do not have anything to do with the real merits of the thing to be done. Now, I have no idea that what I may say will serve to solve this great problem, but I do hope to be able to clear away some few of the clouds that at present befog the question. There has been much loose phraseology in regard to the Interstate Commerce Commission, the nature of it, the powers it has, and the powers that can be given to it. In my humble judgment the Commission with its present powers is in no sense a court. It lacks the essential feature of a judicial body—the power to enforce obedience to its decrees. The very tenure of its members precludes the idea of a court. Were it not for the expressions used by the courts in determining its powers, I should be of the opinion that it was, so far as relates to the question of rates, a legislative body with very limited power to legislate. Power limited to the right to declare that a given rate found by it to be unreasonable or unjustly discriminatory should not be exacted. I should have said that it had delegated to it this legislative power that ordinarily would reside only in Congress. The fact that before declaring that a given rate should not be charged it has to hear evidence in a quasi judicial manner does not, in my judgment, deprive it of its legislative character nor give to it a judicial one. Congress frequently proceeds in a similar manner in investigating facts before legislating. It has to determine to its own satisfaction that a subject to be legislated on is one within the power of Congress, and having so determined this jurisdictional fact, it proceeds to enact. So the Commission determines the jurisdictional fact that a given rate is unreasonable or discriminatory, and then legislates to the extent of enacting that such rate shall not be charged, etc. There is this difference, however, that the Commission must have a hearing, though its discretion as to how extensive a one is very great, and then it has to and can only legislate in a prescribed way. This latter fact may have caused the courts to disregard the naturally legislative character of its power. Judge Jackson has described the Commission in these words:

> The functions of the Commission are those of referees or special commissioners appointed to make preliminary investigation and report upon matters for subsequent judicial examination and determination. In respect to interstate-commerce matters covered by the law the Commission may be regarded as the general referee of each and every circuit court of the United States, upon which the jurisdiction is conferred of enforcing the rights, duties, and obligations recognized and imposed by the act. It is neither a Federal court under the Constitution, nor does it exercise judicial powers, nor do its conclusions possess the efficacy of judicial proceedings. (37 Fed. Rep., 613.)

This language was approved by the Supreme Court, and in other cases expressions used by it seem to somewhat preclude the idea of a legislative body. Certain it is that now the courts can and do review the action of the Commission in the same manner that a referee's findings are reviewed. But if this be its present status, it is to my mind quite plain that when you give the Commission power to fix a rate in lieu of the one declared unreasonable you create of the Commission a legislative body.

The Supreme Court has clearly indicated this in the orange rate case (167 U. S., 512), when it said:

> Our conclusion, then, is that Congress has not conferred upon the Commission the legislative power of prescribing rates, either maximum or minimum or absolute.

And the court has also plainly said that the courts can not exercise this legislative power of prescribing rates. Now, if I am correct in saying that delegating the power to make a rate makes of the Commission a legislative body, then you have this very interesting and complex question confronting you. What power have the courts to review the action of the Commission? Now, the phraseology of the bills pending differ somewhat, and I shall not now deal with the effect of their particular wording, but rather the general principles that apply in any case. It would seem that the courts could no longer pass upon the question of the reasonableness of the rate set aside, and certainly could not pass on the reasonableness of the rate fixed by the Commission, except to the extent of determining in the first case whether the rate set aside was essential in order to yield the railroad a fair return on its investment—in other words, whether a less rate would be confiscatory.

If it declared that a less rate was confiscatory, then, of course, it would follow that the lesser rate fixed by the Commission would be set aside. The one determination would include the *other*. But should the court hold the rate set aside by the Commission to be an unreasonable rate, then in considering the rate prescribed by the Commission it can only consider whether it is confiscatory and can not pass on the reasonableness of the rate in the ordinary sense, for it is now passing on a legislative act, an act having the same dignity as one made direct by Congress, and it is clearly settled that the courts have nothing to do with the wisdom of an act of Congress, but only with its constitutionality, whether it violates some guaranty of a right to the citizen. That guaranty in these cases would probably be the one embraced in the fifth article of the Constitution—that no person shall be deprived of property without due process of law, nor shall private property be taken for public use without just compensation. Questions of differentials may also involve the constitutional provision that no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another. But the point I want to make is this, that the Commission's act fixing a rate can only be reviewed in this constitutional sense no matter what you provide in your bill as to the court's power to pass on the reasonableness of the rate fixed, and that this power in the courts is inherent in them, and no restrictive language in the bill can withdraw the power. Such language might, however, have the effect of making your entire act unconstitutional. It may be true, however, that you can give the courts the right to determine the reasonableness of the rate fixed by the railroad and set aside by the Commission. In other words, make the reasonableness of that rate a jurisdictional question, on the determination of which shall rest the right of the Commission to legislate, and I am now using the word "reasonableness" in its ordinary sense. These are close questions. Their solution must finally rest, of course, with the Supreme Court, but that fact can not excuse the House from a consideration of them. If the Townsend bill is enacted, and the jurisdictional question of which I have spoken can be given to the court to review, then the court's power can be illustrated in this way.

Suppose the Commission has a rate under consideration that is a dollar. It determines that that rate is unreasonable and fixes a rate of 90 cents. The matter goes into court. The court can determine and must determine in the first instance whether the dollar rate was unreasonable, because if the dollar rate was reasonable in the sense of simply affording the railroad company a fair compensation, then the Commission could not act; but having determined that it was unreasonable, it can not then pass upon the action of the Commission in fixing a 90-cent rate in any other particular than to determine whether the 90-cent rate is a rate that will confiscate the property of the railroad. It can not undertake to say whether, in its judgment, it would have been better to make a 91 or 92 or 95 cent rate. Now, with those general ideas as to the nature and power of the Commission and the power of the court, I want to call the attention of the House to some possible results of conferring the rate-making power, and in doing that I desire to say that I occupy perhaps a different position from almost every Member on my side of the Chamber. If I felt absolutely free to exercise my own individual judgment in this matter, I do not know but that I would decline to give the Commission power to fix a rate. But realizing that the sentiment of the country, or at least the apparent sentiment of the country, is opposed to that view, realizing that my party's position is opposed to that view and that this is a Government by parties, I shall not have that pride of opinion which would make me substitute my view for the platform declaration of my party and the wishes of the majority of the people. But while I shall not go to that extent, I do feel called upon to call the attention of this House to the power that is to be conferred, and the effect of the power in one or two particular directions.

It is perhaps worth while to note the class of persons who have started this agitation. In my humble judgment there has not been any great desire on the part of the ordinary producer or consumer to have this power conferred. The whole agitation has been started by the middlemen. The chief apostle of giving the Commission this power is Mr. Bacon. Mr. Bacon's position arises from the fact that he was a grain dealer in Milwaukee and he found that the differentials established by the railroad gave to Minneapolis, and in some instances to Chicago, an advantage over his locality. Instead of moving from Milwaukee to those places where he could best do his business, he undertakes to give to the Commission power to disregard natural conditions and force equality between sections and between cities. If you will examine the testimony before the committee you will find that nine-tenths of the companies are complaints of communities—not because the rate is too high, but because the rate is discriminatory as compared with another rate from another community. In other words, it is a fight, a natural fight, of sections desiring to get advantage in trade.

This is clearly and frankly stated by Mr. John D. Kernan, a gentleman whose full knowledge touching these matters everyone admits. He says:

> The shippers do not care what rates are charged. It is the relation of rates between competitors; that is the thing they want fixed.
>
> You will find in ninety-nine cases out of one hundred that the complaint before the Commissioners has not been that the rates are too high. It is all a question of the relation of the rates to be established, and not only between all sorts of competitors reaching common markets in this country, but also abroad. That is the question, and that is why you have got to have a Commission, and that is why it has to have power. You can see how difficult it is for courts to deal with that question.
>
> For instance, you take the question of two farmers living 100 miles from Chicago, one on one railroad and one on another. They are both competitors for the foreign and domestic market. They are on different lines, and those lines are in different States. Now, the farmer at one point is charged for carrying grain to Chicago 3 cents a bushel. The farmer on the other road is charged 1½ cents a bushel. Now, that difference of 1½ cents a bushel, you see, wipes out to a certain extent the business of the farmer who has to pay 3 cents. You can not deal with that situation any way except through the Interstate Commerce Commission, which can bring both of these rates before it and enter into a consideration of these relative rates and fix them in the proper relations toward each other.
>
> It may be that the interests of one road and the form of business of one road may permit a higher rate. If that is so it will have to stand. But it may be that of these rates one is higher and the other lower than it ought to be. Those things have to be met by the power of somebody who has power to fix relative rates, and it is relative rates in this country that are troublesome.

Now, I want to point out to the House this fact: That every bit of legislation that has been enacted in regard to the regulation of railroads has been enacted with the idea of continuing and not stifling competition. I want to say to you that if you pass an act that will give the Interstate Commerce Commission arbitrary power over differentials, to raise as well as to lower the rate, then you have taken the first step toward doing away with competition. Now, whether you want that, whether you ought to do that, is another question, but certainly you ought not to do it without knowing it. My chief purpose in speaking to-day is to call attention of the House and the country to the fact that this is a partial change from the treatment of railroads along the line of competitive endeavor to a treatment along the line of absolute supervision without competition.

Now, the complaint, as I said, is not a complaint, as a rule, as to the unreasonableness of a charge, though eventually that will likely be the question presented rather than one of differentials, for trade will accommodate itself to and eliminate the hardship of differentials.

Speaking for myself, I believe the Commission ought to have the right, with limitations, to declare, as it now has, a given rate to be an unreasonable rate, and perhaps, in order to make that power effective, it ought to have the power to go further and determine what is a reasonable rate; and, in so far as either the railroad or the shipper must suffer pending the enforcement or nonenforcement of that rate, it becomes simply a

question of expediency and not of right as to whether when the rate is fixed it shall immediately go into effect, or shall only go into effect after it has been reviewed by the court.

The action of the Commission is a legislative action. Some railroad attorneys have taken the position that it is an unheard-of undertaking to deprive them of their property without first having the right to a judicial review. That you first hang a man and then try him afterwards. I do not think that is a fair statement. The legislature may and usually does make its enactments immediately effective, and it is the exception where it permits a suspension pending a review of the legality of its action. The question of the wisdom of giving immediate effect to the Commission's act is another thing. Congress has got the right to say that their act shall take effect at such and such a time. Do not forget the action of your Commission is a legislative action. Therefore there is no constitutional reason, there is nothing radical in method, though there may be something very radical in action, in connection with the Commission's order fixing a rate, being enforced pending review.

The hardship from the railroads' point of view lies in the fact that should the action of the Commission be adjudged to be confiscatory, the damage that has been caused to the railroad can not be repaired. This is true, but it is equally true that if the rate be not enforced pending review, and its action be upheld, the public has been damaged, and the damage to it can not be repaired. For it is apparent that even though a bond be required the real parties who have borne the loss are not the consignors nor in most instances the consignees, but the ultimate consumers of the article. Then it is also to be considered that while the railroad's loss is simply the difference in rates, and not always that since the lower rate will likely produce an increase of freight, the shipper's loss and the public's may sometimes be in a denial of shipment entirely. So many elements enter into the consideration of this question that no demonstrable conclusion is possible.

For my part I am inclined to believe that the rate should be enforced pending review, and the reason I am inclined to believe it is this: In the first place, you can not assume that your Commission will exercise its powers unfairly. You can not assume that they are not going to be honest and not going to act intelligently. For if you do, you have simply done away with all legislative action and the power to fix rates can not honestly be given by you to the Commission. You must assume your agencies to be competent. That being so, I believe that the railroads will be able to expedite cases sufficiently through the courts to protect themselves, and there will be no instances where the Commission's action will be so radical as to really vitally affect their interests.

So that in regard to giving them the power to declare a rate unreasonable and to fix a rate in lieu thereof and then to let that enactment go into immediate effect I am prepared to yield opposition, yielding it reluctantly, yielding it with a great deal of doubt as to how it will work out, but realizing that the past has shown that somethng must be done. But I am unalterably opposed to giving the Commission the power to determine that a differential is an unjust discrimination, and after determining it to raise a rate in order to adjust it.

Now, there is only one of two things that can be done when the Commission has presented to it a question in regard to a differential. It has got either to say that one of the rates is too low and must be raised or that the other rate is too high and must be lowered, because otherwise you can not bring the rates nearer together, and the whole idea of a discrimination and a differential is that the rates are too far apart.

Now, I believe every man in this country has a right to have the railroads carry his property for a fair and reasonable price, and a fair and reasonable price only. I do not believe that any man in this country has the right arbitrarily to say that because A gets such and such a price therefore I, B, should have the same price. Within certain limitations he has.

If conditions are the same, if conditions are such as to make the discrimination a discrimination of individuals, then he has a right, and incidentally that is covered entirely by the present law. And, incidentally, I may say another thing, that this whole present discussion and many of the bills that are introduced do not reach another question in which the public are interested, and as to which many of them are being fooled. It does not touch the question of rebates. It does not touch the question of private cars, nor of terminals, nor switches. These, in my judgment, are the things needing attention. It is through these agencies that the wrongful discriminations are being made.

Mr. BELL of California. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. BELL of California. Before the gentleman leaves the subject of the differential granted one community as against another, I should like to ask the gentleman if in looking over the testimony of Mr. Bacon and pursuing that inquiry as to the differential in favor of Minneapolis against Milwaukee he found any element of real competition among the railroads that brought about that differential, or was that the arbitrary act of the railroads?

Mr. SHERLEY. In answer to the gentleman's question, I reply that I can not undertake to pass upon the merits of the controversy between Minneapolis and Milwaukee.

Mr. BELL of California. Did free competition among the railroads have anything at all to do with it?

Mr. SHERLEY. I want to say this, that that may be an individual case in which it did not; but I want to say that 99 per cent of cases where differentials exist are cases brought about by competition of the communities, and this particular case is no argument one way or the other. Mr. Bacon may have been right or he may have been wrong. I cited him simply because it showed that the real agitation that was going on was an agitation against preferentials between localities.

Mr. BELL of California. Will the gentleman yield for one more question? Is there any difference between discrimination between individuals on equal terms and discrimination between communities? How do you differentiate?

Mr. SHERLEY. I will answer the gentleman that there is no difference if by the word "discrimination" he means literally what "discrimination" means. In that case I will say no; but there is a great difference between discrimination between individuals and differentials between communities. In other words, I make the difference between "discrimination" and "differential" because "discrimination" carries the idea of arbitrariness. Now, I do not propose to stand here and commend a discrimination between localities that is arbitrary; but I say to you that there are reasons in nature that make a difference between rates in one community and another community to a common point, and that when you undertake to equalize, when you undertake to cut off the tall trees in order to make the short ones as high, you have disregarded the real thing that has made America great, the factor of individual enterprise and energy in adopting favorable localities and using favorable methods to compel success in your business. [Applause.]

In illustration of that, I should like to read to the gentleman from the Louisville Courier-Journal of February 28.

IN EARNEST—WAR WAGES BETWEEN ATLANTIC AND GULF PORTS—SOUTHERN ROADS WILL WIN IS DECLARATION OF LOCAL RAILROAD MAN—BLOWS ALREADY BEING DEALT.

The impending war between the railroads leading to the Atlantic and the Gulf ports has broken out and the fight is on in earnest. The first decisive blow came when all the western roads, except the Chicago and Northwestern, reduced the rates Thursday from Omaha to Atlantic ports on grain to such an extent that it threatened the business of the southern roads. It was the result of the work of the Chicago Board of Trade, which is making a fierce fight to restore to Chicago its lost grain traffic. The effect of the reduction was so rapid in making itself known that before the southern roads had time to retaliate many orders of grain to be shipped via Chicago were placed.

In less than twenty-four hours, however, the southern roads announced a reduction of the grain rate from Omaha to New Orleans to 12½ cents. This cut was strong enough to turn the tide back and check the effect of the work of the Chicago Board of Trade. It is expected that another stroke will immediately be made by the roads favoring the eastern ports.

SOUTHERN ROADS WILL WIN.

"It will be a hard fight and the southern roads will win, no matter how bitter the contest may be," said a local railroad man yesterday. "Take, for instance, the Illinois Central, which passes through a great wheat country. Do you suppose the Illinois Central will submit to circumstances which would make it necessary for them to carry the wheat to Chicago, a short haul, and there turn it over to other roads, when they can reduce the rate and get the long haul to New Orleans? That is an example of what this fight means to the southern roads and gives an insight into how far they will go to win.

"The effect of a victory for the southern roads can not be underestimated. It would mean business through southern cities. It would mean big business for the southern roads. All of which is good for the South. Further than that, it would have a far-reaching effect in the result of the steamship courses. Ships coming to America bear merchandise and they seek a port from which they can get a return cargo. It makes little difference whether goods consigned to St. Louis are landed in an Atlantic port or a Gulf port, and the steamship companies will always seek the harbor where the return cargo can be loaded. If the great export business of the country is carried on through New Orleans it will mean that the merchantmen from Europe will land their cargoes at southern ports, and that will mean as much more business for the South."

I agree with the prediction in that article; but I agree for a further reason, a reason that in the long run is bound to tell.

They will win because, as Mr. Fish, the president of the Illinois Central, once said at a meeting of the stockholders, the question of freight rates is largely a question of gravitation. The southern roads will win because they are carrying their loaded cars downhill, and because the eastern roads are carrying their loaded cars uphill, over the Alleghenies. That is the natural difference; there ought to be a differential.

I doubt the wisdom of giving to the Commission the power to

turn in and equalize all rates in an effort to make every section equally favorable with every other section toward any particular commodity or product.

Mr. BELL of California. Will the gentleman pardon another interruption?

Mr. SHERLEY. Certainly.

Mr. BELL of California. Has not the gentleman overlooked the fact that in the law of 1887, and all laws that are proposed upon this subject, the words "unjust discrimination" are used? Not merely "discrimination" or "differential," but "unjust;" and in determining whether a discrimination is unjust all these natural factors must, of coures, be taken into consideration by the Commission. The term used is "unjust."

Mr. SHERLEY. I am glad the gentleman has spoken of that. Theoretically that is true. Nobody wants to interfere with anything that is not unjust; but they always claim that it is unjust if the differential is against them. I have no objection to the Commission having some supervision over differentials, but I do not want them to have it to the extent of being able to take away from a favored section a low rate that it might have and raise that rate. That is the reason I prefer the Democratic bill in that particular to the Republican bill. It is because it has the provision that the Commission shall in no instance raise the rate. Not only that, but I want to point out to you this proposition: There is always an inducement on the part of the railroad man to reduce a rate where there is this question of competition between individual communities. The Illinois Central wants to carry all the grain it possibly can. In order to acquire that business it has got to make its rates just as low as it can in order to get a profit, in order to get the traffic. It is not doing it through motives of philanthropy. It is not doing it to be generous, but because the natural laws of trade force it to do it.

Now, the same thing will be true of every road. It does not even matter if all the railroads were owned by one single, solitary man. If J. Pierpont Morgan, in his scheme of absorption, should continue to absorb all the great five divisions of railroads instead of being content in owning but one, he could not any more sit down and undertake to run the railroads in this country on the idea of parceling out so much business to this one and so much business to that one than he could fly. There is not a practical railroad man but knows that every railroad is always trying to increase its business along its line. You can trust a railroad usually to take care of the question of differentials between communities. You can not always trust them to take care of the question of freight rates where they have an actual monopoly and where there is not this competition.

Commissioner Prouty presents the popular view, but what I believe to be largely an erroneous view, in his picturesque description of the five railroad magnates seated in a New York office fixing rates. He says:

> Now, gentlemen, you may talk about railroad competition, you may rely upon railroad competition to reduce rates or to regulate rates, but there is no railroad competition. When five men seated around a table in the city of New York can say what the rate on grain shall be from Kansas City to the Gulf and from Kansas City to the seaboard, from the Missouri River to the seaboard, and from the grain fields to Chicago and Duluth, you have not any more competition in the movement of grain. When five men can sit down around a table in the city of New York and say the rates shall be so and so, "if at the end of the year this thing does not pan out to be as we think it ought to we will make it right," you have a pooling arrangement that can never be reached by any law. One of two things has got to result. Either these five men will agree upon some modus vivendi, upon some apportionment of the territory of this country, as they have done in England to-day, with the result that they have the highest freight rate there in the world, or they will become partners, or one man will buy out the other four.

His contention can not be better answered than by reading what another Commissioner says. Commissioner Knapp says:

> There is a form of competition, however, which has a very powerful influence upon tariff rates and upon attainable rates, and that competition will continue for a long time to come. That is the competition of the markets. Chicago originates an immense traffic; so does St Louis. The carriers leading from Chicago need that traffic for the revenue it secures. The carriers from Chicago therefore have got to make a rate as compared with rates from St. Louis which will enable the Chicago man to do business, for the railroads are just as anxious to get the traffic as the merchant is to sell his goods, and that is a thing that is going on all over the country.
>
> New York and Philadelphia and other cities on the Atlantic seaboard are competing for the enlarging market south of the Ohio and Potomac rivers, and Chicago and Milwaukee and other cities in the Middle West are also eager to secure the trade of that same territory, and the lines which lead from one section of the country in that consuming territory and from the other section of the country are not likely to be confederated, and if they could be it would not be of any advantage to either of them; and the pressure of the producing public to sell the goods and the competition between sellers in the consuming markets has a very powerful control upon obtainable rates. That influence of course is to remain with us.

Now, it is because of the absence in some cases of this competition that I am forced to the conclusion that the railroads should not be left entirely free to charge what they may see fit, and yet while admitting the evil I have not been fully convinced that the present Commission or any that can be created will have the knowledge to correct the abuses that exist without creating others more serious. But this question, as I have said, seems to have been determined. I am convinced, however, that it is a very different question as to whether the Commission shall not only say that a rate is excessive, but also whether, according to its notions of distribution of blessings, it may say a rate is discriminatory. The first question is difficult enough; the second is much more so, and they are really very different questions. Let me again read from Commissioner Knapp's testimony:

> In my judgment it is one thing to condemn a rate simply because it is excessive, and it is quite another thing to condemn a rate because it is discriminative.
>
> The constitutional rights of the carriers in respect of their revenues would only permit the reduction of a rate where no element of discrimination enters except upon satisfactory proof that their revenues under the rate complained of were greater than they were entitled to receive, and that the reduced revenue which the lower rates would produce would still be all that they would be entitled to exact from the public; but where the element of discrimination enters, as the Supreme Court has said, neither the Congress nor the administrative body would be under quite the same limitations, because the carriers have no right, merely for the purpose of getting more revenue, to so adjust their rates as to unduly prejudice one community or give a rival community undue advantage.
>
> While I agree with what Commissioner Prouty said, that the future question, the question the country is coming to presently, is the question of the reasonableness of the general basis of rates, the questions which so far have come up, excepting the recent one which has grown out of the raising of rates by changes in classification, with that exception the complaints have more generally been complaints of discriminations between localities or between different articles of traffic, and the grievance most commonly asserted is a grievance of that kind.
>
> To illustrate, Mr. Chairman, the Commission conducted an investigation some four or five years ago which involved great interests, and that was the proper differential on grain originating, say, at Chicago, as a typical point, to Boston, New York, Philadelphia, Baltimore, and Newport News. What should be the adjustment of grain rates—the relation of grain rates from a common center to those different ports? That is a great question; but, as Commissioner Prouty said yesterday, somebody has to settle it, and the question is, Shall the carriers be free to settle it just as they see fit, no matter what consequences to the communities or to individuals may result, or shall public authority intervene to some extent and, under proper restrictions, control in a degree that judgment?

Now, in my judgment, the mistake Commissioner Knapp makes is in assuming that these differentials are arbitrarily made and that the public has no protection. I believe it has the best protection possible and that is the pressure of competitive communities. I do not believe the railroads can settle it just as they see fit. It seems to me that, even if I be wrong, if you give the Commission power over a maximum rate and deny it power over a minimum one, you will more nearly reach an equity than by giving it the arbitrary power of determining the amount of a differential that shall be allowed.

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

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky may have time to conclude his remarks.

The CHAIRMAN. The Chair will state that the time has been fixed by the House and is under the control of the gentleman from Tennessee [Mr. MOON] and the gentleman from Indiana [Mr. OVERSTREET].

Mr. MOON of Tennessee. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Tennessee has ten minutes remaining.

Mr. MOON of Tennessee. And that has been promised to the gentleman from New York.

Mr. SMITH of Kentucky. Mr. Chairman, will it be in order to ask unanimous consent of the committee for my colleague to conclude his remarks?

The CHAIRMAN. The Chair would be glad to put the request, but that can not be done in committee.

Mr. OVERSTREET. That can only be done in the House.

Mr. JAMES. Can it not be done by unanimous consent?

Mr. OVERSTREET. No; only in the House.

Mr. JAMES. That has been the custom in committee at times.

Mr. OVERSTREET. Oh, no.

Mr. SMITH of Kentucky. May I request the chairman of the Post-Office Committee to ask that the committee rise and go into the House, so that we may extend his time.

Mr. OVERSTREET. I will say to the gentleman from Kentucky that there will be an abundance of time to discuss this and all other subjects. As much as I have been interested in the gentleman's argument, I think he himself will appreciate the fact that we ought not to stop legislation that has been in progress two days and take up an entirely new subject.

Mr. SHERLEY. I have no desire to embarrass the committee at all.

Mr. SIBLEY. Mr. Chairman, the chairman of the Post-Office Committee has kindly yielded to me a few minutes, and I would like to yield a portion of my time to the gentleman from Kentucky that he may continue his remarks.

Mr. OVERSTREET. Mr. Chairman, let me state that I have remaining under my control thirty-five minutes. I have granted thirty minutes of that time to the gentleman from Pennsylvania [Mr. SIBLEY] and five minutes to the gentleman from New York [Mr. DOUGLAS]. Whatever time of the thirty minutes Mr. SIBLEY desires to surrender, I will cheerfully extend to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SIBLEY. Mr. Chairman, I have thirty minutes, and I intend following right along the course outlined by the gentleman from Kentucky [Mr. SHERLEY]. I feel sure that I could not do as well if I should attempt it, and I am glad to know that there is some one on this floor who is dealing with this problem on a high-minded, broad, comprehensive, business plane. Therefore whatever time I have I yield to the gentleman from Kentucky, if he desires to occupy so much. [Applause.]

Mr. OVERSTREET. May I ask the gentleman from Kentucky if he desires all of the thirty minutes?

Mr. SHERLEY. Mr. Chairman, I will say to the gentleman that I will not take all of that time, because I do not think it is fair to either the committee or the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. OVERSTREET. I am willing to yield that time if the gentleman desires it.

Mr. SHERLEY. No; I desire only five or ten minutes.

Mr. OVERSTREET. Mr. Chairman, I yield ten minutes to the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman, I desire to express my thanks to the gentleman from Pennsylvania [Mr. SIBLEY]. He does me honor overmuch in this matter, but it has been my desire in this discussion to approach the subject on a broad plane, and I have approached it without any preconceived notions. Now, I have not time in the ten minutes or in the half hour to discuss all of the phases of this question, but I do want to call the attention of the House to some of the probable legislation that is coming before it, because my speech is of no value unless what I say may have some effect upon the bill that is to be passed. There are two bills, we understand, that are coming before this body. One is the bill which bears the name of the gentleman from Michigan [Mr. TOWNSEND]. That bill devotes four sections to increasing the power of the Commission. Then it devotes some eighteen sections to providing a method for carrying out that power. It seems to me that there is altogether a disproportion there.

Turning from that for the moment, I want to call the House's attention to the first section, because that is the section that is supposed to embody the recommendations of the President and to confer the rate-making power on the Commission. It provides:

> That whenever, upon complaint duly made under section 13 of the act to regulate commerce, the Interstate Commerce Commission shall, after full hearing, make any finding or ruling declaring any existing rate for the transportation of persons or property, or any regulation or practice whatsoever affecting the transportation of persons or property, to be unreasonable or unjustly discriminating the Commission shall have power, and it shall be its duty, to declare and order what shall be a just and reasonable rate, practice, or regulation to be charged, imposed, or followed in the future in place of that found to be unreasonable or unjustly discriminating, and the order of the Commission shall, of its own force, take effect and become operative thirty days after notice thereof has been given to the person or persons directly affected thereby; but at any time within sixty days after date of such notice any person or persons directly affected by the order of the Commission, and deeming it to be contrary to law, may institute proceedings in the court of transportation sitting as a court of equity to have it reviewed and its lawfulness, justness, or reasonableness inquired into and determined.

Now, my criticism of the form of that section lies in the failure to use the words "to enact and declare" in place of "to declare and order," because I think it important, if the act is to be rightly construed, to make it clear that we are conferring legislative powers, and the word "enact" would clearly carry that idea. I think the words "in the future" carries the idea also, but the change suggested would leave no room for doubt. In line with this suggestion would be the change of the phrase "order of the Commission" to "enactment of the Commission." Then, in the last two lines, the words "justness or reasonableness" should be stricken out. Then you would remove all doubt as to the courts' ability to nullify the Commission's power to fix rates. It would give drastic power, but the President's recommendation calls for that, though he may not have so fully intended it. You will have then left no doubt of the intent of Congress, and the wisdom of your action can be fairly tested in the bitter school of experience. These suggestions are, as I say, to make your legislation clean cut. I want the power you give to be plainly shown, and if you are going to confer the power that section means to confer, say it, so no construction of the act can make futile your effort. For myself, while I would strengthen the section as to clearness of power given, I would limit the power equally plainly by providing that no rate fixed by a railroad should be raised by the Commission and no enactment of the Commission should prevent the lowering of a rate in the future. These latter provisions would prevent the Commission leveling rates, while at the same time giving it power to prevent unreasonable rates. It ties the hands of the Commission, it is true, but in that particular I am quite convinced they should be tied.

Considering now the provisions creating a new court, etc., I do not believe that it is wise to encumber the legislation that you are going to pass by any new machinery of enforcement, and in that connection I want to call the attention of the House to the law as it exists to-day, because it seems to me that there is not a full understanding about that. We have now the most drastic method known at the present time for expediting these matters. You have the right in the Commission before a hearing to file a bill in the circuit court and have the circuit court pass upon the unreasonableness of a rate, and you have a provision that such a case shall take precedence over other cases. You have a further provision that when the United States or the Interstate Commerce Commission is a party complainant the appeal shall lie direct to the Supreme Court without going through the circuit court of appeals, and that it shall be expedited and heard as early as possible when it reaches the Supreme Court. In that connection I want to call attention to this fact, that if we do adopt the Townsend bill we ought not to leave the clause there which undertakes to apply the right of speeding cases that exists under the old laws to appeals from this new court, because evidently by an oversight the law that went into effect about a year ago provides only for the elimination of the circuit court of appeals when the United States is a party complainant.

Now, take this instance. The Commission fixes a rate and the railroad goes into court to prevent that rate being held valid and carried out. The railroad is then the party complainant. In that instance there is no law now permitting an appeal to be taken direct from the circuit court to the Supreme Court of the United States, and so when in the Townsend bill you provide, as it is provided in section 15—

> that in all cases affected by this act where, under the laws heretofore in force, an appeal or writ of error lay from the final order, judgment, or decree of any circuit court of the United States to the Supreme Court, an appeal or writ of error shall lie from the final order, judgment, or decree of the court of transportation to the Supreme Court, and that court only—

you simply enable the appeal to be taken where the United States or the Commission is a party complainant. Now, that is an inequity on its face. It is not only an inequity, but it prevents the very thing that we want. You will find now that when the Commission has the power to fix the rate, and that rate to go into effect after a given time, the Commission is not going to be the complainant; the railroad is going to be the complainant. It is the party that will then need to have the right of direct appeal to the Supreme Court. I call attention to that because I have no doubt that in drafting the bill it was supposed the present law allowed the appeal in either instance.

I desire to call attention to another provision in that bill, and that is section 14. And again I say if we are going to legislate, if we are going to give the Commission power to fix a rate, let us not give it to them nominally, but actually; let us really try the experiment. If we are going to take this step, let us take it bravely; let us give to the Commission every legitimate right on earth to make its action effective and of value; let us not lay a blind or a trap for it.

Now, section 14 provides:

> That the court of transportation, as a court of equity, shall be deemed always open for the purpose of filing any pleading, including any certification from the Interstate Commerce Commission, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings, including temporary restraining orders, preparatory to the hearing upon their merits of all causes pending therein.

Gentlemen, there ought to be in that section a clause providing that no court shall enter an interlocutory order except upon notice. That was the law in America one hundred years ago, and it was changed when the Revised Statutes were adopted. Recently there has come a bill out of the Judiciary Committee changing it back to the old law in some particulars. It is not right to the Commission, it is not right to the public to permit the railroads to go to a court and get an interlocutory order staying the hand and the order of the Commission except upon

notice any more than it would be right to permit the Commission to get an injunction without hearing against the railroad charging a rate. It does not need to delay the matter long. Let the notice be short, let them come in immediately, as they will come in, and let the hearing on the preliminary motion be as brief as possible, but do not permit a circuit judge, or a judge of the court of transportation, as you call it, to issue an order that shall practically undo that provision of the first section of this act which says an order of the Commission shall take effect within thirty days after it is rendered. If you are going to give the power, give it clean out and let us make this experiment with some degree of certainty as to the provisions of the law, and then we will know whether we have been right or wrong.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Mississippi?

Mr. SHERLEY. Yes, sir.

Mr. WILLIAMS of Mississippi. In that immediate connection, has the attention of the gentleman from Kentucky been called to the fact that the contention that you can not limit the right of injunction to its issuance only after notice and hearing has been virtually answered by the President of the United States and his Secretary of Commerce and Labor and his Attorney-General, by their recommendation concerning infractions touching a different line of matters, and especially in a bill introduced into this House at the instance of the Administration, as I understand, for the purpose of providing that in a certain other set of cases injunctions should not issue until after notice and hearing?

Mr. SHERLEY. I said, just in passing, that I understood such a bill had been introduced and I thought it had been reported out by the Judiciary Committee. As to that I am not informed nor do I know the origin of the bill, but I do know that America for many years only permitted an interlocutory order of that kind to be issued after notice.

Mr. WILLIAMS of Mississippi. That was the original judicial act of 1787, which was never directly repealed and was repealed only by being dropped out.

Mr. SHERLEY. Yes; it was dropped out when the Revised Statutes were adopted. That I believe to be the history of it. Now, these are matters that it seems to me ought to be looked to in regard to this bill. Then in my judgment we ought to consider this further question, and then I am through. Unfortunately this debate has taken a somewhat different turn from what I expected, and the time consumed prevents consideration of other questions involved.

Mr. BELL of California. Will the gentleman pardon me; in connection with this court of transportation, suppose the railroad, under this Townsend Act, should attempt to restrain or enjoin some act of the Commission under this present bill we are now discussing. Would this court of transportation have exclusive jurisdiction?

Mr. SHERLEY. The gentleman asks me a very difficult law question. My answer to him is this, as a curbstone opinion—and as a lawyer he knows the value of a curbstone opinion—I am inclined to believe that Congress having provided a court with ample power to afford any kind of relief that a circuit court could afford, that in that event the Supreme Court would hold that that court had exclusive jurisdiction. That is my opinion. I say to the gentleman frankly, it is an open question, a doubtful question, and that brings me to what I was going to say.

Mr. LITTLEFIELD. That could be made clear in the statute.

Mr. SHERLEY. I say it is a very difficult question as to whether Congress can limit a person to one court for the right to extraordinary relief from an act denying the person some right guaranteed by the Constitution.

Mr. LITTLEFIELD. A particular tribunal.

Mr. SHERLEY. That is a very difficult question.

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

Mr. OVERSTREET. Mr. Chairman, I yield fifteen minutes more to the gentleman.

Mr. BELL of California. The point I desire to call to the gentleman's attention is that this Townsend Act does not provide that the court of transportation shall have exclusive jurisdiction under this bill for a suit to enjoin or restrain the Commission in doing any act under this bill. It may be an oversight, but this bill does not so provide.

Mr. SHERLEY. I have not time now to examine it to ascertain whether the statement of the gentleman from California [Mr. BELL] is accurate or not. My impression was that it did so provide. It should do so conclusively.

Now, this discussion leads up to one question. Is it wise when you are undertaking to try out the wisdom of giving to the Commission the power to fix rates—the great new radical step—is it wise to encumber the act that gives that power with all this new machinery and have all the doubt that follows from the employment of new machinery in regard to executing the law? You have your circuit courts, and you can not give to any court—call it what you may, put what terms you please into your act—you can not give to any court any broader power than exists in the courts to-day. The power of the courts to grant relief against unconstitutional acts of Congress or the Commission is absolutely beyond the power of Congress to change, except that Congress could abolish all the Federal courts except the Supreme Court of the United States. But the Supreme Court would have its right to pass upon the constitutionality of any acts of this body or any acts of the Commission, and you may legislate until the crack of doom and you can not add to or substract from the powers of the judiciary in that particular. It may be that you can change the court, but you can not limit the power. Now, what are you doing it for?

You are doing it, you say, for the purpose of expediting matters. You will find that it will take from ten to fifteen years in which to determine just what are the rights of the people in that particular court. There will be a lot of new law of procedure to be construed, and instead of expediting the matter you are leaving this experiment, because it is an experiment, you are leaving the test of the wisdom of this experiment to turn not only on what you are doing in regard to enlarging the power of the Commission, but you are leaving it to turn on whether the new machinery you have provided is good or bad machinery, and that will be the chief thing that will be litigated for the next ten years. I am sure all of us desire to be fair and impartial in considering this great question. I have a supreme contempt for the man who would pander to one class of society by an abuse of any other. I have no patience with a man who undertakes, because it happens to be a railroad, to legislate harshly. I am not suspicious of legislation because it affects the railroads. I accord to every Member sincerity of purpose. Doubtless the bill to be offered by the majority is intended to fairly give the power it proposes to give to the Commission, but we owe it to ourselves to be careful, if not suspicious; accurate, if not critical. We should put in the bill simply the power we desire the Commission to have, limit them as we think they ought to be limited, and leave the regular judiciary of the country to execute the law as they execute every other law. [Loud applause.]

I append an article touching the proposed legislation relative to the granting of injunction only on notice.

AGAINST INJUNCTION ABUSES—PRESIDENT MAKES GOOD ON HIS PROMISES TO ORGANIZED LABOR.

[From the Springfield (Mass.) Republican.]

It seems that the leaders of organized labor have been putting President Roosevelt's professions of favor to the test by asking what he is going to do about government by injunction. The President has made an ingenious reply. With the help of Attorney-General Moody, Corporation Commissioner Garfield, and others, the plan is advanced of amending the Federal judiciary law by providing that in cases of strikes, and labor troubles generally, an injunction shall not issue from a Federal court until notice of a petition for the writ has been served on the other party and a hearing of both sides has been held. This is said to be fairly satisfactory to the labor leaders, and a bill to that effect has accordingly been drawn up and introduced in Congress by the chairman of the House Judiciary Committee. The bill merely revives, for this limited application, a rule of the original Federal judiciary act, which, in subsequent statute revisions, had been dropped out.

Such an enactment would be chiefly objectionable because of its limited application of the rule and its class character. Possibly a general application of the rule in equity proceedings might, in some cases, tend to destroy the virtue of the process, as where an immediate restraining order may be necessary to prevent irreparable injury. But such cases are comparatively rare, while the abuses of equity powers on the side of undue haste and inconsideration are many and of increasing importance. It has come to pass that many equity judges think no more of issuing a writ of injunction than of adjourning court for lunch. It may almost be said that let the word "injunction" reach their ears from some part of the court room and a writ of temporary restraint is forthcoming without more ado, so greatly and strongly has grown in recent years the practice of resorting to what should be and what used to be a power of unusual and exceptional application. Our judiciary fairly may be said to have drifted into a bad case of the injunction habit, which operates mechanically upon a pile of injunction blanks on the bench and at the first word of petition within the hearing of the court. Injunctions are being issued in all sorts of cases outside of as well as within equity—where the law provides a remedy as well as where it does not, and where the law has deliberately refused to recognize the act as wrongful as well as where the law would have prohibited could it have foreseen; and cases are not unknown, even locally, where an injunction has issued to hold up the most ordinary prosecutions in due process of law at the instance of attorneys who, failing other means, would win their case by interposing interminable delays.

If the bill now presented to Congress as an Administration measure will tend ever so slightly to check this particularly glaring abuse of

equity powers, its enactment would be justified. We may have to endure government by injunction, but if so, let it be made in some degree, at least, a deliberative instead of a hair-trigger government.

Mr. SIBLEY. Mr. Chairman, fifteen minutes is a very inadequate time in which to say anything to throw light on the subject which has been discussed by the gentleman from Kentucky [Mr. SHERLEY]. I think the House and the country owe him something in the way of gratitude for the exposition which he has made and for permitting us to see that we are legislating upon a broad question.

To my mind it is the greatest subject, involving more of weal or woe to the American people than any since the great civil war. How far-reaching this may be will possibly be difficult to point out in a short time. On every hand, from the Chief Executive to the humblest citizen, is the demand that rebates and discrimination shall forever cease.

Now, then, to correct the evil and preserve the good is a problem that might invite the wisest statesmanship on both sides of this Chamber. We have but twenty-seven legislative days remaining, and in that brief time we propose to formulate and pass through this House legislation the consequence of which no man can foretell. I desire now to express my judgment that on so tremendous a question as this it would be the part of wisdom for the Speaker of the House and the President of the Senate to appoint a select committee, one of whom I hope will be my friend from Kentucky [Mr. SHERLEY], to inquire, before Congress again convenes, into this subject, that we may bring to that legislation a ripened knowledge after we shall have inquired into and sought out and found how far we are going.

Why, a sister country, New Zealand, a few years ago determined that they must have control of rates, and they appointed their commission to fix and establish and control rates. But in place of betterment there was chaos, and then the New Zealand parliament determined that the far better way would be for them to take it up in the parliament, and so they commenced to acquire the railroads. To-day they have government ownership. Your great leader, Mr. Bryan, says that government ownership is the proper solution. They thought so in New Zealand.

Mr. Jacob Sechler Coxey sent me a copy of the bill he introduced ten years ago and informed me that government ownership was one thing he claimed the patent upon, and his noninterest-bearing bonds that would run for twenty-five years, principal payable at 4 per cent a year, would solve the question and give the people of this country the ownership of the railways. They have got the government ownership in New Zealand, and if that theory be true there ought to have been peace and happiness on the question of railroad agitation in that country. Their troubles but then commenced, because of political influences attempting to manage a business proposition. The first proposition enacted was that workmen on their way to and from their work should be carried free of charge. The next was that the school-teachers and school children should be carried free. The next legislation was that the farmers should have all their fertilizers carried free of charge. Since they have obtained government ownership the rate of freight is four and a half times the rate per ton per mile throughout the United States. Since they have got government ownership the speed of the passenger trains is only ten and a half miles an hour, because they feel that they must act justly to all classes of their citizens, and they must not run by one farmer's door without letting him off. There must not be discrimination. And if you ran full speed through some town you would be discriminating against that town and complaints that you were favoring the large cities would be made. The farmers living farthest away from the seaboard in New Zealand complain that the high freight rates prevailing operate to a complete confiscation of their crops for export. Hatred and bitterness exist between various localities because parliament undertakes to build a railroad through this locality instead of that. Instead of government ownership bringing peace it has brought hatred and bitterness and strife between localities. In no country is the railroad problem more acute. So that in New Zealand their railroads are running behind millions annually. They have a progressive land tax, which is constructed on a sliding scale, which means confiscation of all large estates.

They have a progressive income tax, and Prime Minister Seddon said that the object of this legislation was to confiscate the land and all the property that should be acquired there. They have established a postal savings bank there. And they have got it so that any man can borrow money of the Government. A man without a dollar is limited, however, to borrowing $250. They have got the right for Government to condemn estates in land, they have got pretty nearly absolute socialism, and that condition will prevail just so long as there is an accumulated dollar to be wrung from thrift and honest endeavor to be confiscated, and then comes collapse of the New Zealand bubble, with its term of anarchy followed by the "Strong man on horseback."

I invite any gentleman, before he votes upon this measure, to read the book Newest England, by Henry Lloyd, himself a socialist. Let any gentleman read between the lines and then see if we are not inviting difficulties.

You propose to confer upon one single body of men—the Interstate Commerce Commission—the right to legislate, the right to construe judicially, and the right to execute. That is a pretty wide power to confer upon any body possessed of less than infinite wisdom and power.

Now, I believe that there could be a commission appointed to report to the next House of Representatives that would take up these great problems and how they affect localities here and there. Why, my friends, if you had to pay the same rate per hundred, living in the Mississippi Valley or the Missouri Valley, that I have to pay per hundred from my town to the seaboard there would never be exported again another bushel of corn or wheat from this whole nation.

You can not have a hard and fast rule if we are going to send the products of the Mississippi Valley and the great Central West to the markets of the world. They must have some advantage because of their location; and when you establish the principle that the Government shall make a rate, we living in the East will not permit you, through Government operation, to charge us 50 cents a hundred and at the same time allow a rate of 40 cents a hundred from the Mississippi Valley in order that you may export your corn.

Mr. JAMES. I should like to ask the gentleman a question.

Mr. SIBLEY. I regret that I have so little time.

Mr. JAMES. It will only take a moment.

Mr. SIBLEY. Go ahead.

Mr. JAMES. You want a commission appointed to report some time next year upon this question of rates. Is it not true that the Committee upon Interstate and Foreign Commerce has been considering this question and hearing evidence upon it since 1902?

Mr. SIBLEY. I do not know that to be true.

Mr. JAMES. It is true.

Mr. SIBLEY. I believe that the President is animated by a sincere desire for justice between man and man, between locality and locality, and we all desire it; but the gentleman from Kentucky [Mr. SHERLEY] has shown this morning that there are pitfalls and dangers that we might as well avoid. Some of them he has pointed out with great clearness and with great force. When you once commence the fixing of rates by the Government there will spring up a sentiment of the people near the seaboard, near the markets, that they must not be discriminated against. If I have but a 500-mile haul and you have a 2,000-mile haul, I am going to demand that I get a rate of one-fourth what you pay.

Now, there are a great many new propositions developed. Over in Hungary they have what is known as the "zone system," commencing with a center of density of population, providing that through this zone, perhaps of only 10 miles, freight shall be transported at a given price per hundred. The next zone may be 50 miles across, the population more sparse. The next zone may be a hundred miles; but through each zone a pound of freight is carried at the same price, regardless of the distance across that zone. That appears to work well in Hungary, with its limited extent of territory and its dense population. How many different centers we might have in this nation to which such a system would be applicable I do not know. That might be a subject of investigation. But this is a very great problem, not to be discussed in fifteen minutes. I am simply following the gentleman from Kentucky [Mr. SHERLEY] in a practical way, to show that there are some greater problems in this question than we have thought of in a hasty consideration of the subject.

I have believed that the establishment of the unit system would be practicable; that the unit shall be a hundred pounds; that between any two given points I may ship one unit as cheaply as you can ship nineteen units per unit up to a ton; the next unit to be a ton, and that any shipper may ship a ton between any two given points at the same price per ton that any other man can ship any number of tons less than a carload between any two given points. I would make the next unit a carload, and provide that one man may ship between any two given points in the Federal Union one carload as cheaply per carload as any other man or set of men can ship a million carloads. We then have done away with discrimination and rebates.

Then adopt your classification. Instead of having 500 classi-

fications, group them in certain bunches, so that products which are valuable and perishable may have one classification; that coal, iron, and minerals, that are of little value, and that in case of a fire or a wreck would receive but little injury, shall not bear the same classification with pianos or more valuable and more perishable products. You can not fix the same rate per hundred or per carload on wool or cotton or feathers. There must be schedules of classification, but where any article is not enumerated in the schedule then bring it into that schedule or classification next nearest to it.

You have the right to perfect your present law against rebates by providing that any clerk, cashier, bookkeeper, or employee of a railway who enters a rebate, makes a record of it, and fails to report to the Secretary of Commerce shall be guilty of a penitentiary offense. You have the right to fix it that any employee of an individual corporation who receives it will be a party to the crime if he fails to report it to the Secretary of Commerce. You can prevent absolutely the rebate, and I think against that is what the President and the people of this country are complaining, for the correction of which I will stand with every man in this body whichever side of the Chamber his seat may be upon. I will stand with anybody in an attempt to correct the evil without taking us into the maelstrom of State socialism, and in my judgment some of the propositions made here are the thin edge of the wedge which, when driven home, means Government ownership inside of ten years.

Now, if you are all ready for Government ownership, if socialism is the logical drift of the Republic, let us have it, but let the shock be cushioned, let it come gradually, let it come by easy stages. I am sure, however, that if a commission were to carefully consider all these vexatious problems and make a report, while possibly we would not all agree with it, I believe we would all substantially agree in this, that we should have a much better digested and far better perfected measure than we can possibly have from the time that the President's message came into this body, which has not yet got though the Committee on Interstate and Foreign Commerce.

Mr. HITCHCOCK. I would like to ask the gentleman if it is not a fact that this same proposition for increase of power of the Interstate Commerce Commission was introduced in this body in shape of a bill by Congressman HEARST a year ago?

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

Mr. BAKER. Mr. Chairman, within a few days this House will demonstrate how not to legislate. This matter of railroad rebates, which has been discussed here this morning, is a subject which is agitating the minds of eighty millions of people. In every hamlet, in every city, in organized bodies of almost every kind, commercial or political, this subject is being discussed. And yet, Mr. Chairman, although, as has been stated here before this morning, this is the one great question of the hour, the one subject which everybody is giving consideration to, this House, or rather the Republican majority, will next week force through a rule declaring that only eight hours shall be allowed for debating this great question affecting, as it does, the rights and interests of eighty millions of people, of which but four hours will be given to this side of the Chamber. That four hours naturally will go to the minority members of the Interstate and Foreign Commerce Committee, and therefore no other Democrat who desires to debate this subject can even project himself into the discussion for five minutes. I am informed that even that totally inadequate four hours is not assured, that the Chairman of the committee would only agree to concede that amount of time to this side if the minority would agree in advance to his proposed rule to limit debate to eight hours and that the rule should provide that but one amendment should be offered to the bill.

Therefore it has been necessary for the gentleman from Kentucky [Mr. SHERLEY], the gentleman from Pennsylvania [Mr. SIBLEY], and myself to discuss this subject on a bill to which it has no relation at all, or rather only the indirect relation of the tremendous tribute that the railroads of the United States are exacting from the people in that forty-odd million dollars for inland railroad transportation of the mails.

Now, Mr. Chairman, I am not interested in the Hepburn bill; I am not interested in the Esch bill; I am not interested in the Townsend bill; I am not interested in the Davey bill. I am sorry to say that I am not even much interested in the bill of my friend from New York [Mr. HEARST], because none of these measures attempt to go to the root of the evil. Why is it that we have this universal complaint that the railroad corporations are annihilators of law, that no railroad corporation pretends to obey the law? That there is a group of men in the United States who are above the law? They spit upon the law when any law that affects them is not of their own creation. Oh, you innocent people! In theory you represent the eighty millions of victims of this railroad extortion. You, in your innocence, think you are about to pass a bill that is going to alter this condition of affairs. Such innocence! Such innocence! It is beyond the comprehension of man, and it is only accounted for by the fact, as charged by the great newspapers of the country, that there are intimate relations between the passenger department of these great railroads and the pockets of certain men here—that in the little card cases of many are to be found one or more railroad passes, in some cases a half dozen, I am told. That is the only reason that I can give for the innocence displayed by this House on this subject, for your innocent belief that you are going to pass a bill which will seriously alter these widespread evils. You know you are not. You are only trying to fool the people. But, Mr. Chairman, the handwriting is upon the wall. The President's chief adviser sees the handwriting. What did he say in Boston the other night? "Within four years," said Senator LODGE, "you are going to meet a tremendous movement in the United States for the Government ownership of railroads." That is the only logical solution of this question. The reason that you have these evils is because legislators have been conferring upon private individuals governmental functions. The moment that you confer a governmental function on any individual, that moment you bring about the condition which is the shame and the disgrace of the country, which, because of private exercise of these governmental functions, reeks with perjury, with corruption, and with oppression.

Mr. Chairman, before commenting further on this I want to absolve some leading Republican newspapers from any sympathy or approval of my anarchistic act in referring to this subject aloud. [Laughter.]

When this House reconvened on January 4, after the Christmas holidays, I felt it my duty to introduce these resolutions:

[House resolution No. 409, Fifty-eighth Congress, third session.]

Whereas the creation of "trusts" is chiefly due to combinations of capital having obtained lower freight rates than those granted to competing companies or individuals, this practice constituting, in the words of an eminent jurist, Judge William J. Gaynor, "the greatest crime of our day and generation;" and

Whereas the President, in his message of December 6 to this House, declares "It is necessary to put a complete stop to all rebates;" and

Whereas the traffic manager of the Atchison, Topeka and Santa Fe Railroad Company gave evidence on December 29, before the Interstate Commerce Commission, showing that the said railroad did, on and after August 19, 1902, grant a secret rebate to the Colorado Fuel and Iron Company, which amounted to more than $1 a ton less than the published rate, said rebate, according to the Chicago Inter-Ocean, amounting to the enormous sum of $400,000; and

Whereas it is claimed that the effect of this rebate to the Colorado Fuel and Iron Company was to bankrupt certain competitors; and

Whereas the head of the traffic department of the said Atchison, Topeka and Santa Fe Railroad, during the time this secret rebate was allowed, was the present Secretary of the Navy, Hon. Paul Morton, who is reported as having defended the granting of said rebate, saying "that what Mr. Biddle (the traffic manager) did was exactly right:" Therefore

Resolved, That this House respectfully asks the President whether it is in harmony with his message of December 6 and also conducive to the public interests to retain Mr. Morton as Secretary of the Navy.

Resolved, That as the secretary to the President in a recent letter to the District Commissioners stated that the President had "again taken up with his Cabinet" the matter of a smoke nuisance, urging that the head of the offending company "be arrested again and again at the shortest possible intervals," this House expresses the opinion that nothing would so surely restore public confidence in the administration of law as the arrest and prosecution of both the Secretary of the Navy and the traffic manager of the Atchison, Topeka and Santa Fe Railroad Company for what constitutes "a barefaced disregard of law" in having granted to the Colorado Fuel and Iron Company the aforesaid secret rebate.

[House resolution No. 408, Fifty-eighth Congress, third session.]

Whereas the traffic manager of the Atchison, Topeka and Santa Fe Railroad Company gave evidence on December 29, before the Interstate Commerce Commission, showing that the said railroad did, on and after August 19, 1902, grant a secret rebate to the Colorado Fuel and Iron Company, which amounted to more than $1 a ton less than the published rate; said rebate, according to the Chicago Inter-Ocean, amounting to the enormous sum of fully $400,000; and

Whereas the head of the traffic department of the said Atchison, Topeka and Santa Fe Railroad, during the time this secret rebate was allowed, was the present Secretary of the Navy, Hon. Paul Morton, who is reported as defending the granting of said rebate, saying, "That what Mr. Biddle (the traffic manager) did was exactly right:" Therefore be it

Resolved, That the Attorney-General be, and he is hereby, requested to inform this House whether the act of Mr. Paul Morton, as vice-president and head of the traffic department of the Atchison, Topeka and Sante Fe Railroad Company, in allowing the said rebate to the Colorado Fuel and Iron Company, is not in flagrant violation of law, and what steps, if any, have been taken to prosecute him criminally for his said act.

I have before mentioned the innumerable homilies to which the American people have been treated by the President on the necessity of inculcating "respect for law," and have suggested that a little example would be better than so much precept. Mr. Chairman, the House is, of course, familiar with that other

Presidential aphorism, "words are good when backed by deeds and only so." Well, the country has just seen that something more than words may be expected when the Presidential comfort is at stake.

A telegraphic dispatch from this city to the New York Times of Christmas day informs us that "drastic action has been recommended by the President looking to the suppression of the smoke nuisance." Listen to this!

WHITE HOUSE,
Washington, November 30, 1904.

To the District Commissioners:

The President has again taken up with his Cabinet the smoke nuisance, so far as the public buildings are concerned. He would like especially to call your attention, however, to the well-nigh intolerable manifestation of the nuisance by the electric-light company. Is it not possible to proceed criminally against the managers of this company? If not, drastic legislation should be recommended.

It is an outrage on the city that such a nuisance should be permitted to exist right by the White House. At almost every hour of the day this great chimney can be seen emitting dense clouds of black smoke. It would seem to be wise to go to the very limit of the law and to arrest the head of the company, or those highest up in the company, again and again, at the shortest possible intervals, in order to put a stop to this nuisance, for the conduct on their part amounts to a flagrant defiance of the law and of respect for public opinion, and is fraught with serious consequences to the city of Washington.

WILLIAM LOEB, Jr.,
Secretary to the President.

Why this fury over a smoke nuisance? Is the Presidential comfort of more moment than the matter of the robbery by the trusts and the railroads of the whole nation?

Are words to be backed by deeds only where Mr. Roosevelt's personal comfort is concerned? Because I was anxious for light on this point I also, on January 4, introduced this resolution:

Resolution No. 407.

Whereas the secretary to the President, in a letter to the Commissioners of the District of Columbia, states that "the President has again taken up with his Cabinet the smoke nuisance," and inquires "if it is not possible to proceed criminally against the managers of this company"—the Washington Electric Company—and says: "It would seem to be wise to go to the very limit of the law and arrest the head of the company again and again, at the shortest possible intervals;" and

Whereas the stoppage of the present robbery of the people by the beef, coal, and steel trusts, the Standard Oil Company, and similar conspiracies in restraint of trade is a matter of transcendent importance compared with the abatement of a smoke nuisance, even if adjacent to the White House: Therefore, be it

Resolved, That this House respectfully asks the President whether he has taken up with his Cabinet the criminal nature of the aforesaid combinations, and also whether he has instructed his Attorney-General "to go to the very limit of the law, and to arrest the heads of these companies again and again, at the shortest possible intervals," to the end that permanent relief may be obtained for the people from the exactions of these combinations, their conduct also constituting "a flagrant defiance of law."

Mr. Chairman, the Republican members of the Judiciary Committee having unanimously directed its chairman to report these three resolutions (and also one in reference to the beef trust, which I introduced before the Christmas holidays) back to the House with a recommendation that they "do lie on the table"—the parliamentary method of strangulation—and the chairman having refused me even one minute of time wherein to state to the House why these several resolutions should pass, I have this day sent a letter to the Interstate Commerce Commission demanding that the criminal conduct of the present Secretary of the Navy, in executing a contract as vice-president of the Southern California Company in plain violation of law, be investigated by the Commission. I trust my efforts in that direction will be more fruitful than they have been with the Judiciary Committee.

HOUSE OF REPRESENTATIVES,
January 31, 1905.

The INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

GENTLEMEN: Herewith I submit to you a copy of a contract for the pooling of freight between the Southern California Railway Company and the Southern Pacific Company, dated May 18, 1896, and published in the New York American and other Hearst newspapers on January 21, 1905; executed on behalf of the Southern California Railway Company by the Hon. Paul Morton, then second vice-president, and on behalf of the Southern Pacific by J. C. Stubbs, third vice-president.

This contract baldly and undisguisedly binds the contracting railroads to a violation of practically every substantial requirement of the interstate-commerce act, providing, as it does, for division of freight on agreed percentages; for the maintenance of rates, and for a denial of facilities to connecting lines that do not conduct their business according to the dictates of these two railroads.

Section 5 of the act to regulate commerce declares that it shall be unlawful for any common carrier to enter into any contracts with any other common carrier for the pooling of freight or to divide between them the proceeds of any part of their earnings, and makes each day of the violation a separate offense; the offense being made by section 10 a misdemeanor, punishable by a fine of $5,000 for each offense; and further providing that where the agreement includes a discrimination in rates, as does this contract, the violation subjects the guilty party to imprisonment in the penitentiary for a term not exceeding two years.

Inasmuch as you have already held that an exchange of letters between the Southern Pacific Company and the Atchison, Topeka and Santa Fe Railroad Company, providing for the reservation by the railroad of the right of routing amounting to a pool, in violation of the act, which decision has been upheld by Judge Wellborn (132 Fed. Rep., 829); and in the same case you reserved the question of whether there was a traffic pool between these railroads, to which connecting carriers were not parties, for further investigation, because of lack of satisfactory evidence, this contract can not fail to have a very important, if not conclusive, bearing upon that question, in view of the fact, as I am informed, that the contract is still being observed.

In any event, and irrespective of the bearing that this contract may have upon the investigation now pending before you, I submit it is your duty, under section 12 of the act, to institute an investigation at the earliest possible moment, to the end that the original of this contract may be required to be filed with you as the law provides and to the end that you may set the machinery of the Department of Justice in motion for a prosecution of the parties guilty of this flagrant violation of law.

Yours, very truly, ROBT. BAKER.

It is needless to remark that absolutely no notice has been taken of it, and yet, Mr. Chairman, I submit that the country has a right to expect something more of this self-heralded "trust buster." Why does he not display some little heat, a little anger over the robberies of the beef, coal, and oil trusts? How can he expect the people of this city to obey the smoke-nuisance law when he retains as his adviser one who is a self-confessed violater of law?

I know it is a delicate subject to touch upon, and yet I can not but feel that those here who travel on railroad passes can at least offer the extenuating plea that if it is permissible for the President to accept special trains from the railroads, surely they may use passes. If the use of a pass by a Member of this House is a violation of law—and it has been so held—what is the use of a special train by its Chief Magistrate?

Mr. Chairman, there is not a legislative body in this country, nor is there a local municipal body of any size, wherein the agents of these violators of law are not almost every day corrupting the people's servants. Why, the issuing of the little pieces of cardboard which are reposing in the pockets of scores of men upon this floor to-day is one of the most insidious methods by which the railroads govern the United States. [Applause on the Democratic side.] I am glad to see that my friend the gentleman from Texas [Mr. SHEPPARD] agrees with me that this is a crime and an evil which ought to be eradicated from this body.

It appears, Mr. Chairman, that in introducing these resolutions I violated the proprieties. In my ignorance I imagined I was a representative of the people; that as such I should condemn wrongdoing, no matter by whom perpetrated. But I was soon shown how grossly I was in error. It appears that it is only such vulgar crimes as burglary, sneak-thieving, and bunco-steering that should be mentioned in public. The crimes which make men millionaires or multimillionaires must not be referred to in polite society. You may speak, I find, of the vulgar paupers, those who have nothing but rags on their backs and have not where to lay their heads; but the gilded "paupers," those who revel in unearned wealth, who neither toil nor spin, but who, because they possess some special privilege which enables them to rob their fellows who do create wealth, are arrayed more gorgeously than the lilies of the field—they must not be spoken of except with bated breath.

I now recognize the heinousness of my crime in calling public attention to the criminal acts of the present Secretary of the Navy, and with due humility accept the castigation which, I learn from William J. Bryan's paper, the Commoner, the Washington correspondent of the Chicago Tribune felt it his duty to administer to me for this violation of the "proprieties."

The Commoner quotes this gentleman as referring to the Baker resolution as "this piece of impertinence," and that I have so "exceeded the bounds of common decency that some of the Republican leaders favor his expulsion, or at least a public reprimand."

Mr. Chairman, I think the Tribune correspondent has been guilty of a gross neglect of duty. He should have stated who these "Republican leaders" were, and why they have shrunk from what should have been for them so pleasant a task.

But, Mr. Chairman, the act of omission of these "Republican leaders," their failure to take measures to eject from this House a man of so perverted a mind, so opaque in his vision that he can not understand how that which is wicked when done in a petty way becomes respectable when done on a wholesale scale, is as nothing compared with the act of commission of a prominent Republican paper, the Chicago Inter Ocean, which, in its leading editorial of January 25, 1905, says:

Of course, Mr. BAKER is an extremist who may be unduly pressing with his ideas. Yet it can not be denied that he has grounds for his urgency.

And—

The undisputed facts are that the Santa Fe Railway granted rebates under the authority of Mr. Morton.

It goes on to say that the Washington plan of disposing of what it calls "this national scandal" is to prosecute merely the Santa Fe corporation, or, as it says, "to punish the Santa Fe shareholders with fines because under Mr. Morton's authority there was handed out about $1,000,000 of the money they should have received to the Colorado Fuel and Iron Company."

Perhaps the Inter Ocean is unaware that the Colorado Fuel and Iron Company is believed to be largely owned by John D. Rockefeller. If it knew this then it has been guilty of a lack of "loyalty" to Chicago, for how is "Mr. Oilyfeller," as Father Ducey dubs him, to respond to President Harper's "touch" for another million-dollar donation to the Chicago University if John D. is not to milk the Santa Fe through these illicit rebates. But what is to be thought, Mr. Chairman, of its further comment? It says:

This scandal can not be brazened out nor covered up. Nothing but justice—evenhanded and iron-handed justice—will end it and satisfy the American people that their laws are equally enforced without respect of persons.

I confess, Mr. Chairman, I am perplexed. Here we have a leading Republican organ calling for my expulsion from the House for being guilty of the "impertinence" in my resolutions of suggesting that the Secretary of the Navy be prosecuted just as though he were an ordinary criminal, and had not received a salary of $25,000 as a vice-president of a railroad for knowing how to violate the law. While another and equally respected organ of Republicanism commends me for such a gross "impropriety."

It is not surprising, Mr. Chairman, if I am perplexed, and if the "impropriety" of denouncing great criminals as well as petty thieves did not occur to me, when we find the New York World of January 9, 1905, in its editorial comment on my resolutions, quotes Mr. Morton as testifying in connection with one of the transactions of his railroad with the beef trust: "It is an illegal contract; it was illegal when we made it, and we knew that." Perhaps this perplexity is in part due to some recent remarks of another Chicago Republican paper, the Record-Herald, which, in discussing Rockefeller's enormous fortune, said:

His rivals were crushed one after another in their futile campaign for independence, the chief instrument used against them being the railroad rebate.

And then adds:

The truth is he has become a resistless force in the industrial world.

Mr. Chairman, no delegation can call at the White House, no organization can invite him to a meeting or dinner, but a speech is delivered or a letter sent lecturing the American people upon the necessity of inculcating a "respect for law."

Mr. Chairman, many leading newspapers, among others the Chicago Inter Ocean, have recently printed columns upon columns of matter setting forth one of the most brazen acts of nullification of law that even this country has seen—that of the criminal relations shown to have existed between the Atchison, Topeka and Santa Fe Railroad and the Colorado Fuel and Iron Company.

"Respect for law." That is the precept of the exemplar of the strenuous life, and yet the man who was at the head of the traffic department of the Atchison, Topeka and Santa Fe road at the time the order giving a secret rebate to the Colorado Fuel and Iron Company was sent to subordinate officials marked "For employees only," was Paul Morton, the present Secretary of the Navy. To such of my Republican friends as may be disposed to think, "Oh, Morton may not have known anything about it," let me say that according to the Inter Ocean Mr. Morton was president of this very company—the Colorado Fuel Company—from February 1, 1890, to January 1, 1896, and I think it will strain even their credulity to think that the man who had for six years been at the head of the other party to this illicit contract, and which, of course, was the beneficiary of this violation of law, knew nothing of a secret rebate amounting to about $1,000 a day, he being at the head of the traffic department of the railroad which "rebated" that sum to a corporation he had so long directed.

But, Mr. Chairman, if any of my Republican friends have any doubt of Mr. Morton's participation in this criminality, let me call their attention to another little "flier" of the gentleman who is now at the head of the Navy.

We find that on May 18, 1896, this same gentleman (who, by the way, within thirty days has publicly said that "what Mr. Biddle [his subordinate] did was exactly right, in my judgment, and if I had been in his place I should have done the same thing"), having in the meantime become a vice-president of the Atchison, Topeka and Santa Fe, signs a contract, on behalf of a constituent part of the Santa Fe system, binding that company—the Southern California Company—to violate the interstate-commerce law and the Sherman antitrust law in conjunction with the Southern Pacific Company.

I shall not take up the time of the House to read this remarkable document in full, contenting myself now with merely calling attention to one paragraph of this contract, but will incorporate it as a part of my remarks. Listen to this:

The spirit of this understanding is that the relations of the parties hereto shall be in harmony as against other lines so far as can be lawfully, and preference shall be given tracks of each other against outside lines, and competing lines shall be debarred from the rights and privileges accorded hereunder so far as can be lawfully.

Note, "against other lines," and "competing lines shall be debarred."

Of course the gentlemen who drew up this illegal contract, Paul Morton, for the Southern California Company, and J. C. Stubbs, for the Southern Pacific, had to inject a little humor into it before signing, so we find the words "so far as can be lawfully." Just to think of violating the law, "so far as we can lawfully."

Mr. Chairman, I will insert the entire contract, so that the House and the country may have before it the complete text of this remarkable document, which, if we had not become so accustomed to flagrant violations of law by leading railroad officials, would place an indelible mark of disgrace upon all who are parties to it:

[New York American, Saturday, January 21, 1905.]

SECRETARY OF THE NAVY PAUL MORTON VIOLATED TWO FEDERAL LAWS—SIGNED POOL AGREEMENT—MORTON'S POOLING DEAL IS LAID BARE—PRESENT SECRETARY OF THE NAVY MADE AGREEMENT TO CONTROL THE COMMERCE OF CALIFORNIA—CALIFORNIA WAS DIVIDED INTO TWO ZONES BY THE RAIDERS IN TRAFFIC—THEY AGREED TO SHUT OUT ALL OTHER LINES—NEARLY ALL COMMODITIES WERE INCLUDED IN THE HIGH RATE LIST—MORTON AND STUBBS WERE FINAL ARBITERS—SANTA FE AND SOUTHERN PACIFIC WERE TO VISÉ EACH OTHER'S CONTRACTS.

The American is enabled to present to-day a copy of the actual pooling agreement made between the Southern Pacific Company and the Santa Fe providing for a division of business and earnings.

This agreement was signed by J. C. Stubbs, of the Southern Pacific, and Paul Morton, as an official of the Southern California Railroad Company, the name of that part of the Santa Fe operating in California.

At the time the agreement was signed it was in violation of two distinct laws—the Sherman antitrust law and the interstate-commerce law.

VIOLATORS OF THE LAW ESCAPE UNDER STATUTE OF LIMITATIONS—FORMER SANTA FE OFFICIAL, NOW ADMINISTRATION'S CHIEF ADVISER ON REBATE LAW, IS PROTECTED ONLY BY THE LAPSE OF TIME.

Memorandum of agreement entered into this 18th day of May, 1896, having in view the adoption and maintenance of reasonable rates to and from common or competitive points as between the Southern California Railway Company, first party, and the Southern Pacific Company, second party, covering territories and commodities as follows:

Commencing at Santa Barbara and following the rail lines; thence via Saugus to Los Angeles; thence to Mentone via the most northerly line of either party hereto; thence an imaginary line to San Diego, drawn via Banning and San Jacinto; thence following the coast line to Santa Barbara; territory within boundary thus described to be known as southern California territory.

Commencing at San Francisco and following Southern Pacific Company rails to San Jose; thence via Niles, West Oakland, Martinez, and Stockton to Sacramento; thence via Suisun to Napa Junction; thence an imaginary line drawn to San Francisco; territory within this boundary to be known as northern California territory.

All freight business picked up and laid down within southern California territory shall be reported at usual rates, each to the other.

THE LIST OF COMMODITIES.

All freight (whether Pacific coast domestic, Atlantic coast domestic, or foreign) from or to southern California points within above-described territory received and delivered at southern California ports (Port Los Angeles, Redondo, San Pedro, East San Pedro, Newport, and San Diego) to be reported at actual rates each to the other.

And all freight between northern California territory as defined and southern California territory as defined, except to and from Ventura Division and Chatworth Park Branch, to be reported at agreed rates, or proportions of through rates to and from southern California ports (Port Los Angeles, Redondo, San Pedro, East San Pedro, Newport, and San Diego).

To southern California territory from all points in California, Nevada, Oregon, Arizona, and New Mexico the following commodities: Building stone, coal, flour, lime, sewer pipe, timber, and its products, and wood to be reported at agreed rates, each to the other; that is to say, building stone from Flagstaff to be reported at rates prevailing from Sespe to southern California territory, with exception of San Diego, such business to be reported on basis of rates prevailing from Sespe to Los Angeles. Coal to be reported at rates prevailing to and from southern California ports (Redondo, San Pedro, East San Pedro, Newport, Port Los Angeles, and San Diego).

FLOUR WAS INCLUDED.

Flour to be reported at agreed rates prevailing or proportions of through rates to and from southern California ports (Port Los Angeles, Redondo, San Pedro, East San Pedro, Newport, and San Diego).

Lime to be reported at agreed rates prevailing or proportions of through rates to and from southern California ports (Port Los Angeles, Redondo, San Pedro, East San Pedro, Newport, and San Diego), with exception that lime from Oro Grande, Tehachapi, and San Jacinto will be reported on basis of lowest rate prevailing from either point: Provided, however, that lime to San Diego shall be reported at rates prevailing from Tehachapi or Oro Grande to Los Angeles.

Sewer pipe to be reported at proportions of rates prevailing to and from southern California ports (Port Los Angeles, Redondo, San Pedro, East San Pedro, Newport, and San Diego).

Timber and its products (including box stuff) to be reported at

agreed rates or proportions of rates prevailing to and from southern California ports (Port Los Angeles, Redondo, San Pedro, East San Pedro, Newport, and San Diego).

Wood to be reported at actual rates.

MONTHLY DIVISIONS AGREED UPON.

Gross sum represented by such reports shall be divided as between the two interests as follows:

To the Southern California Railway Company — per cent; to the Southern Pacific Company, — per cent. Settlement shall be made monthly and as soon as possible after the close of the month. The form of reports and manner and date of settlement shall be determined by the auditors of the parties hereto.

Freight rates between southern California territory and northern California territory by the all-rail line shall be higher than the water-and-rail line, on carloads not less than 50 cents per ton, and on less than carloads not less than $1 per ton.

It is the intention and understanding that joint tariffs between Southern California Railway points and Pacific System Southern Pacific Company points, and in so far as Southern Pacific Company can control to or from points where it has joint tariffs, as follows:

Utah common points, Montana common points, Spokane and common points, Seattle and common points shall be published, subject to agreed divisions, the particular consideration for this concession to be that the Southern California Railway Company agrees to exercise its best influence in favor of the all-rail through lines thus formed.

CONFERENCES ON RATES.

It is mutually agreed that freight rates between points in territories, as above described, are to be made only by joint consultation and agreement; said rates to be subject to western classification and such amendments as may be agreed on by the parties hereto from time to time; and it is further provided that interchange of tariffs and special rate notice or rules and conditions affecting revenue or rates subject hereto shall be made.

The spirit of this understanding is that the relations of the parties hereto shall be in harmony, as against other lines, so far as can be lawfully, and preference shall be given tracks of each other against outside lines, and competing lines shall be debarred from the rights and privileges accorded hereunder, so far as can be lawfully.

It is agreed that lumber moving from southern California coast ports to Los Angeles and reshipped thence to the interior destinations within southern California territory shall be charged for at the rate in force from said southern California ports to final destination, no switching charges to intervene.

AGREE ON PLAN TO CONTROL.

It is further agreed that the rates for wharfage and handling of lumber at the southern California ports, in so far as the parties hereto can control (and they will exercise their best efforts to regulate same), shall be not less than 75 cents per thousand feet; lath, shingles, stakes, and pickets in like ratio.

It is agreed that the general rule governing demurrage in southern California territory, and to be applied on all freight business, will be: Demurrage will be charged at rate of $3 per car per day on freight in carloads, or on which carload rates are applied. Like demurrage will be made when cars are ordered by shippers and not loaded within twenty-four hours or one working day after such are placed at shipper's disposal, with the understanding that if the representatives of the Southern California Railway Company and the Southern Pacific Company in that territory agree on modification, either as to time to be allowed or as to rate, such change may be made effective.

AN "EXPEDIENCY" CLAUSE.

It is agreed that the regular charge for switching in southern California territory to and from private tracks will be: In the absence of special instructions the minimum charge for moving cars between stations, or switching at stations, will be $2.50 per car, with the understanding that the representatives of the Southern California Railway Company and the Southern Pacific Company may, if in their judgment it is deemed expedient, make such modifications as the interests warrant.

It is agreed that cars operated by either company and delivered to the other, either loaded or empty, will be returned to the junction at which delivery was made within ninety-six hours, but if detained beyond this time limit a per diem charge shall be made therefor at rate of 50 cents per twenty-four hours, or fractional part thereof; this to apply within the southern California territory, with the exception of Oceanside to San Diego, inclusive, and Ventura to Santa Barbara, inclusive. Cars destined to those points shall be given one hundred and twenty hours free limit.

SIDING AND SWITCHING AGREEMENT.

Regarding providing private sidings or switching facilities: It is agreed that the rule shall be that in the event of either party deeming such private siding or switch a desirable adjunct, it may be put in place on terms as follows: The petitioner to pay for the labor, ties, frog, and grading, the parties hereto to furnish rail and fastenings only, with an additional understanding that there may be cases where some modification of this rule would be to the material interest of either or both parties, but such shall not be unless mutually agreed.

Regarding matter of ground rental: It is agreed that the rule shall be that leases may be executed for ground-rental privileges at rates as follows: Seventy-five cents per front foot per annum (track frontage) for the first 100 feet, and 50 cents per front foot (track frontage) for all over 100 feet, with the additional understanding that there may be cases where some modification of this rule would be to the material interest of either or both parties, but such shall not be unless mutually agreed.

USING THE SURPLUS SPACE.

Regarding providing of facilities for shipping merchants to grade, assort, or pack fruit, or other manipulation of freight preparatory to shipment: It is the fact that both companies have provided more depot, warehouse, and shed room in numerous instances than absolutely necessary for conduct of its or their business as common carriers, and such additional space might be made productive of revenue. It is therefore agreed that in case either or both furnish space to parties for the purposes above described in their surplus depot, warehouse, or shed room it shall be on terms as follows:

For 30 feet or less track frontage, for calendar month or fractional part thereof, $5; for each additional 20 feet or fractional part thereof, for calendar month or fractional part thereof, $2.50 per month; with the additional understanding that there may be cases where some modification of this rule would be to the material interest of either or both parties, but such shall not be unless mutually agreed.

TO VISE EACH OTHER'S CONTRACTS.

With respect to existing leases covering ground, depot, warehouse, or shed privileges it is agreed that a full list thereof, including terms and conditions, shall be exchanged; that naught hereinbefore agreed to pertaining to this subject shall be considered as requiring cancellation of existing contracts, but that fast as they expire, either formally or by notice, renewal shall be only upon the terms and conditions as outlined.

Regarding propositions made from time to time by individuals, firms, and corporations or communities to both parties hereto, in substance, that some material or financial aid be extended individual or particular enterprises, the establishing of which it is anticipated will be of material benefit to petitioners, as well as parties hereto, it is agreed that neither shall act independently, but all such petitions shall be reviewed jointly, and action thereupon governed by agreement.

It is agreed that for the purpose of centralizing small lots for purpose of consolidating into carloads, of oranges, lemons, and dried fruit (including raisins), either party may make half local tariff rates; this to apply only on shipments intended for export.

ROUTING ARRANGEMENTS.

It is agreed that neither party hereto will absorb any cost of team haul to or from the respective stations of each, both or either in southern California territory.

It is agreed that all transcontinental competitive freight traffic, including Colorado competitive freight traffic, to and from points within the above-described territory, shall be delivered by the line on which it originates to the other as routed. By the term "routed" it is understood and agreed that the carrier receiving this business from the other is to do the routing in this sense, that it will indicate to the line which originated the business the junction point at which it desires the business delivered.

The line on which it originates, or the line that makes local delivery, shall be allowed its local tariff, and in addition thereto, to cover terminal and transfer expenses where its local is 10 cents or less per 100 pounds, as terminal or transfer expenses, 5 cents per 100 pounds; where its local is 20 cents or less, and over 10 cents per 100 pounds, as terminal and transfer expenses, 2½ cents per 100 pounds; where its local rate is over 20 cents per 100 pounds no terminal or transfer expense to be allowed.

FACILITATING THE COMBINE'S WORK.

It is agreed that at the several junction points of the lines of parties to this agreement now existing, or that may hereafter exist during the continuance of this agreement, each party shall at all times facilitate the interchange of empty and loaded cars, and while on their respective lines shall handle them with the same skill, care, and dispatch as bestowed on traffic of the same kind for its own account.

It is agreed that freight cars, loaded or empty, shall be handled by either party hereto, subject to the customary mileage payment to and from junction points within the territory above described.

It is agreed that requisitions for foreign cars to be placed at stations on the line of either party within the territory above described will be made as follows: Either through the agent at shipping point, or in case of no agent, then on division train master or superintendent; name of shipper, destination of car, and route must be given when ordered. Absolute impartiality shall be used in matter of such requisitions, that is, either will give to the requisitions of the other the same prompt attention in receiving and filling as accorded its own.

MORTON AND STUBBS FINAL ARBITERS.

In case of accusation or representation that the practice of either is not in accord with this general understanding, it shall be the duty of the apparently aggrieved party, before taking action, to lay before the alleged transgressor all charges made, with such corroborative evidence as may be available, with the view of agreeing on harmonious action, and if unable to agree the disagreement to be referred for final adjustment to Messrs. Paul Morton, third vice-president of the Atchison, Topeka and Santa Fe Railway system, and J. C. Stubbs, third vice-president of the Southern Pacific Company, for decision.

It is agreed that the parties hereto, in so far as they can control, will exercise their best efforts to regulate and bring about maintenance of agreed wharfage and handling charges at all southern California ports.

THE PLAN TO KEEP UP RATES.

It is agreed that the Southern California Railway Company will, so far as it can, control the Santa Ana and Newport Railway and the Terminal Railway to this end, that rates to and from Newport Landing or to and from East San Pedro to and from the interior shall in no instance be lower than to and from San Pedro, Port Los Angeles, Redondo, and said same interior points.

It is agreed, if a diversion is permitted and made of a consignment to a through competitive point to a noncompetitive point, or vice versa, in so far as the charge for local service of either party hereto is concerned, it shall be governed by the contract and based on the ultimate destination of the property.

The undertakings herein embodied, it is understood and agreed, apply on local freight traffic, unless provided for.

THE ACTUAL TERRITORIAL DIVISION.

It is agreed that the Southern Pacific will retire, from date of execution of this document, or as soon thereafter as may be, from freight business between southern California points and all Colorado and New Mexico points south of the Denver and Rio Grande Railroad main line from Grand Junction to Pueblo. On the other hand, it is agreed that the Southern California Railway Company will, at the same time, retire from freight business between southern California territory and points west of Buena Vista, on the Colorado Midland Railroad, and Salida, on the Denver and Rio Grande Railroad, and in addition between southern California territory and Deming, N. Mex., and El Paso, Tex.

This agreement to take effect on the 1st day of June, 1896, and to continue in force until the 31st day of December, 1897, after which date it may be canceled by either party giving ninety days' notice in writing.

THE SOUTHERN CALIFORNIA RAILWAY COMPANY,
By PAUL MORTON, *Second Vice-President.*
THE SOUTHERN PACIFIC COMPANY,
By J. C. STUBBS, *Third Vice-President.*

Mr. Chairman, homilies, lectures, and pronunciamentos on the necessity for inculcating a "respect for law," for a "square deal," are the almost daily mental pabulum supplied to the American people from the White House. "Respect for law."

Think of the spectacle presented to the civilized world. A self-confessed violator of law, in the person of the Secretary of the Navy, acting as "adviser" to the President on this very matter of the wholesale violation of law by practically every great railroad and trust in the United States, and the President who retains this "adviser" dares to lecture us, dares to lecture the American people upon the necessity of "respect for law."

Does the President realize that in retaining Paul Morton he is sowing broadcast the seed of distrust of law, intensifying the feeling among the people that not only is great corporate wealth not amenable to the law, but is frequently the very law itself?

No such spectacle of the retention of a Cabinet officer admitting himself a violator of law could take place in England. Unless such a man resigned within twenty-four hours the British cabinet would be overthrown. And yet, in theory, this is a Republic, a government of, by, and for the people, while Great Britain is a limited monarchy. [Applause.]

The appointment by the mayor of New York of a well-known policy king or a burglar as chief of police would be no more a defiance of public opinion than is the retention as Secretary of the Navy of this successful "navigator" of Santa Fe illicit and illegal rebates. [Applause on the Democratic side.]

The Morton-Stubbs contract is a brazen nullification of law. It is through this and similar acts of collusion of the railroads with the beef, steel, coal, sugar, and oil trusts that the people are daily being despoiled of their substance, while millionaires are thereby created almost in a night.

Another of the Presidential promulgations also should commend itself to this House, now that you are to be permitted to consume the enormous time of eight hours in the consideration of so trifling a matter as this railroad rebate subject. You all remember it of course.

> We must shackle cunning as we have heretofore shackled force.

Some years have elapsed since that was first sprung on the public, but I haven't noticed any anxiety among those who dominate and control the great railroads and the trusts that they are to be "shackled." On the contrary, we have recently been treated to an exhibition of the yoking of "force" with "cunning." By a singular coincidence, the corporation which has just been caught red handed taking hundreds of thousands of dollars of secret rebates from the Santa Fe road—the Colorado Fuel and Iron Company—and thereby pretty nearly ruined a competitor—the Caledonia Coal Company—is the very company which was responsible for the nullification of law which Colorado experienced last year. Although the people of that State voted a constitutional amendment providing for an eight-hour day, yet under the influence of this colossus of the corporations of that State the legislature refused to put it into effect. But this ought not to surprise any one here nor elsewhere. Has not Ida Tarbell recently, and Henry D. Lloyd years ago, shown that John D. Rockefeller was the originator of this secret rebate business. As the Chicago Record-Herald has well expressed it when speaking of the manner that Rockefeller acquired his enormous fortune:

> His rivals were crushed one after the other, * * * the chief instrument used against them being the railroad rebate.

If the President means what he says, if it is not mere idle clatter when he talks about "shackling cunning as we have heretofore shackled force," why doesn't he begin with the greatest band of criminals in the country, the Standard Oil crowd—that little group of men whom Thomas W. Lawson has so aptly termed "the system?"

Listen to what the staid New York Nation has to say of Lawson's disclosures concerning the operations of what he terms "the System?"

In its issue of December 1 the Nation says:

> The impression made is as unmistakable as it is indelible. That there is a class of rich men who carry into enormous operations the methods of the sneak thief and the card sharper—

Pretty severe language that for a group of men having for their head a great "philanthropist," isn't it? It goes on—

> that they rob the widow and take away the portion of the orphan with no more scruple than a burglar, that honor and good faith are as unknown among them as among jail birds, this is the popular conviction upon which Lawson has so skillfully played.

On a previous occasion, January 11, three weeks ago to-day, I quoted from some of these "Frenzied Finance" articles which Mr. Lawson has now been contributing to Everybody's Magazine for seven months—the first one appearing in the July issue—to show how the wealth of the producers of the country is being filched from them by means they do not comprehend. I am pleased to observe that neither Lawson nor the publishers of Everybody's have been frightened off despite the terrible things the lackeys of "the System" said would happen to them.

Mr. Chairman, I can not conceive of anything sadder than the moral blight these "frenzied financiers" exert upon their tools. The glamour of the enormous fortunes which "the System" has acquired through the robbery of their fellows seems to destroy what morality their agents, commercial and political, ever had. In obedience to the behest of the orders of "the System," and with the prospect of large bonuses if they faithfully follow orders, acts have been committed that would shame the buccaneers of old. No pirate ever more relentlessly scuttled a merchantman than these men drive others into bankruptcy to establish the unquestioned supremacy of their masters.

I shall not tire the House with reading any considerable portion of Mr. Lawson's last article, which appeared in Everybody's for February. I shall merely call attention to a few of the more striking things he has there set out:

[Everybody's Magazine, February, 1905.]

FRENZIED FINANCE.

[By Thomas W. Lawson, of Boston.]

> In an early chapter of my story attention was drawn to the mystery surrounding the origin of certain great American fortunes. Their owners had become millionaires overnight. The source of their wealth, the methods by which it had been amassed, were both outside the realm of ordinary experience. At some length I explained the secret device of making dollars from nothing, and the organization of the giant machine composed of national and savings banks, trust and insurance companies, officered by "Standard Oil," which used the savings of the people collected in their vaults to raise and depress the values of securities.
>
> * * * * * * *
>
> The immense profits derived from operations, such as these conducted on a vast scale and without regard to a presumed moral obligation, are the basis of many of the huge private fortunes of the day, for Amalgamated, as I expressly stated, was no different from United States Steel and some other great industrials put together and issued to the public in the same way.
>
> * * * * * * *
>
> Before I detail the steps I took to spring its own trap on the "System," I should explain that this market was purely an artificial one. The immense advance of prices was not brought about by any honest methods or legitimate causes.
>
> * * * * * * *
>
> Groups of stock exchange members each day appear to buy from other groups great quantities of shares of different stocks at advancing prices. In reality all the brokers—the ones appearing to buy and those who sell to them—are in league with each other, and none of the transactions are actual. The performance bears the same relation to legitimate stock-exchange trading that the purchase and sale of a gold brick among confederates at a circus do to the real work of the gamblers and pickpockets who are really attending to business around them. On certain days in the last few months when the official records of the stock exchange told that one and a half million shares had been bought and sold, and prices had advanced until the aggregate increase in the worth of the stocks dealt in amounted to hundreds of millions of dollars, not more than a few thousand shares of real stock changed hands. The rest was barefaced fraud, for the purpose of deceiving the millions of investors and speculators throughout the country who are dependent upon the daily press and "market letters" for information in regard to investments for their savings.
>
> * * * * * * *
>
> Relying on my previous work, I put forth the following announcement Monday morning, December 12, and confidently awaited results:
>
> INVESTORS AND SPECULATORS—WARNING!
>
> For six months through my story, "Frenzied Finance," in Everybody's Magazine, I have been educating the people to the terrible condition existing to-day in America—the people are plundered of their savings by a few men through the working of the "system."
>
> After a close study for six months I concluded that the people were awakening to the truth.
>
> I decided to make a test.
>
> I advertised certain truths. That was all.
>
> For three days Wall Street and the "system" were panic-stricken—paper values melted to the extent of hundreds of millions.
>
> The laws of the land are strict about panic-breeding by public statements.
>
> If any of the terrible statements I have made were false, I would to-day be in prison or my body suspended to a lamp-post. I could not possibly have escaped.

Mr. Lawson says that "the laws of the land are strict about panic breeding by public statements."

Yet I can see no moral difference between a false statement to depress prices and dishing out day by day rosy statements to "boost" prices. It is notorious that the late Roswell P. Flower, acting, it is believed, for this same group, "bulled" the market for Brooklyn Rapid Transit stock until it reached 130, although it had no more intrinsic value then than now, and its service was equally as disgracefully inadequate. Thousands must have suffered enormous losses when the stock "sagged" to around 50.

Is it any more of a crime to cause people to sacrifice their stock than to assiduously cultivate the impression that it is more valuable than it really is? There would seem to be as much need of a law to punish Morgan, Rockefeller, et al., for unloading Steel, common or preferred, on a confiding public at two or three times its intrinsic value, as for one to punish those who circulate rumors to depress prices. The loss of the investor is as real if he buys above as if he sells below value.

> Suppose I were all that my enemies say of me, the question is not of my guilt, but of the truth of my charges. I was not surprised to read on the morning of Tuesday, the 13th of December, the diatribe

printed below. It was published in the leading papers of the country in the form of an advertisement, in great type covering half a page.

THOMAS W. LAWSON—READ THIS PICTURE.

NEW YORK, *December 12, 1904.*

THOMAS W. LAWSON, *Boston, Mass.:*

For six months I have read with close attention your story of "Frenzied Finance" in Everybody's Magazine and have paid close attention to the manner in which, by pandering to the worst prejudices of the American people, you have endeavored by misstatement of facts to distort the conditions actually existing through what you call the workings of the "system."

* * * * * * *

What has been the result of your advertisements of the last few days? Has it not been to destroy confidence, to create a panic among people who had invested their earnings in what they have considered as legitimate propositions? Have you ever paused and thought for one moment about what the results of your selfish and distorted statements might be?

In your articles you have spoken of the loss that has been entailed upon widows and orphans, of disgrace and suicide, and other ills that have come through what you are pleased to call the workings of the "system," the "system" of which you have been and are to-day the exponent, the system of misrepresentation and of spreading false statements; in other words, of stealing heaven's livery to serve the devil in. Millions of dollars of legitimate investments have been lost to the people who have made them. Why? Because you in your selfish egotism have looked to nothing but your personal gain, thinking nothing, caring less for the woe that you might work to thousands, pandering to the worst prejudices, and by means of such words as "Standard Oil," "Amalgamated," "Frenzied finance," etc., and making statements which investors have not the means or the time to dispute, you have endeavored to destroy values that have been created by the works of a lifetime.

To-morrow in Boston I shall call upon you. I for many years have stood as a worker, as a man who has built up and who has created, and I know that the savings of a lifetime of many honest investors have been swept away by the falsehoods that you have spread abroad through the public press.

To-morrow at your office I shall denounce you for what you are. The Master long ago said, "By your works ye shall be judged."

Personally I shall call upon you for your answer to-morrow.

W. C. GREENE.

This is the rejoinder of the "system." No denial of my facts. No defense against my charges, but a volley of mud and a threat of assassination. I had dared tell the people how they had been robbed.

All remember the panic of 1901, the famous Northern Pacific corner, in which values shrank hundreds of millions in a few hours and tens of thousands of the people lost their entire savings. Who precipitated that terrific slaughter? Certain great railroad magnates and bankers were at each other's throats; two greedy corporations had quarreled ferociously over the control of a railway line. No man in all our broad land dared to hint at the assassination of a Morgan or Perkins or Harriman or any of the "Standard Oil" votaries who were parties to the bitter contest that left Wall street strewn with the mangled and bleeding carcasses of the ruined and bankrupt.

I want it understood that no part of my story is written because of any loss I have suffered through the 'system" or its votaries or through any loss to me from any cause, and I solemnly pledge my word to the people that this will not only be made plain before I finish, but when my story is all told it will be equally plain that my principal reason for writing it was that I might give to the people the benefit of an idea which I had worked out before I had ever engaged in a single transaction with "Standard Oil" or the "system." The opportunity to promulgate this idea and to place it in successful operation is dearer to me, and should be to any man, than any of the millions or powers which could possibly be conferred upon me by the "system," even though it should tender to me all the money and power it has to give.

THOMAS W. LAWSON AT CLOSE RANGE—AN INTIMATE TALK WITH THE FINANCIER AND FIGHTER.

[By Arthur McEwen. From the New York American, November 27, 1904.]

Thomas W. Lawson, of Boston, who is making it so interesting for Standard Oil financiers and other able gentlemen that add your money to their corpulent millions while you wait, is himself an interesting man and a very puzzling one to a great many people.

* * * * * * *

Boston says Lawson is vain. He certainly does hold a good opinion of himself, and he has a right to. A boy who goes into a bank at 12, as he did, and before he is 17 cleans up $60,000 is hardly to be rebuked for considering that he is better fitted for the financial game than most. He knows life; he knows men. He has made and lost fortunes and is not afraid of being "broke."

* * * * * * *

Lawson was born a money-maker, but he is a great deal more than that. He is a many-sided man, interested ardently in lots of things to which the ordinary money-maker is oblivious. He is very, very human. He has a soul.

Although he is raining blows on important men, who are not accustomed to being treated with disrespect—although he is charging them with crimes, and hopes, I should say, to drive them out of the country or into the penitentiary, he speaks of some of them with the greatest kindness, thoroughly understanding their good personal qualities.

* * * * * * *

THE WONDERFUL ROGERS.

He denounced H. H. Rogers, for example, as a robber, a criminal, and he said to me:

"Rogers is a marvelously able man and one of the best fellows living. If you knew him only on the social side, and knew him for years, you couldn't help loving him. He is considerate, kindly, generous, helpful, and everything a man should be to his friends. But when it comes to business—his kind of business—when he turns away from his better self and goes aboard his pirate brig and hoists the 'Jolly Rover,' God help you! And, then, as a buccaneer you have to admire him, for he is a master among pirates, and you have to salute him, even when he has the point of his cutlass at the small of your back and you're walking the plank at his order. Rogers is wonderful. He is one of the most prolific human creatures I have ever met; prolific in thought, in devices—and I've been at the game a long time now and ought to know.

* * * * * * *

LEGISLATIVE CORRUPTION.

"Mr. Lawson. the whole country is familiar enough with legislative corruption, so there's nothing new in your charge that the legislature of Massachusetts was bought up. But what will attract national notice is the definiteness of your accusation. You charge H. M. Whitney, brother of the late W. C. Whitney, and one of the foremost business men of your State, with having done the corrupting in order to get through a complete charter for a gas company. Now, when you pillory a person of Whitney's standing and prominence, as you have done, he has got to do one of two things—either force you to come to the front and compel you to prove the truth of what you say or stand before the public morally convicted."

"That's right," agreed Lawson heartily.

"Do you stand ready to prove your charge if he challenges you to do it?"

"What else can I do? Of course I can prove it. I'm sorry for Whitney. He is a good fellow on his personal side, like Rogers, but truth is truth."

"However used we may have become to buying legislatures, however commonplace it may be, still, when a financially responsible man like yourself gives concrete instance, and is prepared with proofs, the fact is horribly startling to everybody that cares for his country. What is to be the end of this sort of thing—the purchase of the people's representatives by the criminal rich?"

"Well, you can ask me a question even broader than that. What is going to be the end, not only of such things as I have stated in regard to the corruption of the legislature of Massachusetts—and we all admit that the same thing is being done in other States—what is going to be the outcome of this rottenness in connection with the practices in Wall street that I am telling about in my magazine narrative in 'Frenzied Finance?' To answer would be to disclose my remedy—the climax to my whole story. At present I can only say that I make no charges loosely, on insufficient evidence. I state only what I know. I have seen the iniquities worked out. I know that these crimes are being committed every day; that these great financial schemes are carried through, not only by the commission of moral crimes, but legal crimes—crimes for which those participating in them can be held responsible if they are gone after in the right way, and I am going to show the right way.

THE REMEDY.

"I believe that I have a remedy. That, of course, is a tremendous thing to say. I have spent my life on it. I have been waiting for the opportunity."

"I may not ask you what your remedy is?"

"No, I shall propose that myself when I have laid all my facts about these crimes before the people. I am going to tell them about some startling crimes. All that I have told so far, including the systematic corruption of the Massachusetts legislature, relates to the past.

* * * * * * *

"I have the remedy for the whole thing. You will appreciate the largeness of that statement, but I have thought and advised and worked it out. My remedy is based on common sense."

"Does it aim at any real change in our political system? Is it socialistic?"

"Oh, no; it doesn't mean a turning over in politics. You and I know that the dollar is what is running things in this country to-day, and if you come along with an ideal proposition—a proposition that carries with it a change in our laws or a proposition to have some new laws passed—you might as well say good-by to it, because the fellow whose hundred millions you want to take away is going to say, 'How many dollars does it need to turn that upside down?' and he is going to supply the dollars."

* * * * * * *

HIS CONFIDENCE IN HIMSELF.

Cheerfulness, gay confidence in his own powers, is his predominant trait.

"You are firing hot shot into these people," I said. "They have endless money, and you are in the stock market, taking chances every day. Aren't you afraid they will dig pits for you?"

"Well, what can they do to any of us in this world except to send us to the poorhouse or the grave? I don't fear them. I know them and all about them. You must remember this is not a new occupation with me."

* * * * * * *

LAWSON, THE MAN.

[By James Creelman, from the New York World, December 12, 1904.]

BOSTON, *December 10.*

All through the critical business hours of Friday, when Thomas W. Lawson, master spirit in the present extraordinary war against standard oil finance in Wall street, was reported to be locked up with H. H. Rogers, generalissimo of standard oil, perfecting the details of a settlement for $6,000,000—all through that anxious time, when the stock tickers and newspapers of the country were trying to guess the meaning of Mr. Lawson's sudden silence and inaccessibility, he was standing in his quiet room in Young's Hotel explaining the situation to the public through the World.

SPENT $92,000 ADVERTISING.

"I advertised the fact over my signature in the newspapers of New York, Boston, Chicago, Los Angeles. I cabled the advertisement to London. All this cost, with incidental expenses, something like $92,000.

"The frightened leaders and agents of the 'System' spread reports that I was in league with the leading plungers and manipulators of Wall street; that I was making a mere stock raid; that I was trying to 'shake down' Mr. Rogers. The truth is that I have no partners. Not a soul knew my plans until my first advertisement appeared. I have no price, for there can be no peace now until the whole rotten scheme of frenzied finance is smashed and things are brought back to their natural honest level. I am in deadly earnest. No man knows better than I do how great a service I am rendering to the American people."

Mr. Chairman, I sincerely trust that this is true. It is about time that the public should come to an understanding of the method whereby they are constantly being milked by the men

who are the great railroads and trusts of the country. It is about time that the enormity of the crime should be exposed, and if Mr. Lawson will only persist to the end, be as relentless in exposing the inner workings of the "system" as the "system" has been ruthless in robbing the people, there will yet be hope that we can bring this wholesale plunder to an end without facing a St. Petersburg massacre or a French Revolution.

Thomas W. Lawson is rendering the American people a great service, and I wish "more power to his elbow."

FRENZIED FINANCE—THE STORY OF AMALGAMATED.

[By Thomas W. Lawson, of Boston.]

Though this is the twentieth century and enlightenment is supposed to prevail throughout this broad land of ours, the majority of people still regard the world of finance as the world of magic. Within the fairy realm of finance the laws of nature apparently are suspended, and over night wonders are worked. The ordinary mortal, wise in all other walks of life, sees the man who yesterday stood beside him at the plow or at the bench emerging from the mysterious portals bearing the fruits of the endeavors of a hundred or a thousand lives, made all in a moment out of nothing. There is no denying such magic, nor that the magicians who perform these miracles are entitled to veneration. So the ordinary mortal feels that he has no license to enter the world of finance save on his knees, hat in hand, bearing tribute to the divinities enthroned within this enchanted territory.

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It is my purpose in this chapter to do away with this extraordinary deception and to show it up as one of the artifices with which tricksters, since the beginning of the world, have imposed upon the people. There should be nothing in finance that any man or woman of ordinary intelligence and experience can not understand, and I purpose, before going any further, to explain the machinery of the "System," so that everyone will exactly understand it from headlight to rear-end lantern. Many intelligent people have no clear idea of what a certificate of stock or a bond really is, and the words "money," "stock exchange," and "finance" are mere terms which they glibly use without knowledge of their meaning.

In the chapters that have gone before I have familiarized my readers with the methods and practices of frenzied finance and its votaries, so that their minds could properly grasp the crimes of Amalgamated and other contemporaneous swindles.

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It was only by conducting them through the briery ways of the past that they could be educated to a realization of how systematically they had been plundered during all these late years; and I can only insure them against the further jugglery of the freebooters of finance by getting clearly into their heads the various fly wheels, cogs, cranks, and levers which go to make up the vast financial engine whose hopper is every bank in the country and whose vent is Wall street.

Take, for instance, the prosperous tanner who goes to his banker with $100,000, the fruit of ten years' success, and exchanges this sum for 1,000 shares of steel preferred. Now, if he were to examine this security with half the thought or investigation he gives a $500 carload of bark, he would learn that there was not 20 cents on the dollar of real value behind it.

Mr. Chairman, this is in line with what I have repeatedly said on this floor and elsewhere, that the bonds of United States Steel Corporation more than cover all its physical properties, and the preferred and common stock simply represents a capitalization of the power to rob the people which Congress gives them in the form of tariff taxes, and also the indulgence granted to them by the States of Minnesota and Michigan in permitting an evasion of at least four-fifths of the tax which the laws of those States provide shall be assessed against their iron-ore lands.

In other words, Mr. Chairman, not content with a bounty of some $80,000,000 a year in tariff schedules, the United States Steel Corporation refuses to pay taxes upon an honest assessment of its ore lands, thus compelling the farmers of Minnesota to bear a heavier tax load than they otherwise would.

Mr. Lawson then goes on to describe the balance of the process of depriving the tanner of the wealth he has acquired in legitimate industry.

He says:

In six months the eminent tanner is again at the banker's offering for sale his thousand shares of steel. In the meantime it has declined in value, and he has to part with it for $50,000. But he does not complain. Indeed, he bows his way out of the palatial office of the great man and is full of sincere thanks when the banker promises to let him know the next good thing on the market. Suppose our tanner had purchased ten cars of tanbark and found that each carload was short 10 per cent. Would he not at once go to his attorney and exclaim emphatically that he would spend thousands rather than let the scoundrel who had tricked him get away with his swag?

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You may ask if I desire to convey the idea that the great financial institutions and trusts of this country, which have their head center in Wall street, are all concerned in a conspiracy to rob the people of their savings. You think, doubtless, that so sweeping a statement goes beyond the truth. I desire to go on record right here in declaring that all such financial institutions which in any way are engaged in taking from the people the money that is their surplus earnings or their capital for the ostensible purpose of safeguarding it or putting it in use for them or exchanging it for stocks, bonds, policies, or other paper evidences of worth are a part of the machinery for the plundering of the people.

Lawson admits that is "a terrible charge," but he insists it is "based upon a thorough knowledge of the subject," and as he says, "made with a full appreciation of its gravity."

In order, Mr. Chairman, that additional light may be thrown on this most important matter I propose to insert as an appendix to my remarks some quotations from articles which have recently appeared in the Era magazine, written by its editor, Henry Shedd Beardsley, will tend to substantiate Lawson's indictment of the methods which obtain in the manipulation of the funds of those immense financial institutions, the great life insurance companies, heretofore regarded by most people as not only as veritable financial Gibraltars, but as being conducted on the highest moral plane. Mr. Beardsley's articles are entitled the "Despotism of combined millions."

Lawson continues:

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In the height of its prosperity the Louisiana Lottery only took from the people a paltry ten or twenty million dollars a year, while to-day there are single groups of banks, trust companies, corporations, and trusts which take from the people by might, by trick, and by theft hundreds of millions each year, and there are scores of such groups. The sugar trust has been the instrument of gathering, in one year, a hundred millions of the people's savings, and the steel trust alone has robbed the people of over $500,000,000 in a single twelve months.

The figures at which Lawson places the annual spoils of "the System" will probably stagger most people. In fact, with many the charge will appear so preposterous as to make it entirely unworthy of credence. And yet, Mr. Chairman, I would like to ask this House how its Members account for the fact, admitted by the best authorities and students of the subject, that the wealth of the country is concentrating in a few hands at such a fearful rate that already one-half of the total wealth is owned by less than a quarter of 1 per cent of the population? Do the Members of this House pretend to believe that one man has obtained possession of a thousand millions and a score of others of from one to five hundred millions of dollars by honest or even legitimate means?

Mr. Chairman, I particularly commend to gentlemen on both sides of the Chamber the next statement Mr. Lawson makes. He says:

It is only a matter of simple mathematics to ascertain the day, and that only a few years away, when ten men will be as absolutely and completely the legal owners of the entire United States and all there is of value in it as John D. Rockefeller is the absolute legal owner of the large section of it of which he is to-day possessed.

When that day is here the people will legally be the slaves of these ten men.

If this is so—and it is as surely so as it is that the Constitution of the United States of America guarantees to every man, woman, and child who is a part of it perpetual freedom—it is so because the legal interest alone to which the ten men will be entitled and which they must receive (or our entire structure will fall) will of itself bring to their coffers all the wealth in existence within a given time. If this is so, then why have the American people allowed themselves to reach this condition? Why are they to-day not only resting peacefully under this worse than death-bringing yoke, but assisting in the further riveting of this badge of dishonor and degradation?

Yes, Mr. Chairman, he may well ask, "Why have the American people allowed themselves to reach this condition?" He may well ask why the "further riveting of this badge of dishonor and degradation" proceeds?

I ask, Could it proceed if this House were conscious of its duty? Could it proceed if its membership were actuated with the spirit of the fathers who pledged "their lives, their fortunes, and their sacred honor" to the overthrow of British tyranny? Mr. Chairman, the yoke should be no more pleasing because it is the yoke of Americans, a yoke of private citizens, but citizens whose power is greater than that of any civilized monarch in the world.

One sees a $3 a week office boy of one of the "system's" votaries able to borrow for the "system," on his bare note, $4,000,000 from a New York institution which only exists to safeguard the people's savings, although the law says that such institutions shall not loan to any man on any kind of collateral, even Government bonds, one-tenth that sum.

The incident to which Mr. Lawson here refers is, I presume, that of a loan of $4,000,000 to a boy named Shea, an office boy of Thomas F. Ryan. The loan was made by the State Trust Company of New York, before it was consolidated with the Morton Trust Company. Although the men who used Shea as a dummy were so-called "Democrats," Thomas F. Ryan and William C. Whitney, and although the loan was many times as large as the largest loan which the State Trust Company could make under the laws of the State of New York, and although the State officials, whose duty it was to prosecute such a flagrant violation of law, were then and have been ever since Republicans, nothing was ever done to bring these criminals to justice.

Of course not. There is one thing you may always rely upon, and that is that the really great criminals of the country are genuinely nonpartisan. A burglar or a sneak thief may be foolish enough to be a Democrat or to be a Republican; but the big criminals—those who rob in millions—are both Republicans and Democrats. Like Jay Gould, they finance the Democratic machine in Democratic cities and the Republican machine in Republican cities; but as Gould was for Erie all the time, so

they are for oil, sugar, steel, or copper all the time, and always as well for the railroad trust.

One sees a great railroad corporation, in which are millions of the trust funds of widows, orphans, and charitable institutions, caught "short" (having sold something it did not own) in the stock-gambling game and held up to the tune of $10,000,000 by a reckless stock gambler, who says, "If you don't settle to-night it will be twenty millions to-morrow;" and the toll is paid, while the great banker who conducts the release of the hold-up charges the further tribute of $12,000,000 for his services. And then one sees this twenty-two millions of "commission" tacked onto the capital stock of the great railroad, which is subsequently capitalized into a "bond" and sold to great life-insurance companies as a first-class investment for their trust funds.

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Such things occur because the "system" has so far been able to keep the public in ignorance of its doings. On the surface there is nothing to suggest that a set of vampires have captured the high places of finance and are sucking away the lifeblood of the nation. Our banks and trust companies all present a fair exterior and apparently are the same safe and honorable institutions they were before the canker fastened on them. Only its votaries know what the "system" is, and their way is the way of silence and darkness. A tie stronger and more effective than the oath of the Mafia binds them to its service, and woe be to him who dares divulge its methods. He who is bold enough to enter upon a recital of these secrets must be strong indeed to withstand the bribes to silence which would be placed in his hands. The "system" can well afford to pay any price rather than be brought face to face with its past, with an enraged people for referee.

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There have probably been jailed in the United States during the past twenty years thousands and thousands of American citizens whose aggregate stealings do not amount to one-tenth the total taken from the people by either the Amalgamated, the United States Steel, the American Tobacco Company, or a score of other fraudulently organized or conducted corporations.

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The first step toward "molding public opinion" is taken when the "system's" votary sends for the dishonest chief of a news bureau, a man usually up in every trick of the trade. I will later describe one of them, a scoundrel so able and experienced that, to use the vernacular of the gutter of "the street," he can give cards and spades to the frenziedest of the frenzied financiers. To this man the "system's" votaries will say something like this: "We are going to work off blank millions of blank stock; it costs us thus and so, and we want to sell for so and so many millions."

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In some cases as high as a million dollars in cash or stock or their equivalent has been paid to a "molder of opinion" for simply shaping up a game so that the people might be deceived into thinking one dollar of worth was four, six, or eight.

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I shall later give real instances of the workings of this nefarious game of "molding public opinion," and represent it in the lime light necessary for its appreciation. To show the extent to which this "molding" process is carried, I know in one instance of a high-priced financial scribe being sent to live in St. Petersburg for no other purpose than to send certain "news items" to a confederate located in Germany, who would get these items to a reputable English banking house through whom they were given out in London as news, the whole object of this complicated system being that the news items might be sent back to New York without Wall street suspecting they were bogus.

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CHAPTER VI. HOW WALL STREET'S MANIPULATIONS AFFECT THE COUNTRY.

What is the connection between the "system" and the minor financial institutions throughout the country which are owned and controlled by groups of sturdy men who know not Wall street and its frenzied votaries, and who are ignorant of "made dollars?" Let us see. We will take five national banks in different parts of the country, each having a capital of $200,000, and deposits of $2,000,000. One is in the farming district of Kansas, another is in Louisiana in a cotton district, a third is in the orange groves of California; in the mining district of Montana is a fourth; the fifth is in the logging and lumber country of Maine.

These $10,000,000 of deposits represent savings earned by the type of men who have made America what she is, and who laugh when they read in their local papers: "Panic in Wall street; stocks shrink a billion dollars in a day." "Fools and their money are easily parted," they say, "but Wall street gets none of our honestly earned money." Now the officers of these five banks are honest men and they know nothing of the "system," yet the day of the panic they all telegraph to their Illinois correspondent, the big Chicago bank, "Loan our balance, $200,000, at best rate." That day the Chicago bank, with similar telegrams from forty-five other correspondents in various parts of the country, wires its New York correspondent, the big Wall street bank, "Loan our balance, $2,000,000, at best rates."

Thereupon the great New York bank sends its brokers out upon "the street" to loan on inflated securities of one kind or another, which its officers, the votaries of the "system," had purchased in immense quantities at slaughter prices, the millions belonging to the Chicago bank and to other correspondents of its own in Cincinnati and Omaha and St. Louis and other big cities. The decline is stayed, and then the world learns that the panic is over and that the stocks, of which the people have been "shaken out" to the extent of a billion dollars, have recovered in a day $500,000,000 of it, and that probably in a few days more will recover the other five hundred million. Who has recovered this vast sum? The people who had been "shaken out?" No, indeed! The votaries of the "system" have made it—they and the frenzied financiers whose haunt is Wall street and whose harvest is in such wreckage.

Mr. Chairman, isn't it about time that the country was treated to a little practical "shackling of cunning?"

Are we to await until Mr. Lawson's prediction, that if things continue as they are in a few years ten men will own the United States, comes true before the President will act?

When is he going to give some evidence of his intention to secure "a square deal" to everybody? Is there a man here who is foolish enough to believe that any of these rate-regulating bills will assure the masses of the people a "square deal?"

You will have to do something more than "shackle" cunning and greed to insure a "square deal."

You have got to go to the root of the trouble if you desire to seriously improve this deplorable condition of affairs. The cause of these evils is not difficult to discover. It is monopoly. As I have already said, when governmental functions are farmed out to private individuals the inevitable result is bribery and corruption of the people's representatives and robbery and enslavement of the people. [Applause.]

The grant of a railroad franchise is a denial of equal rights. There never should have been a private railroad corporation, and the evils which have followed this farming out of a governmental function will continue, perhaps in a different form, even if your "Townsend" bill is enacted into law; but they will surely continue in some form until Government ownership and operation has been substituted for private exploitation.

How tremendous have been the prizes you have conferred upon these men probably no one knows or ever will know, but that they have amounted to billions of dollars there can be no doubt. One of the ablest railroad lawyers in the country, Thomas G. Shearman, who, at the time of his death three or four years ago, was counsel to the National City Bank, the Rockefeller bank, and frequently acted for James J. Hill, and had been counsel for the Brooklyn City Railroad, who was Jay Gould's lawyer at the time that that financier suddenly issued millions of additional Erie Railroad stock, said more than once in my hearing that the actual construction and equipment of the railroads in the United States did not cost to exceed 85 per cent of the face of the bonds, and that, taken as a whole, practically the entire preferred and common stock was water; i. e., it merely represents the value of their special privileges. And yet, whenever the people begin to murmur at excessive charges they are told that the railroads have "vested rights" which must not be disturbed.

We never hear of the "vested right" of refusing to be robbed. Oh, no; it is always the "vested right" to rob that must not be interfered with.

If Mr. Shearman's statement is only approximately true—and I know he frequently made similar statements when addressing public meetings—then we get some idea of the tribute that the railroads exact from the people every year and which during the past forty years must have aggregated scores of billions (not millions) of dollars.

It also suggests, as Lawson says, how men coin fortunes out of nothing. And yet I am said to "rail" against special privileges. Yes, Mr. Chairman, I do attack special privileges, and I hope to have the strength to do so until the American people as a whole come to a comprehension of how they are "milked" by our leading financiers and "philanthropists," who have the paper title to these special privileges. I shall continue to do so despite the attempts that are always made to draw a red herring across the scent by raising the cry, "You'll rob the widow and the orphan!"

That parrot cry ought to be worn out, but it apparently is to do service for years to come. We must never attack an institutional wrong; we must never protest against any robbery of the masses, because maybe some widow or orphan may be profiting from the injustice. Rockefeller must be permitted to exact his yearly tribute of fifty, sixty, or seventy millions, Morgan his fifteen or twenty millions, and other gigantic robbers in proportion because, forsooth, down at the tail end of the stock books of the Standard Oil or Steel Trust some widow's name appears for a paltry share or two.

It's of no moment, of course, that hundreds of thousands of other widows are robbed by these philanthropists of from one-third to one-half of their annual earnings. Oh, no! it is the lone widow who has been duped to invest in their inflated securities who must be protected. Well, I am in favor of that. Protect her by all means. Compel Rockefeller, Morgan, Rogers, et al. to refund her the money she invested on their assurance that the stock represented tangible values. [Applause.]

Make them unload a few of the millions they obtained from a gullible public. By all means give back to the widow and the orphan the money they have honestly invested, but don't give these pirates "letters of marque" to prey upon a nation's industry and commerce to the tune of scores of millions a year merely to give nickels to a few widows and orphans.

The trusts have forced many a man to commit suicide, thereby prematurely creating widows and orphans. Let's stop the process at the right end, and then, perhaps, we won't hear so much of "widows and orphans" every time it is proposed to "shackle cunning." [Applause on the Democratic side.]

That the business men of this country, those who are really "business" men—that is, engaged in legitimate industry—are coming to realize that these financial pirates are not "business men" in any true sense, and that the interests of honest business are not their interests there are increasing signs to show. Among the more recent manifestations of this awakening intelligence is the recent formation of a committee of one hundred business men of Chicago.

In order that other Members of this House, besides the gentlemen who represent Chicago on this floor, may comprehend the origin and purpose of this business men's committee of one hundred, I will state that, like New York and Philadelphia, the city of Chicago has for years been at the mercy of as unconscionable a gang of franchise exploiters as has ever afflicted any community.

The same old story of the bribing of aldermen and other officials; shockingly inadequate service; extortionate tolls; franchise watering and stock gambling, has been Chicago's experience with these high-toned "financiers," that every large city in the country has had to a greater or lesser extent, the only difference being one of degree. These three cities have suffered more, because their franchises offered possibilities of fabulous fortunes to those who secured them.

Not merely the city government, but the State government has been corrupted and demoralized by the agents of the men who were coining millions a year through the manipulation of the special privilege to provide gas, electricity, and surface, elevated, and subway transportation.

The people of Chicago have on three occasions voted almost unanimously for "municipal ownership" and operation as the only way to bring this shameful and disgraceful condition to an end and to prevent the further debauchery of their officials by the franchise mongers. By votes of from three to one to five to one, the people have declared that those franchises which have already expired shall not be renewed, and that the others shall be acquired by the municipality.

One would suppose, ours being in theory a Government of, by, and for the people, the will of the people having been thus overwhelmingly expressed at the ballot box, both at spring and at fall elections, that their servants (the city officials) would have hastened to put it into effect. But whoever thinks that has no comprehension of the power of great wealth nor of its absolute determination to override the people's will wherever what they are pleased to call "their interests" are at stake. They have not only been able to nullify the expressed determination of the citizens of Chicago for municipal ownership, but they have been and are demanding an extension of franchises. So strong is the feeling there that this disgraceful state of affairs must be brought to an end for all time, that Chicago's leading citizen—not its richest, but its truly leading citizen—Judge Murray F. Tuley, was impelled to go to the front and point the way by which the city might be rescued from the further contamination and domination of its franchise exploiters, at the head of whom is that great patriot who exploited the American investor of some hundreds of millions through the steel trust flotation, John Pierpont Morgan.

Judge Tuley, in his open letter to the people of Chicago, pointed out that there was one who was preeminently the man of the hour, the one man who throughout that city was universally recognized as possessing the qualities and characteristics demanded at this emergency, that man being a fellow-judge, Edward F. Dunne. In Judge Tuley's opinion, this man, if called by the people of his city, "would throttle this Wall street conspiracy to rob the people of their rights in the streets of our city."

As I have said, the real business men there recognize that the interests of J. P. Morgan, who Judge Tuley describes as the "great stockjobber of New York," were not their interests, although his agents assiduously attempt to cultivate the impression they are identical. They therefore immediately responded to Judge Tuley's letter by organizing a committee of one hundred, and have in this address which I hold in my hand demanded of Judge Dunne that he accept the call to lead the people in their fight against Morgan, Mitchell, Marshall Field et al., who are attempting to secure the power to continue their exploitation of the people of Chicago.

AN EMERGENT ADDRESS ON THE TRACTION CRISIS IN CHICAGO.

[By Judge Murray F. Tuley.]

To the people of Chicago:

It is with great reluctance that I presume again to address you unsolicited upon a subject outside the functions of the office I hold.

But I am a citizen of Chicago, no less than a judicial officer, and I feel that I should be unfaithful to one of the highest and withal one of the inalienable obligations of citizenship, were I to withhold, at a civic crisis such as I am convinced is now impending, the word of caution that my love for our city moves me to offer.

The danger to which I allude is not visionary. Unless those people of Chicago (the great majority of our citizenship of all parties as I believe) who are opposed to the further domination of our traction utilities by financial manipulators of street-car franchises, and to the consequent tendency to the corruption of our city government, unless those people assert themselves immediately and emphatically with reference to the approaching municipal election, a great corporate combination, engineered from Wall street by unscrupulous stock jobbers, will, in my judgment, at that election completely revive and reestablish the almost obsolete financial and political power of traction corporations over the rights and comfort of the inhabitants of Chicago.

The issue of local government by corporations and for corporations will be on trial at this municipal election. If the corporations win, their victory will be complete. Our rights over our own thoroughfares will then be shackled by cunning compromise contracts for at least another generation. And that the corporations will win at this election, if the present plans in local politics of which I am advised are not frustrated, seems to me almost certain.

It is generally known that the Chicago traction interests are consolidating under the supervision of J. Pierpont Morgan, the great stockjobber of New York.

It is generally known that certain local investment interests are insistent upon making a compromise settlement with the traction corporations, involving an extension of street franchises.

It is generally known that this settlement is plausibly urged as desirable, upon the assumption that the traction corporations, if richly endowed with street franchises, will hereafter render good service. It is reasonably believed, on the other hand, that the bad service of the past twenty years of profitable franchises speaks louder for the probabilities as to future service than any corporation promises possibly can. The people appear from their referendum votes to believe that although these corporations make fine promises and offer tempting contracts while seeking street franchises, they can not be depended upon to perform their contracts after franchises are granted and the day for stockjobbing arrives. This belief is well founded. Notwithstanding their franchise contracts in the past, these traction corporations have rendered, and they persist in rendering, the worst of service. The courts hold that public service corporations are bound by the very nature of their being to render good service, as an implied contract, and that they can be forced by appropriate legal proceedings to render good service; but in the absence of efforts to compel the traction corporations of Chicago to perform this duty under their contracts, expressed and implied, the corporations are defiant. They seem to adopt this attitude for the purpose of forcing the people to compromise, by extending franchises upon promises of good service in the future. Theirs is the unique position of urging their own breach of contract as a reason for renewing the contract.

Another plausible and generally known ground for urging a compromise settlement between the city and the traction corporations is the obstacle to immediate municipal ownership of our traction highways which the so-called "ninety-nine-year act" interposes. The corporations assume to hold under that act a franchise monopoly of important Chicago streets, having nearly half a century yet to run. It is generally believed, however, that this act was fraudulently enacted, that it has been oppressively used against the rights and conveniences of the people, and that it is only a minor obstacle to the resumption by the people of their public interests in and control over their own thoroughfares.

It is also generally known, let me add, that an attempt was made last summer to rush through the city council a compromise settlement with the traction corporations for a franchise of thirteen years or more, and that this programme was thwarted by the referendum petition of 135,000 signers, under which the question of compromise settlement versus no compromise settlement is to be voted upon at the April election.

But it is not so generally known that plans are on foot, to be consummated at the municipal election in April, for making a compromise settlement with the traction corporations, no matter how the people vote on the settlement referendum, nor which candidate is elected mayor; and yet I am convinced that such plans are being perfected, and that they will succeed unless the people are in time advised of the danger.

The plans appear to have for their vital element the nomination by the Republican and the Democratic parties alike, of "settlement" candidates for mayor. "Settlement" means compromise settlement with the traction corporations on the basis of an extension of street franchises. Whether the candidates shall be specifically pledged for "settlement" does not appear to be regarded as important. So long as neither is pledged against "settlement" and both are known to favor "settlement," be it for honest reasons or otherwise, the object of these plans is sufficiently served. With such candidates the traction corporations, and all other adversaries of municipal ownership, would be confident of a continuance of corporation control, no matter which candidate might secure the mayoral office. For, under cover of this mayoral contest, it is expected to elect not only a "settlement" mayor, but at least a majority of "settlement" candidates for the city council. Having done that, the referendum vote on the question of "settlement" or no "settlement," no matter how great it may prove to be in opposition to "settlement," is to be ignored as merely "academic."

The projectors of these plans for turning over the streets of Chicago to stock-jobbing corporations know full well that their object can not be accomplished until after the April election; for Mayor Harrison has promised to veto any "settlement" ordinance not approved by referendum vote. They are confident, and so am I, that he would perform this promise. But Mayor Harrison goes out of office in April, and a new administration will then come in. It is, consequently, of the utmost importance to the traction corporations that the new mayor shall be a man who will approve a "settlement" ordinance regardless of the referendum. On the other hand, it is of the utmost importance to the people that he shall be a man who will obey the public mandate. Therefore the whole matter turns upon the result of the April election. If a "settlement" candidate for mayor be then elected, the plans of the traction companies for securing control of our streets indefinitely will doubtless be carried out with no reference whatever to the popular will.

That such plans are on foot I am sure no well-informed man or newspaper in Chicago will venture to deny. That these plans are defiant of public rights, repugnant to the essential principles of popular government, and a gross outrage upon the property rights of our city in the interest of stock-jobbing corporations I firmly believe.

How to meet this emergency is for the people of Chicago themselves to determine. I shall not presume to advise. But as a citizen advanced in years, who—as I think I may with modesty say—has al-

ways endeavored to foster high ideals of good government, I assert the right and assume the duty of suggesting a general policy. I feel all the more bound to do this because the question at issue is in no partisan sense a political question. If political in any sense at all, it is so only as any question of honesty in the administration of public affairs may at times become political. It is distinctively an economic question. No party interest of either the Republican or the Democratic party enters into it. Few issues could be so manifestly nonpartisan. For what my suggestions regarding the emergency may be worth, then, I shall frankly express them.

Since the candidate for mayor most likely to be nominated by the Republican party is privately understood to favor "settlement," and has but recently been reported to have so declared himself in public, the possibility of protecting the city against the dangers of a compromise settlement with the traction corporations, through the local Republican organization, is so slight that it may as well be discarded.

As to an independent municipal-ownership party, I do not see how one can be so organized at this time as to marshal the vote which under favorable party conditions would naturally be cast against a compromise traction "settlement" involving franchise extension. Party affiliations are too effective in many subtle ways to admit of the success of an independent party. I can not, therefore, suggest that course; and I should regard it as useless or worse, except under peculiar circumstances which do not seem to me to exist at present. It might seriously endanger the public interests. To have Republican and Democratic candidates both favorable to "settlement," or even noncommittal, and a municipal ownership candidate representing only a hurriedly organized third party would be an ideal situation for the traction companies, and is probably what they would desire.

The only apparent recourse, then, is to secure the selection by the local Democratic party of a candidate for mayor whose mere nomination would squarely raise the "settlement" issue, not only on the referendum, but also in the mayoralty contest itself.

This candidate should be thoroughly known by all to be unequivocally opposed to any compromise "settlement" involving franchise extensions; to be in favor of municipal ownership; to be in favor of it as soon as it can be secured without any dilly-daily diplomacy with traction magnates. He should also be a man who would inspire confidence throughout the city, in his determination and ability to carry out the municipal-ownership policy for which he would stand.

Personally I have no preference. So long as the candidate measures up to that standard on the traction question and possesses those elements of popularity and of general confidence in his integrity that are necessary to his acceptance by a majority of the people, I am indifferent to his personality. My suggestions are not inspired by personal considerations. I care nothing for the ambitions of office seekers. But neither in my thought nor through my inquiries am I able to discover but one man who is recognized throughout Chicago at this juncture as answering completely to those requirements. There are many who measure up to the standard of purpose, integrity, and ability, but only one, as the situation presents itself to me, who in this emergency adds to those requirements all the qualifications necessary to success at the polls. Regardless, therefore, of misapprehension and misrepresentation, both as to him and myself, I shall name the man. I refer to Edward F. Dunne. I fully believe that he, if called by the people of Chicago to the mayor's chair, would throttle this Wall street conspiracy to rob the people of their rights in the streets of our city, as would a Jackson or a Roosevelt.

In suggesting Judge Dunne I fully appreciate the criticisms of a mayoralty candidate by a judge on the bench. I yield to no one in opposing office seeking by judges. But I know that Judge Dunne is not seeking this office. I know that personally he does not want it. I know that he would rather remain undisturbed to the end of his term upon the bench. I am sure that he would not even accept a mayoralty nomination at this time if it were not necessary to thwart the effort of the traction corporations to fasten their powers upon the city. Knowing all this, I have no hesitation in suggesting to the people of Chicago opposed to the impending corporate domination, that in this emergency they themselves call Judge Dunne from the judicial bench to the mayoralty chair. For while I object to office seeking by judges, I see no legitimate reason why a judge should not respond if the people call him to another post of public duty. It would be carrying the idea of judicial isolation from common affairs and interests to the verge of a senseless fad to deny the people themselves the unquestioned right to call a judge from his judicial to an administrative office, if in their judgment a civic emergency should demand it.

Whether the present traction emergency in Chicago does demand such action by the people I am not pretending nor attempting to decide. I speak only as one of them. But as one of them I wish to repeat my admonition with all possible emphasis. Unless you wish to see your streets turned over for another long term of years to stock-jobbing traction magnates, who, if the future may be inferred from the past, will give you bad service while charging exorbitant 5-cent fares, you must promptly declare yourselves in unmistakable terms; and if my suggestion regarding Judge Dunne appeals to you, you must appeal to him. He is not seeking the office, nor do I believe he will seek it.

With confidence in the integrity of the popular purpose and with all proper apologies for these unsolicited suggestions, I am,

Very respectfully, your fellow-citizen,

MURRAY F. TULEY.

The response to this was apparently immediate and hearty, for the committee, of whom David Rosenheim is chairman, have drawn up the following call to Judge Dunne to lead the people of Chicago in their fight:

ADDRESS OF COMMITTEE OF ONE HUNDRED.

We have read the letter of Judge Murray F. Tuley in reference to the coming municipal campaign. This letter must convince the people who are interested in the real welfare of the city of Chicago that a crisis in the great contest for the ownership and control of the streets of the city now exists. We fully realize that our citizens who believe in protecting the rights of the city against the nonresident franchise grabbers and private stock manipulators are turning to Judge Edward F. Dunne for relief. And in answer to the call of Judge Tuley we form ourselves into a committee of 100, for the purpose of doing our part as citizens in the approaching municipal contest for the protection of the city. We believe that the public-service corporations have always furnished the chief cause for municipal and State corruption; that no matter by whom administered the streets can not be farmed to private interests without breeding corruption and disregard of the obligations of public office. We believe that the citizens of Chicago have long been denied adequate transportation facilities, and that the street-railway companies have purposely sought to cripple their service so that the people might be induced to give them a new lease of life. We believe that the city of Chicago has been stocked and bonded to franchise manipulators who have grown rich from public necessity; that countless millions of watered stocks and bonds have been foisted upon stockholders and have been used for the purpose of demanding exorbitant fares and to obtain further extensions of their present privileges.

We believe that the present contest will not be a contest between the Republican and Democratic candidates for mayor, but between the citizens of Chicago and J. Pierpont Morgan and his satellites. It is the purpose of the latter to exploit stocks and bonds, to be paid for by years of toil and servitude by the people of this city, and to frustrate the efforts of the citizens of Chicago to control their own streets and operate their business for themselves. In this contest we think that every truly patriotic citizen will stand for Chicago against Morgan and the Wall street interests, and we congratulate Chicago upon having so fearless a champion as Judge Murray F. Tuley, and a man so well qualified as Judge Edward F. Dunne, to deliver our city from the franchise grabbers. In response to the call of Judge Murray F. Tuley, we pledge ourselves as citizens to use every honorable effort both to nominate and elect Judge Edward F. Dunne, and thus reclaim and save the streets of Chicago for her citizens.

Among the business men who personally waited upon Judge Dunne with this address were David Rosenheim, H. G. Adair, Joseph Donnersberger, Charles J. Voppicka, Nober Gottlieb, Erwin A. Rice, Theodore J. Amberg, M. J. Foyer, Frank D. Butler, and H. R. Eagle.

Judge Tuley's emergent address must have created a profound impression as we are told.

Meanwhile, Judge Tuley's letter and the news of the organization of the committee of one hundred had made an impression upon the public mind locally which seems to have left little room for doubt of Judge Dunne's exceptional strength, and political organizations and leaders hurried forward to proffer their support. The Chronicle (Republican) put it in this way: "City hall leaders who have been plotting to prevent the nomination of Judge Dunne for mayor yesterday joined in a wild scramble to declare for him. As a result of the action taken by them it is now almost as certain that Judge Dunne will be given the Democratic nomination as it is that John Maynard Harlan will be given the Republican nomination."

It may therefore be expected that the issue will be squarely joined. On the one side will be the Republican organization, its candidate, John M. Harlan, and all those who consider the public a prolific goose to be plucked through franchise exploitation; on the other will, I hope, be found a solid Democratic organization led by Judge Edward F. Dunne and all that increasing number of those who are coming to see that there can be no honest municipal government until the people resume their rights in their streets and do away with the most prolific source of corruption, franchise grants to gas, electric light, and transportation companies.

Mr. Chairman, I sincerely trust that Chicago is about to blaze the way along which every municipality must proceed if it would uproot this festering sore of corruption and debauchery. [Applause on the Democratic side.]

Mr. Chairman, for every effect there is a cause. I have no doubt that most of the Members of this House will curl their lips with scorn when I say that the existence of soup houses in Cincinnati (to which I called attention last session), the 70,000 children Robert Hunter says go to school each day in New York without breakfast, the existence of slums right here in the nation's capital (to which I called attention last week), the million or more men whom we are told are out of work in this country, the "overproduction" of cotton which has recently engaged your attention, the creation of fortunes of hundreds of millions in a decade or two, that all these are but the effects—and the inevitable effects—of your systems of special privilege. I have here a most excellent article on "Pauper breeding" from the Johnstown Democrat, which ought to be read by everyone in this House.

[The Johnstown (Pa.) Democrat. Warren Worth Bailey, editor and publisher. Edward Homer Bailey, associate editor. Saturday, January 28, 1905.]

TO CHECK PAUPER BREEDING.

We notice with much interest that a lot of New York society saviors have devised an entirely new cure for pauperism, and it certainly has the advantage if simplicity, since it proposes to begin at the beginning by stopping the production of paupers. That is to say, it proposes to criminalize the marriage of persons without visible means of support and to grant legal sanctions to parenthood only in cases where it can be shown to constiatuted authority that offspring will have assured protection from hunger, cold, and nakedness. In other words, only those enjoying the blessings of an independent competence shall be permitted to multiply and replendish the earth.

However, it appears that these saviors of society do not design to interfere with the breeding of all pauperism. Their concern is devoted only to that vulgar sort of pauperism which infests the slums, whose babies die like flies in the overcrowded tenements, and whose ugly manifestations shock refined taste and trouble the consciences of comfortable people. The paupers who parade in velvet gowns these good people considerately leave out of their account. Only the beggars in rags and tags are to be brought under wholesome supervision and restraint.

Yet if the breeding of paupers is to be stopped—and certainly the breeding of paupers should be stopped or at least discouraged—we should begin with the most costly kind that the workers now have to maintain. For some paupers cost more to keep than other paupers. The demands of certain dependent members of society are infinitely more exacting than those of others so dependent. Thus it must easily cost the working members of society ten thousand times or possibly a million times as much to maintain a Carnegie and his entourage of dependents as it costs to maintain the little old woman at the poorhouse

who was some boy's mother and in earlier days kept tryst with some glowing youth who regarded her as the fairest among ten thousand. Yet it appears that our society-saving friends at New York have no idea whatever of abolishing the Carnegie brand of pauperism.

Perhaps because Mr. Carnegie has many millions and lives in a castle and surrounds himself with a retinue of retainers and gives away a library every morning before breakfast he is not looked upon as a pauper by the amiable people who have undertaken to cure poverty by refusing to let poor people get married. But Mr. Carnegie is not only a pauper—he is one who loudly, persistently, and unblushingly proclaims himself such. His claim upon public charity for the last thirty-five years has been urged with ceaseless iteration. The ordinary pauper is ashamed of his dependence and he tries to hide it from the world. But Mr. Carnegie is not an ordinary pauper, and we thus find him standing up in the presence of the whole country and making demands for charity.

That this charity happens to come to him in golden streams through tariff taxes and through channels of private tribute rather than as charity is doled out by society to cripples and the sick and the unfortunate does not alter its essential character. It is charity none the less, because it is government aid in the form of a special privilege to extort contributions from all the rest.

Nor is this all. The Carnegie sort of pauperism is the prolific mother of that other sort of pauperism which festers in our social cesspools. In maintaining one Carnegie dependent a thousand or possibly ten thousand or even a hundred thousand men who otherwise would be independent are crowded down into the despairing ranks of the hungry, the cold, and the naked. You can not support a Carnegie pauper without taking away the support of a huge mass of men who ordinarily are quite able to take care of themselves. The complements of Skibo castle are the poorhouse and the charity soup kitchen. The beggar in silken gown has his natural retinue in the beggars who come trooping down the highway in their rags and tags.

Stop the breeding of paupers? Aye, by all means. But first of all let us stop breeding them through Dingley tariffs, through special privilege legislation, through grants of the taxing power to private persons, through the monopoly of opportunity, and through the abdication of the people's sovereignty to mendicants of high degree and insolent pretensions. Let us quit breeding Carnegies and Rockefellers and Morgans and Fricks and Astors and Vanderbilts before we undertake to repeal God's law of love, which finds expression even among the lowly and the unfortunate in the craving for companionship and in the philoprogenitive instinct.

Perhaps when we shall have done this we shall find that the other sort of pauperism has vanished like a morning fog before the sun. But if we should find that pauperism still exists after the beggars in velvet gowns have been cut off from public charity we can then turn to suggested remedies such as our philanthropic New York society saviors so generously propose.

Mr. Chairman, when one looks around and sees how completely legislative bodies and State and municipal administrations are controlled by the great railroads and allied interests, and when one remembers that the Senate refuses to yield to the well-nigh universal demand for election of United States Senators by popular vote, it is not surprising if many honest and well-intentioned people, those who would otherwise be willing to take hold and help in the work of overthrowing legislatively intrenched monopoly, should get discouraged and throw up the sponge because they can not see how conditions can be altered. Let me say to such men there is no need to get discouraged; we are perhaps nearer the realization of our dream of a government by the people than they imagine.

Every great need seems to produce the man or men required. And so, Mr. Chairman, it is in this matter of the restoration of popular sovereignty—the man has arisen. For several years now he has been engaged in performing the groundwork. Quietly and unostentatiously he has been at work while most of us have either been "sawing wood" or lamenting the inability to accomplish definite progress toward our ideal of a rule of the people.

It is therefore, Mr. Chairman, with especial pleasure that I shall avail myself of the privilege of inserting as an appendix to my remarks a very able paper by George H. Shibley, of this city, pointing out a simple yet effective method by which popular government may be restored. In doing so I want to compliment that really Democratic paper, the Johnstown (Pa.) Democrat, on its wisdom in devoting so large a part of its space to the promulgation of this Democratic principle of popular sovereignty.

No man ever made his life work his religion more than George H. Shibley has made this great task of restoring to the people control over their government his life work and his religion. I earnestly hope that, unlike most great souls who have devoted themselves to some phase of the people's cause, it will not be many years more before he will see the complete fruition of his work.

Mr. Chairman, the picture I have drawn to show that the people of this country are being fleeced and swindled in a score of ways by predatory wealth is indeed a dark one and is fearful enough to make one despair of the future of the Republic. It would seem that an oligarchy of wealth had obtained such complete mastery of the people and had established so firm a grasp on the governing power through the immense wealth which their special privileges bring them that it is useless to attempt their overthrow.

I confess, Mr. Chairman, that I shared that feeling not so very long ago, and only continued my weak and feeble attacks on monopoly because of the bare hope that the pendulum which has been swinging so strongly for years in the direction of intrenched special privilege might yet swing back, hopeless though such a prospect appeared. But, Mr. Chairman, signs are not now wanting to indicate that we have about reached the limit of the mastery of the people by the combined forces of predatory wealth.

For some two years now there has been a recrudescence of the real American spirit, of the determination to fight against monopoly. Ida M. Tarbell's articles in McClure's, tracing the heinous crimes of the Standard Oil Company and its master spirit, John D. Rockefeller; the articles of Henry George, jr., which appeared in Pearson's, showing how the public were swindled and robbed through Amalgamated, Third Avenue (New York), and Asphalt; and now Thomas W. Lawson's exposure of the rottenness, the wholesale debauchery, and the colossal frauds of the Standard Oil group—the System—and Beardsley's exposures of the way in which the great life-insurance companies' funds are used to bulwark the public-service corporations (through which the latter carry on a wholesale swindling of the public) are most encouraging as evidencing a disposition on the part of the real business interests of the country to revolt against what Beardsley calls the "despotism of combined millions."

But, Mr. Chairman, there are also most encouraging signs in the political world. Never before was such intelligent discrimination shown in an election as was displayed in many States on November 8 last. With the Democratic party, whose only excuse for existence ought to be that it will conduct a relentless, unceasing war against special privileges of every kind, officered and controlled by exploiters of special privileges and their henchmen, it was not surprising that Democratic-Democrats by the hundreds of thousands revolted against such leadership, against such a betrayal of its principles, against this attempt to deflect it from its true purpose.

But while rebelling against the party's domination by Belmont, Ryan, Sheehan, and McCarren, and being forced to vote for a Republican as the only surely effective method of preventing the consummation of this conspiracy to betray the party, yet wherever real Democrats were gubernatorial candidates they emphasized their condemnation of traitors by electing, even in strong Republican States like Massachusetts and Minnesota, Democratic governors. The defeat by less than 600 of Governor Garvin in Rhode Island was no less a victory for real Democracy, as was the election of Folk in Missouri and Adams in Colorado. Democratic-Democrats can not also but rejoice at the overthrow in Wisconsin of organized predatory wealth and expect that Governor La Follette's advent to the other Chamber will do much to strengthen those who recognize in railroad monopoly the fruitful source of many of the greatest evils that afflict us to-day.

Having had to endure ridicule for my own action in the matter, I hope I shall be pardoned for calling attention to the fact that not only have Governor Folk and Governor La Follette denounced the railroad pass as a most insidious form of bribery, but Governor Hanly, of Indiana, has joined his voice to theirs in exposing its corrupting influence and demanding that it be eradicated from our political life. I will incorporate as an appendix to my remarks parts of the messages of these men on this subject, also a speech by a former Member of this House, John J. Lentz, of Columbus, Ohio, whose eloquent voice has frequently been heard here in denunciation of special privileges, and a letter of David Obermyer, of Kansas, pointing out who pays the cost of these favors. I want to call special attention to what Joseph W. Folk has to say in his inaugural message as to stolen goods, i. e., to those goods (franchises for gas, electric light, water, telephone, telegraph, street railroad, and steam railroad companies) which have been stolen by bribing the people's representatives. He very properly and righteously insists that as a man may recover a stolen horse, so the people should be able to recover franchises stolen from them.

But, Mr. Chairman, what a multitude of "widows and orphans" would spring up if this righteous rule were applied.

I commend it to the people of Chicago as a way to settle with that franchise exploiter, J. P. Morgan. [Laughter.]

As I have said, Mr. Chairman, these things to which I have referred all indicate that the rule of monopoly has reached its zenith, and Hamiltonianism, which has had almost undisputed sway in this country for a third of a century, is to give way to an era of Jeffersonianism.

Nothing that I have read of late has so filled me with hope that the cause of liberty and justice is not dead in the United States as has this article I have in my hand. It is called "The beginning of the Cycle," and appeared a few weeks ago, January

7, in a paper, the Public, of Chicago, from which I obtain more inspiration than from all other papers combined.

I wish, Mr. Chairman, that this article from Mr. Post's paper could be read by every man in the United States in whom the spark of liberty yet lives, but who has become discouraged at the apparent futility of our efforts to combat predatory wealth and all its debasing, demoralizing, and enervating influences. If they will do so, I am sure they will arise from its perusal quickened with new impulse, imbued with a renewed determination to continue the fight against all forms of special privilege, not the least of which is the private exploitation of public functions by private corporations—railroad companies. [Applause.]

APPENDIX.

ADDRESS OF JOSEPH W. FOLK ON THE OCCASION OF HIS INAUGURATION AS GOVERNOR OF MISSOURI—SUGGESTED LAWS IN BRIBERY MATTERS.

To take away the incentive for bribery as far as possible, all franchises, rights, and privileges secured by bribery should be declared null and void. When one steals a horse, he can not transfer any title to it, and the owner may recover it wherever found. This rule should be made to apply to the people's property, stolen from the people by bribing their representatives, and the people should be entitled to reclaim their own.

EVILS OF RAILROAD PASS.

In investigating legislative corruption it has been my experience that the first step a legislator takes toward bribery, as a rule, is the acceptance of a railroad pass. The constitution of the State and the statute make it a misdemeanor for a legislator to accept a pass, and for anyone to give a legislator free transportation. With the wisdom of this law we have nothing to do; it is the law. When a legislator accepts a pass, he puts it in the knowledge of the representative of the railroad that he has violated the law and is subject to indictment. This knowledge can be used by the railroad representative to club the legislator into submission to corporate interests. If the legislator hesitates, it has only to be suggested that information may be given the prosecuting authorities regarding the pass transaction, and the legislator will bow his head like a slave that is scourged and do his master's bidding. I have found instances, in the course of investigation, where men had gone to the legislature imbued with high and noble purposes of serving their constituents honestly and well. First seduced by a railroad pass, the road to destruction was swift and easy, and they would often wind up by accepting bribe money. I am sure that you agree that railroads must not get a grip upon the legislative body through the railroad pass. The law on the subject of free passes should be strictly enforced. It is my purpose, and of course it is yours, to give railroads and every other interest fair treatment. They shall have every right the law gives to them, but no more; they shall have equal and exact justice, but no special privileges.

[The Public, Chicago, Saturday, January 7, 1905.]

THE BEGINNING OF A CYCLE.

As the nineteenth century drew on to its close a French phrase, now almost forgotten, got to be as familiar to us of English speech as any household word of our own tongue. It was "fin de siecle"—the end of the century, the end of a cycle. The dying off of old things, the coming on of new ones; such was the thought. Of the dying century which had "lived with us so steadily," we might have sung with sorrow, as Tennyson sang of a dying year:

His face is growing sharp and thin,
Alack! our friend is gone.
Close up his eyes; tie up his chin;
Step from the corpse—

and then, still after Tennyson, and with hope supplanting sorrow, of the dead century's "son and heir"—

and let him in
That standeth there alone,
And waiteth at the door.
There's a new foot on the floor, my friend,
And a new face at the door, my friend,
A new face at the door.

In spite of our philosophy and our science, of our impatience with superstition, and of our prose-like common sense, we somehow felt as poets and children feel any twelvemonth, when an old year goes out with the chimes and a new one wakens the world at dawn—excepting only this, that our mystical sensations were on a larger scale. We measured the cycle by no half a hundred weeks plus two, but by a full rounded hundred years. In imagination we saw our closing century marking time to the drumbeat of coming revolution.

This was not because events were obviously ripe for revolutionary change. It was only because the clock was soon to tell off the beginning of the first day of the first year of a new century on our calendar. Fantastical it was, to be sure, for there is no magic in the calendar. That handy device is only a recording machine. Yet it seemed that as the calendar began a new century, Time must begin a new cycle.

Nor were we altogether wrong. Though the changes of Time are not associated with calendar changes in any such literal fashion, they have an element of periodicity which we recognize by the observation that "history repeats itself;" and in our history the great periodic changes do seem related more or less closely to the numerical centuries of our calendar. Possibly they are the natural culminations of regular socio-psychological stages, recurring spiral-like with all peoples, and with the more restless about a century apart.

We are accustomed to call these changes revolutionary. Yet we know them to be in the nature of evolution, like the evolution of ripening fruit from dying seed and flowering buds. The reason is plain. We are usually so ignorant of their processes of development, or so indifferent to the climacteric signs, that when the climax comes it startles us by what seems to be its suddenness. So we think of the change, not as an evolutionary ripening, but as revolutionary destruction. And inasmuch as great historical changes of this kind have sometimes occurred not far from the beginning of new calendared centuries, we, in our more childlike and poetic moods, have associated the two facts as if there were a causal relationship. Hence it was, as the nineteenth century approached its final year, that some of us whispered, not without a little sense of awe: Fin de siecle!

Though interrelated, the movements of these historic periods are of many distinguishable kinds.

In their larger classifications they may be defined as religious, economic, and political. One revolution may be religious, as the advent of Christianity. Another may be economic, as the utilization of steam. Another may be political, as the overthrow of absolutism in France toward the close of the eighteenth century, or the establishment of the principle of popular sovereignty in England a century earlier.

But each seems to be governed by the same socio-psychological laws of growth unto ripening; and, while their interrelation is intimate and correlative, each has its own peculiar characteristics and phenomena. Although these cycles are sometimes concurrent, and always reciprocally influential, they are essentially different in character and plainly distinguishable in expression.

In the history of English-speaking people the political cycles may be pretty clearly traced for ten centuries; and in the whole history of civilization a similar periodicity may be observed. It does not anywhere coincide literally with the century notations of the calendar. But everywhere there is a certain regularity of progress from revolution to revolution—from the fruition of one revolution to the bursting seeds of the next. And wherever the influence of conservatism has been weak and the spirit of change restless, each generation has seemed to play a distinctly characteristic part, thereby completing the cycle in about five generations.

One generation, for instance, may begin a political cycle—or close one and begin another, for revolutions comprehend both the death struggles of the old and the birth pangs of the new—by successfully rebelling against some form of tyranny, as did the American revolutionists toward the close of the eighteenth century. In doing this they always appeal to a general principle of liberty, such as that which the Declaration of Independence proclaims.

The second generation, grateful for the work of the first, heartily adopts and sincerely boasts of the principles of liberty as the sign whereby their fathers conquered. This was characteristic of the generation that immediately followed the founders of our Republic.

The third generation also honors the Revolutionary fathers, but less under the influence of gratitude and sympathy than of tradition; and while they boast of their blood-bought principles of liberty loudly enough, they are really boasting only of traditional phrases and not of a vital principle. The principle of liberty is now beginning to die, as a seed dies in the ground in the process of bringing forth more fruit, and maybe better fruit, after its kind. An example of this stage may be found, relatively to the American Revolution, at the time of the third generation of Americans, when press and bar and platform and college and capital and pulpit rang again with explanations and protestations that the blood-bought principles of American liberty did not apply to Americans of African descent.

With the fourth generation a further degeneracy may be noticed. The libertarian doctrines of the Revolutionary fathers are now freely sneered at as "glittering generalities." Even the traditional phrasing is losing its hold upon the popular imagination. And as both the principles of liberty and their cherished phrasings weaken in common thought new tyrannies boldly and successfully assert themselves and grow apace. The American example of this stage in the rounding out of a political cycle is furnished by the generation that rose out of the period following the civil war.

In the order of generations, each considered as playing its own part in the progress from revolution to revolution, the fifth witnesses the development of the new tyrannies to their climax of power, followed by the revival in newer and better forms of the old spirit of liberty. The abandoned libertarian principles have been slowly and silently gathering new force, even as the sprout from seed in the ground gathers force while the seed form dies, or as the stream gathers force from the very ice which has held it fast and hard through the winter of its bondage. So the fifth generation, inheriting the reactionary tendency of the fourth, develops anew to the point of action the spirit of liberty which vitalized the cause of the Revolutionary fathers. On the ear of this generation fall the drumbeats of another revolution, and with that the cycle is complete.

The fifth period in our own political cycle seems to have begun with the present generation. The climax of unbridled power came when our Republic, officially repudiating its libertarian ideals and cynically spurning their landmarks, rushed along the pathway of plutocracy at home and embarked upon a career of Roman imperialism abroad. And following this sign of the end of the cycle there have already appeared many signs of the decline of unbridled power, and of a revival in greater strength and wider influence of the libertarian principles of our fathers of the Revolution.

This illustration from a century's history of American politics is not exceptional in its suggestiveness. The operations of such a principle may be seen in the history of the British constitution, sometimes on the grand dramatic scale and sometimes in the underplot. Rome passed through many such cycles, and so have the continental peoples of Europe since Rome's imperial sway came to an end. In the political advances of all civilized men there appears to have been some such sequence of change, from revolution to revolution. Details differ. Generations may not coincide, one after another, with the periods of change. There may be confusing fluctuations in the phenomena. Even the general sequence may not be so easily traceable. But such sequences do seem to recur, and to indicate a psychological principle of political development.

It is the same, apparently, with religion and economics. In them both, as in politics, this principle of cycles beginning with revolution and so ending, after passing through stages resembling those we have suggested, seems more than an idle speculation. Such changes certainly mark the path of economic progress. From a revolutionary invention, such as the utilization of steam or the discovery of illuminating gas, through successive periods of admiration, contentment, and discontent, to revolutionary electrical inventions—what is this but an approximation of the industrial cycle to the characteristics of the political? So also of the religious field. The long history of Christianity, is it not made up of a succession of cycles, each rounded out with analogous sequences of change? Surely some such sequence, the successive stages of which are more or less susceptible of identification with successive generations, does characterize social progress. And it seems to be equally true of religion, of economics, of politics, and of all three considered as one and called civilization.

One of these political cycles seems now about to close and a new one to begin. The signs may be observed on every hand. They appear in Russia in the forms that belong to primitive uprisings against primitive modes of political oppression. The Russian autocracy is proba-

bly going down as the absolutism of France went down a century ago—fatuously resisting a peaceable revolution of constitutionalism, to be hurled from its pedestal by the passions of a people outraged beyond further endurance. Similar, though much less primitive, signs are observable in Germany, in France, in England, in the United States. These are significant of revolution without the violence that threatens Russia. Look where we may we can not but see that the old cycle has rounded out its course in the skepticism which fosters oppression and thereby invites revolution.

Some have supposed that the nineteenth century repudiation of eighteenth century idealism was something new under the sun. There was nothing new about it except the form of the idealism and the form of the repudiation. Since history began it has recorded again and again just such revolutions. History is little more than the story of successive conflicts between idealism and materialism, the doctrine of right and the doctrine of might, the principle of equality and the assertion of power; and again and again has materialistic power overcome ideal principle—apparently for good and all, but in reality never so. Its seeming triumph has always proved to be the precursor of revolution, back to the ideal in essence, yet forward to a clearer conception and truer application of the ideal in form. The triumphs of mere power have been as the deepest dark before a coming dawn.

That such is to be the place in history of the materialism of the nineteenth century becomes every day more evident. The wave of materialistic philosophy which, bearing upon its crest a cynical commercialism and a boastful imperialism, swept the closing years of the nineteenth century and spread over into the twentieth is plainly receding. The dawn of the new idealism is breaking. Religion is rising above the influence of the merely physical; science is escaping its jealous embrace and holding it within its natural bounds; politics turns again from the assertion of bare power to the pursuit of libertarian ideals. In every department of human thought and activity the ideal is again rousing men to a realization of the sacredness of manhood.

With clearer vision than ever before, thanks to the discipline to which the truths of a perverted materialism have subjected the imperfect idealism that preceded it, we are coming to see with Burns that "a man's a man for a' that and a' that." Be his condition or race or heredity what it may, he is more than a biological specimen to be dissected by the anatomist or inspected by the psychologist or plundered by the monopolist. We are coming again, and coming fast, to a truer appreciation than ever before of the ideals that vitalize the British constitution, that made the French revolution, that blazed forth in our own *Declaration of Independence*—the ideals for which Thomas Jefferson stood in his day and to which Abraham Lincoln appealed in his.

Over and over again have these ideals of humanity been thrown down only to rise again purer and stronger than before; but never has their rejection been so candid and so general as in the period of materialism, imperialism, and plutocracy from which the world is now emerging, nor thier revival so universal and exalted as this revival promises to be. The ideal has so far conquered even now that its advocates may turn from the negative fight they have been forced to wage. Materialism and all that this implies—selfishness, both national and racial as well as individual—is so manifestly losing the hold it has had that the negative fight against the false may be in a great measure abandoned for the affirmative fight for the true, which materialism has held in check.

Not that some negative fighting against the false will not still be necessary. Dying things do not die all over at once, and error is no exception. Some attention to muscular spasms of the nineteenth century enemy to human rights must yet be given from time to time; but in general the contest for right advances now from the negation of the false to the affirmation of the true.

In American politics, for example, we are getting down to the bed rock of fundamental political issues. Paternalism versus democracy is becoming the great issue. In the contest over this issue men may respect and honor one another though on opposing sides. For here men may honestly and unselfishly differ. Those of us who accept the democratic principle can accord to our adversaries the same good intentions we claim for ourselves. We may, moreover, devote our energies less to controverting the errors of paternalism than to demonstrating the truths of democracy.

This was not so when plutocracy reigned unabashed. It was not paternalism as a principle that democracy then had to meet, but murder and grand larceny in the guise of paternalism. These conditions do not all pass with the cycle they are bringing to a close. Human affairs are not so sharply marked off. In many ways, therefore, and at many times, democracy may have plutocracy to fight. It must never cease to regard plutocracy as a relentless enemy. Eternal vigilance is truly the price of liberty. But honest paternalists are coming to recognize plutocracy as their enemy as well as ours, and so far as the negative fight may still be necessary, honest paternalists in growing numbers will join us in making it.

As an illustration of our meaning here, take the notable case of Governor La Follette, of Wisconsin. Governor La Follette is a sincere and consistent Republican. He is, therefore, a paternalist, as distinguished from a Democrat, for the inner principle of the Republican party is paternalistic. That is the meaning of protection as a genuine political principle. It is also the meaning of colonialism as a political principle apart from greed. But Governor La Follette has neither part nor lot with the plutocrats who have seized upon the organization of the Republican party to use it for their own selfish ends. This he has proved by his policy in Wisconsin. Folk has proved the same thing as to himself, with reference to the Democratic party in Missouri. William J. Bryan and Tom L. Johnson are leaders of the same kind—men who stand for the democratic principle of the Democratic party as La Follette stands for the parternalistic principle of the Republican party. But all are as one in fighting the plutocracy of both parties.

That the hardest part of this fight is over in American politics is indicated also by President Roosevelt's message. Although the ill-odored fragrance of plutocracy hangs about that document the document itself, in its main features, is paternalistic rather than plutocratic. And so of later expressions of the President. The idea that dominates him is the paternalistic doctrine that we are our brother's keeper. It is hardly a reassuring doctrine, to be sure, to men who believe that we are our brother's brother and not his keeper; but it is one of the evidences of the passing of the doctrine that gives to him "who has the power," and lets him "keep who can."

Other evidences of this change are abundant. Wherever men talk together now their erstwhile cocksuredness about the survival of the fittest as the true test of merit is significantly absent. They no longer turn a deaf ear to considerations of right and wrong; or if they do, it is with an apologetic tongue. With all these signs, is it beyond belief that the new cycle is beginning?

And what has such a cycle in store for the generations that are to play their several parts in its revolving years? Prophecy is pardonable, even if presumptuous, on the threshold of a changing order.

With the progress of this new cycle libertarian principles shall take a deeper hold and have a wider application. In our municipalities the people shall rise up to manage their own public affairs, free from the burdens and bedevilments of private corporations enfranchised with public functions. In our States there shall be an increasing tendency toward extending local self-government to the minor divisions and the reassertion of their own sovereignty against the encroachments of Federal power. In our Republic the liberties of federation shall push aside the aggressions of imperialism. Throughout the civilized world arbitrary taxation shall retreat before the growth of a wholesome public sentiment in favor of taxation in proportion to the value of benefits conferred by the public; the common inheritance in mother earth shall be restored; and equality of all other natural rights, irrespective of race or religion, of sex, station, or wealth, shall become vital as a principle of civilized life. Imperialism shall give way to international comity with weak peoples as well as with strong ones; the "white peril" to human brotherhood; destructive exploitation to progressive cooperation; the barbarism of aggressive war to the civilization of peace with justice.

The fatalistic optimism with which the old cycle ends shall be supplanted in the new one with the optimism that springs from faith in the practicability of what is right and honest and just and true. The darkness of nineteenth century materialism and plutocracy and imperialism shall fade away; the dawn of a truer idealism than the world has ever known shall begin to break.

And slowly answered Arthur from the barge:
"The old order changeth, yielding place to new,
And God fulfills himself in many ways,
Lest one good custom should corrupt the world."
* * * Long stood Sir Bedivere
Revolving many memories, till the hull
Looked one black dot against the verge of dawn. * * *
Then from the dawn it seemed there came, but faint
As from beyond the limit of the world,
Like the last echo born of a great cry,
Sounds, as if some fair city were one voice
Around a king returning from his wars.
Thereat once more he moved about, and clomb
E'en to the highest he could climb, and saw,
Straining his eyes beneath an arch of hand,
Or thought he saw, the speck that bare the king,
Down that long water opening on the deep
Somewhere far off, pass on and on, and go
From less to less and vanish into light.
And the new sun rose bringing the new year.

A cycle is ending; a cycle begins. The darkness of an older age is fading; the light of a newer age reddens our eastern sky.

[Topeka Capital, August 31, 1904.]

OVERMYER ON THE PASS EVIL—GETS AFTER DEMOCRATIC CANDIDATES—ASKS POINTED QUESTIONS—URGES PEOPLE TO PUT STATESMEN ON RECORD ABOUT THE USE OF FREE TRANSPORTATION—TROUBLE IN STORE FOR POLITICIANS.

To the Editor of the Capital:

In your paper of recent date I find the following:

"Judge Dale, who wants to make railroads the paramount issue, objects to the use of railroad passes in the campaign. Chairman Sapp, who is a practical man, is in favor of all the passes he can get.

"The railroads in the past have furnished the campaign managers, candidates, and orators with transportation, regardless of party, and it is supposed they will do so this year. Judge Dale insists upon paying fare, but Sapp will supply the other campaigners with passes, if he can procure them.

"Modern history records but one other candidate for governor who declined to ride on a pass—David Overmyer. In 1894 Mr. Overmyer paid his railroad fare during the campaign, but his example was not followed by his party workers. All the other campaigners that year had passes.

"Mr. Overmyer put antipass planks in the Democratic platforms of 1900 and 1902, but this year Judge Dale wrote the platform. While the platform does not specifically mention passes, it contains an indorsement of the Texas railroad law, which makes the use of a pass a crime."

The other papers also have been discussing this matter quite freely, so it appears that the pass question will not down. Judge Dale has informed me that he will pay his own fare whenever he travels on the railroads. In this Judge Dale is entirely right. It will be remembered also that in the platform originally drawn by him was a plank against public officers using passes. This is all right as far as it goes, but it is not enough that Judge Dale should refuse to ride on passes, nor is it enough that public officers shall not ride on passes.

No man has a right to ride free while others are compelled to pay. The reasons have been stated so often without even an attempt being made to answer them that they may be accepted as unanswerable. Many of the men who use passes are ashamed of the fact and seek to avoid observation as they present their passes to the conductors on trains.

PAYS FOR DEADHEADS.

During the twenty-two years that I have lived in Kansas, though not much of a traveler, I have paid out at least $3,000 in railroad fares. At least $1,000 of this amount I have paid for the benefit of the deadheads and gilded paupers whose rides, while not paid for by them, must be paid for by others. Many men have paid much more in this way than I have. About one-third of the railway passenger mileage is free to those who enjoy it. The two-thirds who pay must pay one-third more because one-third pays nothing. This alone ought to settle the whole matter. No common carrier, chartered and franchised as railway companies are, has any legal right to make such discriminations.

But this is one of the least of the objections to the free pass. The fact with it the railroads corrupt, silence, and muzzle the public, official and unofficial, and thereby secure immunity from any just regulation or control is the great objection.

I have frequently pointed out all this, and will not here elaborate. The time for argument in this matter is passed. The public is well advised. The time for action has come. What you say about me is correct. I also offered a resolution in the Democratic State convention of 1900 recommending that professional lobbying be made a crime, and another in favor of a railway public auditor, to the end that the

public might know what the railroads are doing—so that the legislature, the court, and the people might know how to treat and deal with these public servants. Both of these resolutions were unanimously adopted. This platform was reaffirmed in 1902.

PRAISES SENATOR M'MILLAN.

Senator McMillan introduced bills in the State senate of 1901 covering all these points. He stood practically alone. The bigots, boodlers, ignoramuses, and fools laughed at him. He will be reelected if the people of his district are wise enough to know their own interests and honest enough to protect their own rights and those of their families from extortion and robbery. When he comes back to the senate, he will introduce similar measures. Who will dare to sneer at him then? There are some men in close touch with the present Democratic ticket who scorned him then. Let them dare do it now! It may be true, as you say, and as currently reported, that the railway companies are willing to furnish transportation impartially to the speakers and candidates of both parties. Indeed, such has been their general course in the past, and as their purpose is to compromise and tie the hands of all public officials this would seem to be their true policy now.

I wish to warn the Democratic candidates, however, that they can not afford to accept such favors from the railroads. They can not hope to succeed on a platform demanding railroad reform and have the railroads carry them about the country free of charge while they are asking the people to vote to reform the railroads. The idea is too absurd for a moment's consideration. The candidate who attempts it will fail of election, and what is worse, will deserve to fail.

REGARDED AS INSINCERE.

The candidate who goes over the State denouncing railway discriminations, while at the same time he has his pockets full of passes, will be regarded as insincere. The people will say he does not mean what he says, for he himself is the recipient of one of the worst of all discriminations—free passage over the railroads. Men can not talk Democracy, the fundamental principle of which is equal rights for all and special privileges to none, with their pockets full of special privileges.

It is not, therefore, sufficient that Judge Dale alone shall pay his fare. Every Democratic candidate on the State ticket and on every judicial and legislative ticket should openly and at once announce his intention to do the same thing and carry out such intention to the letter, and every legislative candidate should pledge himself to refuse all such favors if elected and to work for the abolition of the whole nefarious system.

TOUCHES UP JUDGES.

And all candidates for judicial and other offices should at once publicly renounce the infamy of this most insidious of all forms of bribery. It is sometimes said that the salaries of our judges are not sufficient and that the pass enables them to travel about over the country, while without it they would not be able to do so. I believe there is much truth in this, but if so, what a striking confession this is of the actual money value of the pass, and how it pleads, therefore, against its reception by any public official, and for its total abolition. It is a shame if the judges of our highest courts are not paid enough to relieve them from any such necessity. Their exalted station, however, requires that they should set an example of civic virtue, and make such sacrifice as the cause of universal justice may require.

PUBLIC IS INTERESTED.

This is the first campaign in which the general public has become interested in this matter. The people have it in their power to correct all railway abuses by simply requiring of candidates that they shall take an open and unequivocal stand upon the pass question. That question is the key that unlocks the door to the chamber of mysteries which holds the secrets of the transportation problem. Question all candidates, especially all candidates for legislative and judicial positions, and make them declare themselves as to whether, if elected, they will be the servants of the people or the servants of the railroads. This does not apply to the Democratic candidates only, but to the Republican candidates also, including the candidate for governor and from the governor down.

People of Kansas, you have the power to secure justice in your own hands. Will you exercise that power?

DAVID OVERMYER.

AUGUST 30.

[Columbus (Ohio) Press-Post, January 8, 1905.]

"WHAT SHALL WE DO TO BE SAVED?"—ADDRESS BY HON. JOHN J. LENTZ—SURPRISED ALL THE POLITICIANS—HIS ARRAIGNMENT OF CRIME IN HIGH PLACES—WAS AS STINGING AS IT WAS ELOQUENT.

Now that the smoke of the tame little fight of last November has cleared away and the new year has begun it is about time that we take an inventory not only of the assets and liabilities of the Democratic party, but the assets and liabilities of the greatest republic the world has ever seen. "What shall we do to be saved?" Let us answer this question in this Yankee section of Ohio after the Yankee fashion of asking another question. "Saved from what?"

In our national policy, first, save us from Republican indifference to the public good and general welfare, which denies our 80,000,000 people the improvement of the postal service by giving us the parcels post and by the installation of the telegraph, which would give to the whole people the right to send a message of thirty words for 5 cents, no matter what the distance, whether it be 3 miles or 3,000 miles; whether it be from village to village or across the continent.

REPUBLICAN SINS OF OMISSION.

For the last eight years the Republican party has had complete and continuous possession of the Presidency, the Senate, and the lower House of Congress, and almost continuously for the last forty years the Republican party has had possession or control of the National Government, and within these forty years there have been nineteen committees appointed to investigate the use of the telegraph in connection with the postal system, and seventeen out of nineteen of these committees have reported in favor of the improvement of our postal service by the installation of the telegraph. There are 16,000,000 families in the United States who would be benefited by having the telegraph instrument in each of the 75,000 post-offices of the Republic. There is only one family interested in having the use of the telegraph limited to the 25,000 offices of the Western Union system.

In this Yankee section of Ohio I ask another question. Why is it that the interests of the 16,000,000 families are ignored, and the gigantic revenues of the one family are alone worthy of the consideration of the Republican party, which could and should, at any one of the sessions of Congress within the last eight years, have made provision for this improvement of the postal service, and brought our Republic up to the level of seventy-five of the principal nations of the world that operate and own the telegraph. At this time the only Governments which do not own and operate the telegraph are Bolivia, Cuba, Cypress, Honduras, and the United States. What company do we keep! What a miserable exhibition we make of ourselves, when tested by Lincoln's speech at Gettysburg, if we are the best sample of a "government of the people, by the people, and for the people."

NEED OF POSTAL TELEGRAPH.

More than seventy bills have been introduced in Congress for the establishing of a postal telegraph, and yet the one family in control of the Western Union has denied 80,000,000 people the God-given right to use electricity to transmit thought. Uncle Sam's letters still go on foot, on horseback, in wagons, steamboats, and railway cars, but are denied the right to travel by electricity. Something must have happened to the moral purpose of American manhood since the days of Franklin, who established the postal system with the hope that it would be a leader and a promoter of civilization instead of mud on the wheels of progress. In Franklin's day we carried mail in saddlebags on horseback, at the rate of 40 miles a day. For the last forty years we have carried thought on the iron horse at the rate of 40 miles an hour. Let some one answer why we should not and could not long since have been carrying thought on the wings of lightning at the rate of 3,000 miles in thirty seconds, and at a cost of 5 cents for thirty words? In Australia, with a population of less than 4,000,000, the public telegraph transmits sixteen words 5,000 miles for 24 cents, and for shorter distances for a charge of 12 cents. What a pittance of this charge would it be in a land like that if it had 80,000,000 people to make use of the same system?

Charles Sumner, President Grant, Senator Edmunds, Postmasters-General Johnson, Randall, Maynard, Howell, Cresswell, and John Wanamaker, Professor Morse, Cyrus W. Field, Prof. Richard T. Ely, Rev. Lyman Abbott, B. O. Flower, Henry D. Lloyd, Dr. C. F. Taylor, Prof. Frank Parsons, Samuel Gompers, James Russell Lowell, Phillips Brooks, and hundreds of other eminent men in every walk of life have advocated a postal telegraph. Boards of trade, chambers of commerce, labor organizations, farmers' alliances, representing millions of our citizens, have joined in the request for a postal telegraph. Substantially, it may be said, professional men, scholars, merchants, farmers, mechanics, and all classes are in favor of a postal telegraph, and yet the Republican party has denied it persistently, and are equally unmindful of the public good in denying a parcels-post. Outside of America 95 per cent of the world's telegraphs are in government hands. Does this not demonstrate that the oligarchy of monopoly has more power in America than any monarch has in Europe?

WHY DON'T REPUBLICANS ACT?

Since everybody is in favor of the improvement of the postal service by the installation of the telegraph, and nobody is openly opposed to it, how does it happen that the Republican Administration can be impotent on this subject for forty years, and promises to be impotent four years more? Perhaps the secret power behind the throne was properly located by John Wanamaker while he was Postmaster-General, when he said: "There are just four arguments against the establishment of the parcels post, the Adams Express Company, the American Express Company, the Wells-Fargo Express Company, and the Pacific Express Company." If there were four arguments against the parcels post, may we not properly say there is but one argument against the postal telegraph, namely, the Western Union, and its liberal use of franks in the pockets of those who have taken an oath to serve only the public good.

But I must pass on. There are other things from which we should be saved. Second, let us be saved from Republican imperialism, which dishonors and repudiates Abraham Lincoln, who said: "This Government can not endure permanently half slave and half free;" which repudiates the doctrine of Thomas Jefferson and all the signers of the Declaration of Independence when they said "All men are created equal," and that "Governments derive their just powers from the consent of the governed." Up to this time if just powers are only derived from the consent of the governed, then all the powers we exercise over the Philippine Islanders must be unjust powers, or the signers of the Declaration of Independence promulgated little less than political sophistry.

Let us be saved, third, from the Republican policy of high tariff, which Havemeyer so wisely and so accurately described as the mother of trusts. Nor is Havemeyer alone in this denunciation of this Republican mother and breeder of trusts. Within the past week we have had some extraordinary testimony on this subject. The Ohio State Journal, recognized as the stanchest and ablest Republican organ of the State of Ohio, in its issues of Monday and Wednesday gave its readers two of the ablest editorials that ever appeared in any newspaper in the State of Ohio against the frauds, crimes, and special privileges of Republican tariff legislation.

REPUBLICAN ORGANS ATTACK TARIFF.

The first of these editorials begins with this heading, "The real remedy for the paper trust," and ends with this sentence: "The real trust remedy lies with Congress, and the first one that should be applied is the abolition of every tariff duty that cloaks and protects a trust monopoly."

In the body of this editorial we find this arraignment of the Dingley tariff in favor of the paper trust: "The tariff on paper is not required to protect American labor against cheaper foreign labor. Long before the Dingley law the United States was the greatest producer of print paper in the world. It will continue to be as long as the supply of spruce timber lasts. The tariff has simply put a premium on monopoly. Print paper is only one of many articles on which the Dingley law imposes heavy duties, that are unjustified on any fair theory of protection and simply promote monopoly and make extortionate prices possible."

In this same connection I read you from another editorial in the same paper, in its issue of January 4, the heading of which is in these words, "A study in the progress of monopoly," and the last sentence of which editorial is in these words: "Abolish the trust-breed tariff schedule."

Mr. Lentz read this editorial of the Ohio State Journal, which denounces the beef trust and the sole-leather trust as the outgrowth of the Dingley tariff, and makes plain the fact that substantially the entire population of our American cities pays toll to monopoly on every pound of meat consumed. The editorial calls attention to the bank failures in the State of Iowa, because the Western cattle raiser is at the mercy of the beef trust, which fixes the prices of cattle as well as

the price of the meat furnished the people. The editorial calls attention to the fact that the backers of Iowa had loaned heavily on cattle paper, and the arbitrary reduction made in the price of cattle by the beef trust has caused the failure of a number of country banks. The editorial points out the fact that Governor Douglas, of Massachusetts, declared that the tariff increases the price of the cost of the leather in each pair of shoes to such an extent that were it taken off he could sell his $3.50 for $3.

SAVE US FROM THESE POLICIES.

The people of Ohio are to be congratulated that the Ohio State Journal has been frank enough and fair enough to take the sheep's clothing off the tariff wolf and expose it in all its hideousness. Let us have more newspapers in both political parties honest enough to tell the truth, the whole truth, and nothing but the truth about the class legislation and the special privileges granted by the Government at Washington to men whose greed and gluttony makes them worse public enemies than were those who were responsible for the fugitive slave law and the civil war.

Fourth, Mr. Lentz urged that we should be saved from the Republican policy which denies the people the benefit of graduated income tax.

Fifth, said Mr. Lentz, let us be saved from a Republican policy which withholds from the people the benefit of drastic legislation and litigation against the criminal trusts. And in this connection the speaker called attention to the fact that the beef trust, the oil trust, the coal trust, the sugar trust, the leather trust, and the paper trust are not the worst trusts, but that the grossest and basest of all the criminal organizations in the land are the street railway trusts, two of which, for instance, are operated through headquarters in Philadelphia, "and this," said the speaker, "brings us to the necessity of an inquiry into State affairs rather than national affairs."

From what are we to be saved in our State affairs? First and foremost, let us be saved from the crimes of the street railway trust of Philadelphia, which, like a foreign monarch, levies tribute and taxation without representation not only upon the people of the municipalities of Ohio, but upon the people of many of the municipalities of other States.

The average street railway company of our municipalities is upon the tax duplicate at a valuation of about one-fourth its cost, and upon the bond and stock market at a valuation of about four times its cost. Thus this criminal trust robs the people by compelling them to pay taxes which ought to be paid by the street railway, and, not satisfied with this, it also robs them by charging them excessive fares from day to day, to pay interest and dividends on watered stocks and bonds. But these crimes are merely nominal when compared with other crimes of the street railway trusts.

LAWSON TEACHING GOOD LESSONS.

Lawson is teaching the American people a good lesson about frenzied finance. Ida Tarbell, in her history of the Standard Oil Company, has taught the people more and been more potent for good than any United States Senator or President within the last generation. Lincoln Steffins, in his exposure of the "Shame of our cities," is doing a work which will, within a few years, enroll his name in the catalogue of the great reformers. Tarbell, Steffins, and Lawson are names destined to become as imperishable as are the names of Benjamin Lundy, William Lloyd Garrison, Wendell Phillips, and John Brown.

The reform movement of the last century was one organized to exterminate and blot out forever that legalized selfishness and injustice known as "negro slavery." The reform movement of this century is well along toward redeeming our municipalities from a highly respectable banditti more dangerous than any of the Molly Maguires or Mafia that have ever infested the American Republic.

The street-railway organizations of our Ohio cities, as well as other cities, have gone so far as to nominate a majority not only of our Republican candidates for the city councils of the different cities, but also a majority of the Democratic candidates. The so-called "city boss," the professional boodler boss, who is with us in the spring primaries and the autumn election, does not draw his corruption fund from his bootleg. He is supplied with his corruption fund regularly and systematically by the street-railway trusts. Not out of their treasury, of course, but at the hands of those who represent the oligarchy of Philadelphia, who have funds on the side for this systematic campaign of corruption.

ALL BOSSES LOOK ALIKE.

It must not be assumed, my friends, that the city boss contributes his own money to pay the hirelings in the hundreds of wards and precincts of the State of Ohio. Nor must it be assumed that there is any difference between a Republican boss and a Democratic boss. Both are boodlers, and, in the language of Governor Folk, of Missouri, "All boodlers look alike to me." Boodlers are neither Democrats nor Republicans. They have no convictions on the question of centralized government or home rule. They are Hessians, pure and simple. Bad as the boodler may be, he is a gentleman compared with the high-toned bandits who furnish them with implements of their cowardly and clandestine campaign. Gross and criminal as may be the man who distributes from his own hands a corruption fund, he is as innocent as a child when compared with the scoundrels who furnish the corruption fund. The methods of Jesse James are honorable when compared with the methods of the street-railway trust. In the criminal law we speak of particeps criminis after the fact, but the controlling influences of the street-railway trust suggest to us the particeps criminis before the fact. The criminal who sits in an elegant office, who lives in a palace, and with purposes viler than those of a Catiline deliberately plans and projects a campaign of corruption in our municipalities is a much viler human beast than the man who, in the heat of excitement and rage, or to secure the necessities of life, commits a murder.

But, my friends, I have no patience with that short-sighted criticism which sees only the street-railway trust carrying on its criminal operations in nominating subservient creatures who are to be its tools in the city councils. The criminal organization which nominates the members for place in the legislatures of our cities goes further and in many cases dictates the nomination of both political parties for representatives in our State legislatures. Nor do they stop here. It is a legal maxim, "False in one, false in all." And it is equally true as a political maxim that he who is guilty of treason in one will be guilty of treason in all.

TRUSTS AND JURY CORRUPTION.

The same city boss in each of the political parties whose corrupt organization nominates the candidates for the city council and the State legislature nominates the candidates for the judgeship, and it is stupid for the men and women of Ohio not to see this. It is an injustice to the men who fill legislative place to charge them with having any weaker purposes or any lower conception of duty and manhood than the men who are nominated for the judgeship by the same criminal influences that selected the candidates for the legislative departments. Can the city boss desire a manly, dignified, and independent judge any more than he desires a manly, dignified, and conscientious legislator?

Nor can we stop here in the analysis of the conditions that are apparent in our municipalities in Ohio. It is well known among the lawyers that jury fixing and tampering with witnesses and subornation of perjury is but another chapter in the history of the crimes of the street railway trusts. Ever since the days of Jesus of Nazareth it has been as true as it was in his day, that there can be found a Judas among every twelve, and I doubt if there has been a jury in the box in any of our municipalities where there is not at least one Judas to be found who, for a few paltry pieces of silver or some other sinister consideration, will prevent a jury from bringing in a righteous and just verdict. In fact, this debauching of jurors is one of the things from which we ought to be immediately saved.

When two honest men differ they are generally willing to submit their difference to two independent arbitrators, these two men to select a third in case they can not agree, and then abide by the decision of two out of the three. Can honest men, litigating a case at court, not be willing to abide by a verdict rendered by nine jurors out of twelve, or an arbitration which would be the equivalent of an arbitration board, deciding by a vote of three to one in favor of one party or the other?

JURY SYSTEM OBSOLETE.

The jury system established hundreds of years ago is as obsolete in our cities to-day as would be corduroy roads and ox carts. If a politician is elected judge, and he is to select the jurors, they will not all be worthy men. If a jury commission selects the names and they depend upon what their neighbors tell them, the names that go into the jury wheel will not all be honorable men, and there is neither sense nor decency in compelling litigants to submit to a verdict brought in by a jury which may be defiled and dominated by one Judas out of the twelve.

An amendment to the constitution ought to be submitted to the people of our State by the next legislature, providing that verdicts in all civil cases should require the concurrence of only nine of the jurors. This would require the corruption and prostitution of at least four jurors out of twelve before an honest verdict could be prevented.

Judge James Tarvin, of Kentucky, in a conversation recently had with him, told me that they had found this necessary in Kentucky, and that he has yet to learn of a single verdict being rendered by nine men which was not a fair and reasonable verdict. It is a crying and immediate necessity and will do more good to purify the administration of justice in the eighty-eight court-houses of Ohio than any other possible reform at this time.

Every American citizen who is proud of the Declaration of Independence, proud of the Administration of Thomas Jefferson, the Administration of Andrew Jackson, the Administration of Abraham Lincoln, and ambitious that the American Republic shall have other Presidents equal in moral purpose to this triumvirate, must have been humiliated to have read the reports of the arraignments of the American Republic by a distinguished Englishman, at a banquet in London, charging us with having committed more murders in one year in this country than would number the lives of all who were lost in the Boer war.

INCREASE OF LAWLESSNESS.

S. S. McClure, in McClure's Magazine of December, gives the American people an appalling statement of the facts concerning the increase of lawlessness in the United States. One of the statements made by Mr. McClure is in these words:

"Statistics confirm the general impression regarding the rapid and alarming increase of lawlessness in our country. At present there are four and a half times as many murders and homicides for each million of people in the United States as there were in 1881."

In another editorial quoted from the Chicago Record-Herald, Acting gives his readers this statement: "No one respects law, no one respects the courts, the courts don't respect themselves."

In another editorial quoted from the Chicago Record-Herald, acting Mayor McGann is quoted as having declared that matters had come to such a pass that to-day crime and the criminal formed the greatest question before the people of the nation.

From the editorial in the Louisville Herald he quotes that one of the judges of Georgia declared from the bench that more homicides were committed in that State than in the whole British Empire. Here 1 person in 100 is convicted and punished, while in England 1 in 3 is made to pay the penalty.

From another editorial in the Chicago News Mr. McClure quotes this statement: "There is less crime in English cities than in American cities because of the more efficient police system abroad and the absence of political considerations in the administration of justice."

PREPARING FOR A LEADER.

I agree with Mr. McClure, and we ought to be thankful as American citizens that we have magazines like the Cosmopolitan, like McClure's Magazine, and like Everybody's Magazine, crying aloud in the wilderness like John the Baptist, preparing the way for another Jefferson, another Jackson, or another Lincoln.

To purify a fountain it is necessary to go to its source. To purify our cities it is necessary to dethrone the criminal street railway trusts, and the only way possible, in my judgment, is for the city to own the street railway, just as it owns the waterworks and the electric-light plant. The slave master had no conscience against slavery because of the greed for power and wealth, and so the street railway owner has no conscience on public questions, because of his greed for ill-gotten gains. Remove the cause for the corruption of our municipal, State, and national legislators, for the degeneracy of our judiciary and the degradation of our jurors and witnesses, and no such arraignment will be possible against the American nation as is being made in this country and throughout the world.

We should also be saved in the State of Ohio from the fee system, and every public official should be put upon a salary. We should be saved from legislators who deny the people the right of direct legislation or the initiative and referendum. We should be saved from legislators who pass municipal codes and deny the people of our cities the right to a direct vote upon the question of granting a franchise or extending a franchise or renewing a franchise.

I do not claim, in the brief time allotted to me, to have furnished a complete catalogue of the crimes, inequalities, special privileges, and class legislation from which we should be saved. It has been my purpose merely to set you thinking of a few of the grievous wrongs against which honest public officials could and should immediately proceed to relieve us.

WHAT SHALL WE DO?

And now I come to the original question, "What shall we do to be saved?" Going back to the question of the keeper of the prison, I find that Paul answered him in these words: "Believe on the Lord Jesus Christ and thou shalt be saved and thy house." And adapting this answer to American conditions and public morality, I answer in these words: Believe in Thomas Jefferson and the fathers of the Republic who wrote and signed the Declaration of Independence, declaring that "all men are created equal," and that "governments derive their just powers from the consent of the governed." Believe in Thomas Jefferson and his first inaugural address, which dedicated his Administration to the doctrine of "equal and exact justice to all, special privileges to none." Believe in Andrew Jackson and his Administration of the Presidency, dedicated to the doctrine that "the blessings of the Government, like the dews of heaven, should be dispensed alike on the rich and the poor, the high and the low," and who warned the American people that the path of freedom is continually beset by enemies, who assume the disguise of friends, and emphasized this warning with this legacy: "You have no longer any cause to fear dangers from abroad. It is from within, among yourselves, from cupidity, from corruption, from inordinate thirst for power that factions will be formed and liberty endangered." Believe in Abraham Lincoln, who dedicated his Administration to the doctrine that "government of the people, by the people, and for the people shall not perish from the earth. This country with its institutions belongs to the people who inhabit it." And it was this same martyred Lincoln who taught us that "if destruction be our lot we must ourselves be its author and finisher. As a nation of freemen we must live through all time or die by suicide."

"But," said James in his epistle to the twelve tribes, "faith without works is dead," or, as the Spanish proverb puts it, "fine words butter no parsnips." The Declaration of Independence, the equality preached and practiced by Jefferson, the honesty and courage of Jackson, the liberty and humanity of Lincoln will not avail us to perpetuate the Republic without works. Honest convictions on the part of a very large majority of the people are manifest on every hand. The reforms I have mentioned are desired by the Lincoln Republicans and the Jefferson Democrats throughout the land, and they constitute a large majority, but with the present political machinery installed it is impossible to get an honest expression of the will of the people.

MONEY THE ROOT OF EVIL.

Within the past two years we have not only had the shame of our municipalities presented to us, we have not only seen St. Louis and Minneapolis exposed in all their indecency, but we have seen some of our Ohio cities in like exhibitions of criminal career and criminal purposes, and possibly still more alarming is the fact that within the past two years three United States Senators have been indicted for penitentiary offenses and more than one United States judge impeached or removed for crime and corruption. The very atmosphere of public life is saturated with special privileges and criminal advantages. Post-office frauds and other crimes in public place throughout the land are but an encouragement to forgery and embezzlement on the part of thousands employed as treasurers, secretaries, cashiers, and bookkeepers throughout the land. This epidemic of crime is worse than the cholera, worse than the Johnstown flood, worse than the black plague of India—it is rotting the marrow and mildewing the soul of the American Republic.

But what shall we do to be saved? Let me say briefly and plainly we never can be saved by nominating candidates for executive and legislative place, either in the State or in the municipality, who seek these places for either ornamental or speculative purposes. Let us nominate men—

"Tall men, sun crowned, who live above the fog
In public duty and in private thinking."

HONEST CANDIDATES NEEDED.

There are 88 counties in Ohio, each one of which could furnish a man who has some other purpose in life than money grubbing or strutting as a social flunky, each one of which could furnish a gubernatorial candidate who would use all the power of office to promote the reforms I have mentioned, and other reforms, and each one of whom has, by a record of the last eight years, demonstrated whether he is a democratic Democrat or a democratic Tory; whether he stands upon his own feet and lives by the merit of his own manhood, or whther he is a cringing, subservient tool of some one of the criminal trusts; whether he is in earnest and sincere, and seeks the office and desires to hold it as a public trust, or whether he merely desires it for advertising purposes and to gratify the vanity of vanities.

The people need not make mistakes on these matters. Apply to every would-be candidate the test that Napoleon applied by asking the question in four words: "What has he done?" Has he run away from the fight in the past eight years; has he deserted and catered to the enemy, or has he been a Jacksonian Democrat with conviction and courage manly enough to fight the public enemies to a finish?

Three Democrats are now in the national eye who have been conspicious champions of the cause of the whole people. They are William Jennings Bryan, William Randolph Hearst, and Joseph W. Folk. No rich man in American history, except Thomas Jefferson, has made so large a proportionate sacrifice of his inheritance for Democratic principles as has William Randolph Hearst. It is such a rare thing that a rich man will spend a million dollars of his private fortune for the public good that I believe every American citizen ought to encourage the honest wealthy men of America by a proper expression of appreciation of the services of William Randolph Hearst. The courage and ability of Mr. Bryan and Mr. Folk have all been laid on the altar of public good, and they deserve equal gratitude for taking the risks and making the sacrifices which they have in behalf of "the greatest good to the greatest number."

NOMINATE CLEAN, BRAVE MEN.

The bitter, malicious partisanship which obtained for some years after the civil war is dying out, and these men who were young at that time have become old men now and have reached their philosophic years. They are larger in their learning and more rational in their thinking, and day by day are teaching their sons to be independent voters. The remarkable vote for Mr. Roosevelt on the one side in Massachusetts and Missouri, and for Douglas and Folk on the other side in the same States, give hope and assurance for a larger percentage of manly, independent voters, and the time is at hand when the Democrats of Ohio should begin a campaign under the leadership of their young men, who have not forgotten the precepts of their readers and their teachers in the public schools.

Let us have a Democratic organization in the State of Ohio that believes in manhood as the first requisite for public office. Let us repudiate the candidate who offers as a consideration for delegates the payment of railroad fare, hotel bills, and other "incidentals." Let us nominate men who have been known for some other quality than that they have made contributions for the benefit of the boodlers. Let us nominate men who are well enough known by their Democratic records to require no literary bureau to manufacture a record, and let us repudiate once and for all time that class of Democrats who represent the criminal trusts, whether they represent them as attorneys or lobbyists or boodlers, and let us repudiate that class of Democrats who have been too cowardly within the past eight years to take an open and aggressive stand against the criminal influences which have been at work prostituting the American Republic.

Let us nominate men who dare to do right and who know enough to know their duty, who know enough to know their rights, and knowing their duties and their rights have manly courage enough to maintain them—men who in this dawn of a new reform can repeat with James Russell Lowell in the reform of 1860 this inspired stanza:

"New conditions teach new duties,
Time makes ancient good uncouth,
They must upward still and onward
Who would keep abreast of truth."

Let us nominate men who believe with the saint whom we honor to-night, Andrew Jackson, that "the path of freedom is continually beset by enemies who assume the disguise of friends." Let us go away from this meeting believing that there are men and women in the American Republic to-day with as high and moral purpose, and with as sacred devotion to the public good, as was that which characterized Jefferson and Jackson and Lincoln, and may this banquet gathering in the Western Reserve of Ohio be the beginning of a revival of Jacksonian courage, which will serve notice upon the trimmers and caterers that the first requisite of a Democrat is an outspoken, unrelenting opposition and hostility to all those who favor the criminal trusts, or favor special privileges for any class. The election of Jefferson, the election of Jackson, and the election of Abraham Lincoln was each a Democratic victory, each was a victory of the honest poor over the safe and sane Tories who catered to wealth and power, that corrupting and corroding influence which alone is the menace of the American Republic, as it has been and always will be of all the governments on the face of the earth.

FUTURE OF THE DEMOCRATIC PARTY—RECENT IMPROVEMENT IN POLITICAL MACHINERY—WONDER-WORKING TRANSFORMATIONS—LEAGUE OF DEMOCRATIC REFERENDUM CLUBS—IMMEDIATE WORK ALONG IRRESISTIBLE LINES.

[Address by George H. Shibley, Washington, D. C.]

We are continually confronted with the remarkable trust formation, a movement that is throwing into party politics millions upon millions of capital. While some are planning how the trust funds for campaign purposes shall be used, nature, operating through organizations of men, is bringing forward a different remedy, and one that is perfect. It is an improvement in the system of government. It is guarded representative government.

I say that this system furnishes a perfect solution of the trust question. Proof that this is so is the history of Switzerland since guarded representative government has been established. The system tends to an ideal civilization. The testimony is unanimous.

GUARDED REPRESENTATIVE GOVERNMENT TENDS TO AN IDEAL CIVILIZATION.

I will first quote the testimony of Jesse Macy, professor of political science in Iowa College, who visited Switzerland in 1896. He wrote the following words to his students:

"We can not be too prompt in reaching the understanding that what we now recognize as democracy is something absolutely new on the face of the earth."

The something that is absolutely new is a Commonwealth in which the representative system of government has been developed to where the people possess a veto power and a direct initative which makes them the sovereign power. It is the twentieth century democracy; a new order of society. It is the highest point yet reached in an ever-progressive evolution.

Says A. Lawrence Lowell, professor of political science, Harvard University, in his two-volume work, Government and Parties in Continental Europe.

"The Swiss Confederation is on the whole the most successful democracy in the world."

I will correct that statement by adding that Switzerland is the only democracy in the present-day world. Professor Lowell continues:

"Unlike almost every other State in Europe, Switzerland has no irreconcilables—the only persons in its territory who could, in any sense, be classed under that name being a mere handful of anarchists, and these, as in our own land, are foreigners. The people are contented. The Government is patriotic, far-sighted, efficient, and economical, steady in its policy, not changing its course with party fluctuations. Corruption in public life is almost unknown, and appointments to office are not made for political purposes by the federal authorities, or by those of most of the Cantons. Officials are selected on their merits, and retained as long as they can do their work; and yet the evils of a bureaucracy scarcely exist. * * * Wealth is comparatively evenly distributed.

Such are the unquestioned facts. Everyone recognizes the high character of the Swiss Government and its laws.

The system is the latest stage in the development of representative government. For more than a thousand years the system has been developing among the Teutonic races. The Swiss are the first to become sovereign under representative government.

The results of the system have been watched with the greatest possible interest. Is an ideal society possible? The answer has hinged upon whether representative government can evolve to where the people become the sovereign power and at the same time adopt in their collective capacity the recommendations of experts in social science. The answer is yes, unmistakably yes. The details of the mechanism whereby this enlightened legislation is secured is briefly described by me in a recent issue of The Public.

UNITED STATES ON THE VERGE OF GUARDED REPRESENTATIVE GOVERNMENT.

In our own country we have been developing the guarded system of representative government, and from earliest times until 1830 we were in advance of the Swiss. At all times our people's right to the sovereign power has been admitted, but institutions have been lacking for establishing that sovereignty. In the words of Hon. James Bryce, in the American Commonwealth, chapter 78:

"One of the chief problems in America is to devise means whereby

the national will shall be most fully expressed, most clearly known, most unresistingly and cheerfully obeyed. * * * Toward this goal the Americans have marched with steady steps, unconsciously as well as consciously. No other people now stand so near it. * * * She has shown more boldness in trusting public opinion, in recognizing and giving effect to it, than has yet been shown elsewhere. Towering over Presidents and State governors, over Congress and State legislatures, over conventions and the vast machinery of party, public opinion stands out, in the United States, as the great source of power, the master of servants who tremble before it."

This was written sixteen years ago, and during these years the people's right to their sovereignty has not been openly disputed, though the power of the ruling few has increased, owing to the centralization of industry and the centralization of power in party machines. The hour has nearly arrived, however, when the people are to establish a system whereby they will become the supreme power in the land.

The means whereby liberation is coming can be classified under two heads: First, improvements in campaign methods, and second, improvements in the system of government. Both have been developing together and therefore both will largely be described together. Leading up thereto permit me to outline the attainment of the people's sovereignty in Switzerland.

EVOLUTION OF REPRESENTATIVE GOVERNMENT IN SWITZERLAND.

The French Revolution of 1830 started on July 28, and was followed by popular uprisings in Switzerland. By the middle of December the constitutions of nine cantons were revised, the new instruments being on progressive lines, and each was enacted into law by a direct ballot of the voters. This was without civil war, but during the next year there were serious conflicts before constitutional revisions were secured in the cantons of Basle, Schwyz, and Nauchatel. Fifty-three years before this the people of Massachusetts had directly enacted into law the constitution of the Commonwealth, the first event of its kind in the history of the world.

Turning our attention again to Switzerland, it is to be noted that it was eighteen years after the revision of the cantonal constitutions before the national constitution was amended on liberal lines. While the thrones of Europe were tottering in the revolutions of 1848 the Swiss secured the establishment of the initiative and referendum as to federal constitutional law, together with a guaranty that the cantonal constitutions should be subject to a direct initiative in the voters as well as subject to a people's veto as to changes proposed by a cantonal congress or constitutional convention.

After 1848 the Swiss gradually extended to statutory law the people's veto and direct initiative. About 1860 the development of railways and the scandalous giving away of franchises by the legislatures resulted in "a perfect wave of democracy," says Deploige in his book entitled "The Referendum in Switzerland." "The result," he adds, was "that the people became really and effectively sovereign." (Pp. 82 and 83.)

This statement as to the completion of the Swiss people's sovereignty at this time is too broad, for not until 1874 was there installed a people's veto as to federal statutory law; and not till 1891 did the people secure in federal affairs the right to directly initiate a completed bill.

Having traced the attainment of Swiss sovereignty, let us briefly outline this country's movement for the people's sovereignty.

EVOLUTION OF REPRESENTATIVE GOVERNMENT IN UNITED STATES.

The people who emigrated to New England and the entire eastern coast were mostly those who did so to secure greater liberties. They were a picked lot of liberty-loving souls from among the world's freest people. They were familiar with direct legislation in the parish and representation in the county board or court, which included a right to instruct. These free institutions were transplanted to a new country and developed under the best of conditions. The result was a governmental system of the highest character then known.

For example, at the time of the American Revolution the people in the town-meeting portion of the country instructed their representatives at will. The Boston town records show that instructions at town meetings were usual. In the records of 1764 the remarks by Samuel Adams to the representatives, preparatory to naming the instructions, are stated as follows:

RIGHT TO INSTRUCT A CONSTITUTIONAL RIGHT.

"The townsmen have delegated to you the power of acting in their public concerns in general as your own prudence shall direct you, always reserving to themselves the constitutional right of expressing their mind and giving you such instruction upon particular matters as they at any time shall judge proper."

The Declaration of Independence was the result of instructions, and the subsequent Articles of Confederation provided that delegates in Congress might be recalled at the pleasure of the States which sent them.

In the State constitutions adopted at the time of the Revolution four of them—Massachusetts, New Hampshire, Pennsylvania, and North Carolina—contained an express statement that the people's right to assemble to consult together and to instruct Representatives and to apply to the legislature for redress of grievances should not be infringed. In none other of the States was it deemed necessary to expressly prohibit the legislature from enacting that the people should not do these things.

At present the following State constitutions prohibit the legislature from restricting the right to assemble to instruct: Massachusetts, New Hampshire, Pennsylvania, North Carolina, Vermont, Tennessee, Ohio, Indiana, Maine, Michigan, Arkansas, California, Oregon, Kansas, and Nevada. No legislature in any of the other States has ever attempted to infringe the right to assemble to instruct.

In the debates preceding the adoption of the Federal Constitution it was recognized that the people possessed the right to instruct. Said John Jay in the New York convention:

"The Senators are to be appointed by the State legislatures. They will certainly choose those who are most distinguished for their knowledge. I presume they will also instruct them."

In fact, the constitutions of four of the States at that time prohibited the infringement of the people's right to instruct, as we have shown. Later, when the First Congress was considering a bill of rights, it was proposed: "The right of the people to instruct their representatives shall never be infringed."

Notice that the existence of the right to instruct was stated as a fact, and Congress was to be prohibited from infringing that right. But it was not deemed necessary to prohibit Congress, and Congress has never infringed the right.

Instructions at town meetings gave way to a more unified system, that of the convention. This institution came into being because it secured greater democracy in the nomination of party candidates and greater strength for the party.

INSTRUCTIONS THROUGH CONVENTIONS AND THE PEOPLE'S VOTE AT ELECTION TIME.

The conventions, composed of delegates elected by the people at the time of holding the convention, began after a time to take hold of questions of public policy. The delegates were fresh from the people and facing a campaign, and they began to adopt resolutions, and then a systematic statement of principles and policies—a platform. The first systematic platform of a convention which had a national bearing was the 1836 platform of the New York State Democratic party. On this platform Martin Van Buren made his canvass for the Presidency. Four years later the Democratic national convention adopted a platform, and so effective was it that four years later the opposite party did likewise, and thus the system became an established institution. Each quadrennial period has witnessed a greater and greater definiteness in the policies enunciated, except as double-meaning phrases and weasel words have been inserted in recent years by special privilegists.

The convention system is an institution which began nationally only seventy-three years ago. The candidates of each party pledge that if the policies advocated by their party receive a majority vote through the election of its candidates they will stand on the party platform and thus obey the people's instructions.

SPECIAL PRIVILEGE ENTHRONED.

But this system of instructing as to national, State, and local issues is so mixed with personalities and a multitude of questions that the people are unable to instruct definitely. The result is that special privilege has crept in and, like the camel's head in the sheik's tent, the monopolists have pressed in and possess the country, the people being veritable slaves.

RULE OF THE FEW THROUGH PARTY MACHINES.

This fact has been recognized for years, but the party machines have become so strong and centralized through the use of monopoly wealth that the people have been prevented from reestablishing their power by the adoption of a people's veto and a direct initiative. Only in Oregon and South Dakota have the people restored to themselves their liberties. In Utah six years ago a fusion legislature submitted to the people of the State a constitutional amendment for a people's veto and direct initiative, which the people adopted, but the Republicans came into power and refused to put the system in operation, thereby openly repudiating even the forms of popular government. In Illinois two years ago the people of the State, by referendum vote, instructed the legislature to submit a constitutional amendment for the termination of machine rule, but the Republican machine refused to oust itself. In Nevada for two successive legislatures the Democratic party voted to submit a constitutional amendment for a people's veto, and the people accepted the increase of power by a 6-to-1 vote. It remains to be seen whether the newly established Republican régime in the Nevada legislature will install the system and thus recognize the writ of ejectment.

FREEDOM IN MUNICIPAL AFFAIRS—SHORT CUT TO ABOLITION OF MACHINE RULE—QUESTIONING CANDIDATES AS TO THE ADVISORY REFERENDUM, THE OPEN SESAME.

But in Republican Iowa the State machine has continually granted to the people of the cities a veto power and direct initiative as to city monopolies, the result being a freedom from corruption in franchise legislation.

The dominant machines, though, in most of the States have refused the referendum for cities, and it has led to a new institution—the questioning of candidates as to the establishment of the advisory referendum, which includes a pledge by the candidate to obey the will of his constituents when expressed through a referendum vote. It is this system that is coming forward by leaps and bounds and is likely to be established nationally in next year's campaign.

About ten years ago this advisory referendum system sprang into existence in various places. The first recorded instance is at Alameda, Cal., in 1895. (See the Direct Legislation Record for that year, p. 13.) The next year, under stress of circumstances, the system developed at Winnetka, Ill., and at Buckley, in the State of Washington. (For description of the origin of the system in Washington see the Direct Legislation Record for 1896, p. 7.)

The Winnetka system is the one which furnished the idea of national and State systems, and I will therefore briefly outline the inception of the new institution at Winnetka, Ill.

THE WINNETKA SYSTEM.

Winnetka is a suburb of Chicago, peopled largely by bright and active business men. Among its residents is Judge Windes, of the Illinois appellate court, who is a democratic Democrat, as the events I relate will demonstrate. In 1896 there lived also at Winnetka the late Henry D. Lloyd, another of nature's noblemen. Certain would-be monopolists proposed to the village council that it grant them a forty-year franchise for a gas plant. This was opposed by the citizens, for they wanted public ownership of city monopolies. They possessed a publicly owned waterworks system and aimed to keep from the clutches of private monopoly. Fortunately, there was being held at that time a public meeting each month to consider public questions. It was termed the "town meeting." At the next town meeting after the gas question came up Judge Windes drafted a resolution asking the village council to submit the question to the people. The resolution was adopted, and a deputation of leading citizens called upon the city council at its next meeting, Mr. Lloyd being accorded the privilege of the floor. After a warm time the council reluctantly agreed to submit the question to the voters and abide by their decision. The polls were opened, and the proposed franchise received only 4 votes with 180 against it.

This settled the gas franchise, and it did much more, for at the next caucus for nominating village trustees it was proposed and seconded that only those men should be nominated who would stand up before their fellow-voters and promise that if nominated and elected they would submit all important questions to a vote of the people and abide by their decision. This was agreed to by the voters present, and each nominee for village trustee stood before his fellow-citizens and promised.

Thus was the system installed, for there were no competing nominations. The casting of ballots on election day was a mere form.

From that day until the present time the system has been in operation. The people of Winnetka have become the sovereign power as to ordinances and they are a self-emancipated people.

Reviewing the system, it is seen that the pledges for installing the referendum system are secured by questioning candidates, while the system itself is through rules of procedure, which may be incorporated in the rules themselves or in an ordinance or statute. The system is the advisory referendum, the candidates being pledged to carry out the people's advice. This they have done in Winnetka and elsewhere, as we shall show. But the system is intended for use only until the usual form can be installed. In fact, it is through an advisory initiative that a change in the Federal Constitution is to be secured.

SPREAD OF THE IDEA OF THE ADVISORY REFERENDUM.

It was not until four years from the time of its adoption that the Winnetka system began to become known in a general way. From time to time Mr. Shibley learned of the success of the system. In 1900, at the close of the national campaign, I made up my mind that the giant trusts could not be controlled through party government—that what was needed was the referendum system in national affairs. The Federal Constitution, however, an almost unalterable instrument, stood in the way. I conceived the idea that the advisory system could be installed in Congress, thus overcoming the obstruction imposed by the written Constitution, and at once consulted with Senator James K. Jones, chairman of the Democratic party, then at Chicago headquarters, who agreed that the system was practicable, but that the start would have to be made by first establishing the advisory system in cities, and possibly in States. I then traveled to Lincoln, Nebr., and consulted with Mr. Bryan, and went to South Dakota, where the initiative and referendum was in operation, and consulted with Senator Pettigrew. In Minnesota I sought the advice of Hon. Charles A. Towne, who next month will again become a Member of Congress.

I then moved from New York City to Washington, in order to devote myself to the task of spreading a knowledge of the Winnetka system and to assist in securing its establishment in city, State, and nation.

In December, 1900, the system was brought to the attention of the League of Municipalities, composed of mayors and aldermen of cities. A book, The Trust Problem Solved, was prepared and published the following June. In July the practicability of the Winnetka system was endorsed at Detroit by the National Direct Legislation League, also by the Second Social and Political Conference. Shortly afterward Louis F. Post, editor of The Public, visited Winnetka, and in his paper of September 7, described the system, saying:

"This Winnetka plan of securing the advantages of direct legislation without waiting for party action, has special merit. It can, for one thing, be easily made the subject of effective nonpartisan organization. For another, if the organization were to become influential, it would completely effect its purpose. Meanwhile, here and there locally the purposes would be effected even though balked and delayed in the larger governmental divisions. Moreover, the plan has been for years in actual and effective operation at Winnetka. Finally, it contemplates a spontaneous command from the people as to public servants, not a petition from them as to public masters."

Mr. Eltweed Pomeroy, president of the National Direct Legislation League, approved the programme for pushing for the establishment of the advisory system, and in a letter he said:

"I am glad that you demonstrate that direct legislation is not only a great scheme which will be of inestimable value in its entirety, but also that it is more than that and can be applied on a small scale here and now, and that almost anyone can exercise influence enough to secure a first step. Of course I'll be glad to become a member of the advisory council."

Prof. Frank Parsons, president of the National Referendum League, became vice-chairman of the advisory referendum organization and summarized in the following words the advantages to be gained from the new system:

"The Winnetka system is clearly great in its possibilities—a bridge, ready for immediate use, to the promised land."

This was stated nearly four years ago.

September 20 the same year, 1901, the executive council of the American Federation of Labor, of which Mr. Gompers is president, adopted the programme in its entirety. The published report in the American Federationist is as follows:

"It was decided to issue an address to all affiliated organizations, requesting them to endeavor to secure the passage of local ordinances and laws for the initiative and referendum on measures relating to local interests, and thus to secure the beginning of this system of direct legislation, with the view of subsequently enlarging the scope of that method of enacting laws in the interests of the people."

The issuance of the address was delayed owing to my being engaged in rearranging a description and history of the referendum system in Switzerland and in America. Up to that time no one had clearly shown that the independence of the Swiss cabinet system is due to the existence of the people's veto and direct initiative. No one until that time had traced the secondary and remote effects in representative government caused by the existence of the people's veto and direct initiative.

This restatement of the case interfered with the proposed address to the unions by the executive council of the American Federation of Labor, but it was prepared in time for the annual convention which met at Scranton, Pa., December 5, 1901. President Gompers, in his message, pointed out the need for a direct vote on public questions, also that the American Federation of Labor had been demanding the system for years and that—

"A few years ago the people of Winnetka, Ill., inaugurated a system by which they have secured the practical application of direct legislation, without any change in the written constitution of the State or the local charter."

And President Gompers continued:

"In view of the successful experiment there, it has been deemed advisable to issue an address to the organized workers of the country, calling their attention to the methods employed at Winnetka, and suggesting a like experiment in their respective municipalities. A copy of this address will be placed before the appropriate committee of this convention for such consideration and action as they may give it, so that after the same is properly digested it may be reported to this convention for final action."

The committee on president's report submitted, among other things, the following, and it was unanimously adopted:

"As this body is already on record as favoring the initiative and referendum, we indorse the position of the president on the subject of direct legislation and recommend that the Winnetka system be explained in the American Federationist, in order that trade-unionists may be enabled to study it as carefully as it deserves."

In pursuance of the above request the Winnetka system was explained in an eighty-eight-page extra number of the American Federationist, the official magazine of the American Federation of Labor. In the introduction it was pointed out that while everyone recognizes that industry has developed, few realize that systems of government evolve to higher forms. It was pointed out that representative government in Switzerland has developed to a higher stage than had yet been known and tends to an ideal civilization. "To describe this mighty improvement," continued the editor, "a system whereby the industrial, social, moral, and spiritual rights of 80,000,000 of my fellow-citizens can rapidly be elevated and the entire world greatly benefited is one of the purposes of this treatise. The other main purpose is to describe a recently developed system whereby this change can be brought about in a nonpartisan way and with a small amount of effort. In short, two recent additions to the science of government, one as to the system of government itself, the other as to the method of securing the change from the existing system, have completely revolutionized the prevailing ideas. * * * This new system can be adopted with an ease and rapidity which places it as much ahead of the prevailing campaign methods as the telegraph is ahead of the stage coach."

This prediction of three years ago has come true. I will briefly outline the series of remarkable victories for the initiative and referendum after noting some of the recognition immediately accorded this extra number of the American Federationist.

Governor Altgeld wrote:

"Through the agency of the labor organizations the initiative and referendum ought to get into every neighborhood and in time it will create a sentiment that will be irresistible."

This prophecy of Governor Altgeld is being realized.

Henry George, jr., in his writings, spread the news concerning the advisory initiative and referendum programme, including the questioning of candidates. He urged that the system be installed for use against the trusts, saying:

"The potency of the monopolies in our politics would obviously be short lived; indeed, the people would probably make it a 'short shift' for the monopolies themselves."

These statements recognize the strategic features in the questioning of candidates as to the immediate establishment of an efficient system for instructing representatives. I now will enumerate the system's victories for the first year—1902:

VICTORIES IN 1902.

A majority in six legislatures, namely, California, Colorado, Montana, Missouri, Illinois, and South Dakota, were pledged to constitutional amendments for the initiative and referendum by organized wage-earners and referendum leagues. In accomplishing this the action of four State conventions of the two great parties was reversed, and nine of the sixteen Congressmen from Missouri were pledged, also the newly elected Senators from Missouri and Illinois, while several cities freed themselves.

Note these remarkable results—results which took place immediately following the publication of the system by organized labor. Shortly after the November election of 1902 the annual convention of the American Federation of Labor approved the system and adopted a national system for questioning candidates, and instructed that the initiative and referendum system should be worked for. Thus the 25,000 affiliated unions, with 2,000,000 members, are correlated into one great system to protect and promote their own interests, as well as the interests of the whole people.

In this way the wage-earners in cities are organized to establish the people's sovereignty, while in the rural districts the work is attended to by organized farmers, referendum leagues, majority-rule federations, and people's sovereignty leagues. The day of evasion by candidates is past. The vital issues are at the front.

OBSTRUCTIONS TO REFORM ARE REMOVED—IMMEDIATE WORK ALONG IRRESISTIBLE LINES THE PROGRAMME.

Such is the new political system. It enables the nonpartisan organizations or even a few individuals in a community to make public the popular issues and thus prevent an evasion of popular issues, thereby terminating the evil power of political machines. There is removed the obstruction which, until three years ago, prevented reform. It only remains to continue the application of the wonder-working system. Let Democratic referendum clubs apply the open sesame in the coming city campaigns, State campaigns, and national campaigns. With the added force, which will bring into line the entire Democratic organization, we can emancipate in the coming campaigns the cities, the States, and the entire nation. Let our watchword be, Establish the people's sovereignty nationally in next year's campaign. This is the motto of the Johnstown Democrat, and its leading editorial of recent date I will incorporate with my remarks, also the details of the programme for Democratic referendum clubs. This name was suggested by Hon. James K. Jones, the political general who laid the plans and marshaled the forces which captured for reform the Democratic national convention of 1896.

In conclusion I will point to the fact that the American Federation of Labor's bill for the termination of government by injunction has been tabled by a committee of this House, and thus the wage-earners of this country have been notified by the Republican machine that they can expect no reversal of the existing and outrageous system of government by injunction. This has turned the full force of organized wage-earners to the nonpartisan programme for the establishment of the advisory initiative in next year's campaign. The new line of battle has been formed. The American Federation of Labor has introduced in this House and in the Senate its programme for the immediate establishment of a system whereby the people may instruct their representatives. The final stage in the battle for the people's sovereignty is "on."

And the National Grange, at its annual convention last November, referred to the State and local granges the question of whether organized labor will work for the people's sovereignty. Eleven State granges are on record for the people's sovereignty, and every grange throughout the country will become a debating society, with the people's cause triumphant, of course. The business men's associations, citizens' associations, boards of trade, etc., must also take up this burning question. To all of these we say: The people's veto and direct initiative are essential to the people's sovereignty, and the system as a whole is guarded representative government, an improved institution and one that will benefit all classes, for all will go to a higher and higher civilization. The discoveries in electricity have benefited everyone, and so have the improvements in representative government. All the people, without regard to position in life, should welcome the change to the referendum system; for here, as in Switzerland, it will result in an orderly and peaceful progress, including the gradual elimination of class hatred.

In this connection permit me to quote a statement by the worthy master of the Pennsylvania State Grange, Mr. W. F. Hill:

STATEMENT BY WORTHY MASTER HILL.

"From a desire to promote the greatest good for the greatest number the State Grange of Pennsylvania lends its influence for the establishment of the advisory referendum and advisory initiative in national affairs. It is Grange doctrine that there should be justly distributed burdens and justly distributed power. We have repeatedly asked that inequalities be righted, but in recent years the monopolists have been all powerful. So long as this continues they wield it to the disadvantage of the great majority of the people. The time has come when, through the combined efforts of organized farmers, wage-earners, and business men, the people's right to a direct vote can be installed, thereby terminating the monopolist's power. With the advisory initiative and advisory referendum in operation, we can soon elect United States Senators by direct vote; postal savings banks can be established; railway rates can be equitably adjusted; the parcels post can be enlarged and extended; the friction between wage-earners and employers can largely be allayed; the burdens of taxation can be equalized, etc.

"The voters' direct ballot upon questions of national concern will cause a new sense of responsibility, which will help them to arrive at right conclusions. All the people can not be fooled all the time; hence the present great awakening. It is an omen of a brighter future, and the Grange speeds the movement, hoping for an early realization."

Another forecast of the future under the advisory initiative and advisory referendum is by President Gompers, in an extra number of the official magazine of the American Federation of Labor, demanding of candidates for Congress and the legislatures that they publicly state their attitude as to the establishment of the people's sovereignty. The statement is as follows:

"STATEMENT BY PRESIDENT GOMPERS.

"All classes, as we have said, will be benefited by the establishment of the people's sovereignty, which operates through guarded representative government. Something as to what the future under the system will be in the United States can be foretold in a broad way. Certain it is that the people's self-interest will cause the removal of excessive rates on the railroads and for other monopoly services, and all discriminations between the shippers and other users of monopoly services will be terminated.

"And the labor question in these monopolized industries will assume an entirely different phase, for as rapidly as public ownership of the transportation monopolies is entered upon there will be no strikes or lockouts in these monopolies, and during the transition to public ownership of the transportation systems there is pretty sure to be an equally satisfactory solution of the wage question. It is inconceivable that the people will sanction anything short of an equitable system as between the great transportation monopolies and the men and women who operate the system.

"In the monopolies of raw material, such as coal beds and iron-ore beds, the people will terminate the private monopoly feature, which will mean public ownership or a return to competitive conditions. In either case there will be a decided gain to the wage-earners in these industries and to all consumers of coal and iron and their products.

"With the establishment of equal rights in transportation and to raw material there will be a restoration of competitive prices, actual or potential, in all lines of manufacture and trade, thereby terminating monopoly prices in the industrial trusts and protecting the interests of all the people.

"Such will be the immediate results that will flow from the establishment of the people's sovereignty and the enactment of legislation. Whether or not the tendency to monopoly will continue can not be foretold, but we are sure that the system of enlightened majority rule through guarded representative government will adequately care for the public interests.

"Returning to the details of the proposed system for the advisory initiative it should be specially noted that it applies only to ten topics, excluding the tariff question and all other questions upon which there is a divided opinion.

"Of these ten topics, to which the advisory initiative is applicable, part of the topics authorize the submission of constitutional amendments for the direct nomination and election of United States Senators, Congressmen, President, and Vice-President, and the installation of the usual form of the optional referendum and direct initiative, also proportional representation. The other topics are the burning questions of the day, thus opening the way for the immediate use of the direct initiative as to criminal interstate trusts, government by injunction, and other pernicious evils.

"In all this there is a unity of interests. All the producers and consumers are interested and should exert their every effort to attain the fullest liberty and the highest civilization. No individual is to blame for existing conditions, for it is the system—the rule of the few. But all will be to blame if the system is not changed, now that a safe and evolutionary path is pointed out. Evolution is a law of nature, and the minds of men must select the peaceful path of progress."

The above is on such broad lines that it would seem that every thinking person must agree. All must admit that the people's self-interest is against monopoly prices and discriminating rates. Admit this and all else follows. The only question is said to be: "Will the tendency to monopoly continue?"

On this point no one can prophesy with anything like certainty, for so many new factors are involved. But President Gompers well says:

"Whether or not the tendency to monopoly will continue can not be foretold, but we are sure that the system of enlightened majority rule through guarded representative government will adequately care for the public interests."

Bear in mind that "guarded representative government" means a vast improvement in the institutions for ascertaining and applying social truths. In this system the final judgment as to each measure will be the enlightened will of the people, whose verdict will be invariably for personal liberty and private property to the utmost degree practicable, as is demonstrated in Switzerland. The Socialist party of America, in so far as it has copied from German ideals as to the future of society, must change its programme, as it has done in Switzerland. Says Prof. Jesse Macy, of Iowa College, in a letter from Switzerland to his students in 1896:

"There is probably no part of Europe where the socialists are having so hard a time as in Switzerland. * * * To avoid extinction some of the Swiss socialists have proposed radical changes in the socialistic doctrine and the methods of action."

The reason why the German ideal as to the future of society is erroneous is because the German theorists have never experienced political liberty, and therefore could not forecast the conditions in a society where political society exists. In so far, therefore, as the Swiss actualities differ from the German socialist's ideal, it is clear the Germans are in error.

[The Weekly Democrat, Johnstown, Cambria County, Pa., Warren Worth Bailey, editor and publisher; Edward Homer Bailey, Associate editor; Friday, January 27, 1905.]

FUTURE OF THE DEMOCRATIC PARTY.

The chastisement received by the Democratic party in the recent Presidential campaign has placed it in a receptive frame of mind, which is a splendid augury of future greatness. Especially is this so when five Democratic governors were elected in States carried by Roosevelt, while in a sixth State, Rhode Island, which Roosevelt carried by 16,000 plurality only 600 plurality was given to a Republican governor.

The explanation of Democratic success in State issues is that the Democratic nominees for governor stood for the people's interests and against the monopolists.

If the Democratic party continues along the lines of State successes who can doubt but that it will have a splendid future? Nationally the organization which the Democratic party must meet should easily be beaten, for the Senate is so tightly in the control of the trusts that President Roosevelt can not accomplish any important reforms, even if he so desired. And the House, too, is firmly in the grip of the monopolists. The President at best can only educate the people and largely divide his party, making certain the success of the Democratic party if it is true to the people's interests.

The Democratic party, then, has only to be true to the people's interests! What are those interests and what kind of an organization is essential to the securing of a Democratic platform and candidates that will be true to the people's interests?

Answers to these questions are stated in the article appearing elsewhere in this issue on "Termination of rule of the few the dominant issue in city, State, and nation." It has been written for this paper by George H. Shibley, of the bureau of research. Mr. Shibley became known to the editor at Democratic national headquarters four years ago. Since that time Mr. Shibley has been devoting his entire time to the study of the evolution of representative government and to the pushing of the initiative and referendum.

His excellent article will be found full of strong suggestion and earnest purpose. It deserves a wide reading and a careful and conscientious consideration. The line of action it suggests seems to us one that can not be too soon or too generally adopted by Democrats in every part of the country.

TERMINATION RULE OF THE FEW THE DOMINANT ISSUE IN THE CITY, STATE, AND NATION—PEOPLE'S SOVEREIGNTY THE REMEDY—ORGANIZED LABOR AND ORGANIZED FARMERS WORKING FOR IT; ALSO CHURCH PEOPLE AND SOCIETIES—WILL THE DEMOCRATIC PARTY ASSIST?—ORGANIZE DEMOCRATIC REFERENDUM CLUBS IN EACH CITY AND BEGIN IMMEDIATE WORK IS RECOMMENDATION OF FORMER CHAIRMAN JAMES K. JONES—SUCCESS NATIONALLY CAN BE OBTAINED IN NEXT YEAR'S CAMPAIGN.

[By George H. Shibley, Director Department of Representative Government, Bureau of Research, Washington, D. C.]

Every political and economic question has back of it a moral issue, and in proportion as it is vital it arouses the human soul.

Thus it was that the spirit of 1776 was aroused; later came the French Revolution; and the whole body of the Russian people are rising against the Muscovite autocracy.

In our country what are the vital issues? Special privilege, including frenzied finance, graft, capital versus labor, child labor, intemperance, imperialism, militarism, unjust taxation, inadequate school facilities, etc. Back of these is the system which produces them, namely, the rule of the few through the party machines.

Great as are these political and legislative issues the people no longer respond to the cry of "Turn the party out." Our people realize that the system itself is wrong and must be changed. So it is that direct nominations is a popular issue and is sweeping the country.

But this continues the rule of the few in the enactment of laws. It does not reach the more deep-seated evils—those of special privilege, nor of capital versus labor, nor of imperialism, nor militarism. The mere improvement of the character of the ruling few will not rectify these evils. Therefore it is that the people are taking to themselves a right to a direct ballot on public questions—the initiative and referendum. This removes the unnecessary delegation of power and completely shuts out corruption.

Here, then, we have the fundamental remedy and one which raises a most vital moral issue: Shall the rule of the few be terminated in America? In other words, shall the sovereign power (the power to legislate) which now resides in the party machines in control of Congress, the legislatures, and common councils—shall this great power be transferred to the people? In short, shall the people become sovereign? To-day they are slaves because they are not the sovereign power. The issue, then, is a question of human liberty and of righteousness. The evils that are flowing from the rule of the few are hellish and must be abolished.

These facts concerning the people's liberties have been kept from the people by a system of false teaching. Every State constitution and the Federal Constitution speak of the people in the opening paragraphs as the sovereign power, yet in another portion of each document it is declared that the few men in the legislature or Congress are the sovereign power, and in another portion of each constitution it is declared that the system can not be changed except by the consent of the few who constitute the machine. This is the rule of the few through party government—the final legislative power is in the party machine. It is an aristocracy and one that has become the very worst. It is worse than the mere rule of wealth—a plutocracy, for it is the rule of private monopoly—a trustocracy. Yet practically everyone speaks of it as a democracy:

Slavery has various stages. The lowest form is chattel slavery, the next higher grade of slavery is serfdom, then comes peasantry, then freemen who can not vote, next voters who do not rule, which is the status of the American voters.

The slavery of the present day is partially described in a volume by Count Leo Tolstoy, published in 1901. It is entitled "The Slavery of Our Times."

Imagine a man from a country quite different from our own, with no idea of our history or of our laws, and suppose that, after showing him the various aspects of our life, we should ask him, What was the chief difference he noticed in the lives of our world? The chief difference

which such a man would notice in the way people live is that some people—a small number—have clean, white hands, but only amuse themselves, spending on these amusements the results of millions of days devoted by other people to severe labor; but other people, always dirty, poorly clothed and lodged and fed, with dirty, horny hands, toil unceasingly from morning to night, and sometimes all night long, working for those who do not work but who continually amuse themselves.

The above is applicable to the United States as well as Russia.

We have pointed to the constitutions of our country to demonstrate that there is no such thing as majority rule, execept in State affairs in Oregon and South Dakota, and both locally and nationally in Switzerland, where the people have taken to themselves a veto power through the referendum and a direct initiative. This veto power and direct initiative are essential to the people's sovereignty. Every American citizen, therefore, who acquires this knowledge knows at once that he is a slave unless he is one of the ruling few.

Gradually the situation is dawning upon the American people, and in proportion as they are sensing the situation it awakens their entire moral nature, and thus is leading them to duplicate the spirit of 1776. From all sides and from all classes the uprising is coming. The following items of news are only a fraction that is coming from the onsweeping tide:

"*Resolved*, That the American Federation of Labor reaffirms the referendum resolutions of previous conventions, which declare, in effect, that the establishment of the people's sovereignty is the dominant issue (Resolution 270, Boston convention, and 121 of New Orleans convention); and

"*Resolved*, That every voter is urged to agree with his fellow-citizens that he will vote for such legislative candidates only as are pledged to the immediate establishment of the people's rule. To-day, as in 1776, the establishment of political liberty is the dominant issue. Why should voters choose between rulers when they can at once become the sovereign power?"

Such is the declaration of a federation consisting of one-eighth the entire people of the country and which is compactly and thoroughly organized into 25,000 local unions, with city federations, State federations, and a national federation. And these bodies are demanding the immediate establishment of the people's sovereignty in city, State, and nation; and, best of all, are questioning the candidates of all parties as to whether, if elected, they will vote for the immediate establishment of rules of procedure, whereby the people can at once instruct their representatives and thereby become the dominant power.

In this way, combined with the cooperation of referendum leagues and other reform organizations, there have been emancipated the cities of Detroit; Toronto; Buffalo; Geneva, Ill.; Winnetka, Ill., and Waco, Tex. The advisory referendum and advisory initiative were installed by merely questioning candidates for alderman and mayor. A constitutional amendment has been forced from an unwilling party machine in Missouri, and a promise of the submission of a constitutional amendment has been promised in Montana, while in several other States a successful campaign is in operation. Nationally there are pledged twelve of the sixteen Congressmen from Missouri, five of the ten Congressmen from Chicago, and scattering Congressmen from other States, while in no instance was a Congressman elected who openly opposed the people's sovereignty.

Turning to the organized farmers of the country, we find that the Grangers in eleven States have declared for the people's sovereignty, and the National Grange has referred to the State and local granges the question of whether or not the organized farmers of the country are to demand an increase of power to themselves as against the great trusts.

The Farmers' National Congress, with more than 300 representatives present, has declared for the people's veto.

The Anti-Saloon League of the country, which are collecting and expending more than $250,000 yearly for the support of scores of workers in the field, are devoting their entire time to the securing of a direct vote on the liquor question—the direct initiative on the question of whether or not the people of a community desire the presence of licensed rumsellers. This is largely the work of the churches of the country.

The Episcopal Church Congress of two years ago devoted an evening session to the "Moral aspects of the referendum," and every voice was in its favor.

Recently in Los Angeles, Cal., two bishops and several ministers united in a circular letter to the ministers and people of California, calling attention to the fact that a constitutional amendment for the people's veto and direct initiative would come before the legislature, which met January 2, 1905, and in conclusion said:

"Will you not kindly do all you can to aid this great forward movement in the interest of morality?"

In the earlier portion of the address it is said:

"Briefly, direct legislation is especially valuable because: First, it enables the majority of the people to initiate desirable legislation and veto what is vicious. Second, it prevents corrupt bargains and debasement of legislation. Third, it protects the people and legislators and removes temptation. Fourth, it educates the people and makes them more thoughtful about public affairs."

Two bishops signed the letter, as we have said; also the pastors of three Methodist churches, two Presbyterian churches, two Baptist churches, a Congregational church, an English Lutheran church, and a Christian church all in Los Angeles; also a presiding elder in the Methodist Church, and the president of a college.

PEOPLE'S SOVEREIGNTY THE REMEDY.

What makes the Los Angeles appeal invincible is that the initiative and referendum system is in actual operation in that city, and consequently the ministers there know just what it means. In Switzerland, where the complete system has existed in federal affairs for thirteen years and locally much longer, the conditions are such that no one opposes the system.

Furthermore, "The Swiss yeomanry," declares a Swiss official, "would fight and die in defense of the initiative and referendum as willingly as they would to resist a foreign invader who sought to rule over them." In short, the rule of the few is odious in any form.

It is patent that the railroads and other trusts can not be restrained until the people take to themselves a direct vote. In the words of the Pennsylvania State Grange publication of August of last year—

"The monopoly problem divides the people into two classes—the monopolists and the antimonopolists. The monopolists are small in number, but mighty in power, due to the people's failure to retain a veto power as to the acts of their legislative agents and failure to retain a direct initiative. In number the monopolists are less than one-half of 1 per cent of the people. But wherever the people have taken to themselves the right to a direct ballot on public questions they have unhorsed the monopolists."

In other words, when a national referendum system is established in this country the people will have smooth sailing. The people will have become the sovereign power, exercising their will through a highly-improved system of representative government—a truly ideal system.

At Buffalo, N. Y., three referendum petitions are being circulated, as follows:

"Shall the people vote on the grants of public property?

"Shall we have direct nominations in Buffalo?

"Shall the city have an electric lighting and power plant?"

These petitions are to be voted upon under the advisory initiative, which is thoroughly effective, for each alderman is pledged to abide by the will of his constituents when expressed by referendum vote.

In a statement in The Public Mr. Albert H. Jackson, of Buffalo, declares:

"I should like to urge all public-spirited citizens in New York State to work for the establishment of the referendum by obtaining public-opinion ordinances like ours (the advisory initiative and advisory referendum), and by asking their assemblymen and senators to pass a general public-opinion law. This would strengthen our hands in Buffalo. My opinion is that radical legislation will be secured finally, not through a political party, new or old, but through the referendum."

At Toronto, Canada, where the advisory initiative was installed by the mere questioning of aldermanic candidates, the following question was submitted to the people by the direct initiative on January 2:

"Are you in favor of the city obtaining power from the legislature to exempt dwelling houses from taxation to the extent of $700 of the assessed value; said exemption to include all buildings used as dwellings but not to apply to the land, and not in any way to affect the right to vote on said property?"

The vote on this proposition was 1,000 more than for mayor. It was adopted two to one.

In Pennsylvania at a recent meeting of a Shoe Manufacturers' Association a speech was delivered by former Congressman Henry D. Green, who said:

"It often occurs to the thoughtful man what a blessing it would be if the people could vote upon each of the most important questions separately and thus settle them for the time at least, without being mixed with matters that belong purely to the realm of politics. A well-regulated and carefully guarded referendum would be welcomed by all business men."

The above was given an imposing head-line by the Philadelphia North American.

And the present business governor of Massachusetts, William L. Douglas, a Democrat who overcame Mr. Roosevelt's majority of 92,000 and carried the State by 14,000 plurality, did so not only on his record as a fair employer of labor but by advocating a State industrial commission to examine into the tariff needs of Massachusetts, and that the findings of the commission be put to a referendum vote of the people in order to instruct representatives. On this point Governor Douglas in his message said:

"So many issues are presented at our national elections, and the personalities of the opposing candidates for President and for the Congress so greatly influence the electorate that our national legislators are seldom certain of the opinions of a majority of our voters on any issue. It is therefore, it seems to me, not only proper, but desirable, that a State should, at any time it may see fit, express itself upon any national question and request its representatives to vote for what it considers its own best interests."

Commenting upon the above proposal by Mr. Douglas, the Wall Street Journal says:

"Another significant part of Governor Douglas's address is that in which, after proposing that a commission be appointed to determine the injury to the State from excessive tariff taxes, he suggests the advisability of a referendum vote to record the popular opinion. We allude to this because it is an additional proof of the growing popularity of the referendum in this country. The referendum, employed so successfully in the little Republic of Switzerland, has been imported into certain parts of the United States, and is being strongly advocated by many as the best way to secure more popular government and to break up the combination between political bosses and corrupt corporations. The referendum has indeed long been used in deciding such questions as the adoption of State constitutions, but in recent years has occasionally been resorted to even in New York to decide other and less fundamental questions. For instance, there was a referendum vote on municipal consolidation in New York, on the improvement of the Erie Canal and the building of an underground railroad at public cost."

The New York Times of January 5 publishes a letter in which attention is called to a resolution by Congressman ROBERT BAKER for relief from the monopoly extortions of the steel trust, and the writer, Mr. Leitch, adds:

"The bill referred to will be buried in oblivion, and many others like it which are opposed by special interests, until such time as the people put into operation direct legislation by the initiative and referendum. Special interests could not be served if a referendum vote was required from a whole district to be affected by any contemplated measure before such measure could be presented to the House by a Representative. Thus would corruption in politics receive its death blow, and the interests of all the people be conserved, and not the interests of the privileged few."

In Congress the Hon. ROBERT BAKER, of Brooklyn, in a speech January 5, against the bill for huge expenditures for the standing Army, fortifications, and Navy, said:

"Mr. Chairman, I hope to live to see the day when even such expenditures as this will have to be submitted to a referendum vote of the people. As matters are carried on to-day no one can tell what proportion of the people favor these wasteful, if not criminal, expenditures. The interests that profit either through contracts or, as in the case of the Philippines, by exploiting the inhabitants through the possession of its special privileges, are always active in fomenting the demand for war and for warlike preparations. No one can tell whether the people thus influenced constitute 5, 15, or 50 per cent of the people, while those who are opposed to war have the disadvantage which always attaches to the negative side, of finding it difficult to whether the people thus influenced constitute 5, 15, or 50 per cent of the people, the remaining 10 per cent may make so much noise, beat tomtoms so loudly, and in other ways become so assertive as to convey the impression that they constitute the majority and not those whose motto is: 'Blessed are the peacemakers.'

"But, anyhow, as the mass of the people have, through indirect taxation, not only to pay the expenses of war, but supply the targets for the other fellows' bullets, they should first have the opportunity of de-

termining by a direct vote, unmixed with any other subject, whether they desire a war or not.

"Mr. Chairman, I do not look for any material change in the attitude of this House on this subject any more than on other matters of great moment until the people are able to express their views directly on public questions."

DEMOCRATIC PROGRAMME FOR ESTABLISHMENT OF PEOPLE'S SOVEREIGNTY.

But the Hon. James K. Jones, former Democratic leader in the Senate and Democratic national chairman for eight years, is proposing that the referendum shall be made a dominant issue in city, State, and nation. And four of the five Democratic governors of States which voted for Roosevelt are recommending that the people's sovereignty shall be established in place of the rule of the few through the party machines. These governors are Douglas, of Massachusetts; Toole, of Montana; Folk, of Missouri, and Adams, of Colorado. The two first mentioned have each strongly recommended the initiative and referendum in their messages. Governor Garvin, of Rhode Island, has continually asked for the people's sovereignty, and in the recent election received one-third more votes than Parker, and 7 per cent more votes than two years ago, but was defeated by 600 votes, owing to a flood of Republican money, the voters' disapproval of the Democratic national ticket, and other causes. Robert La Follette, the successful reform Republican governor, in his recent message strongly recommended the initiative and referendum in municipal affairs.

Senator Jones, as we have said, is convinced that the heart of the existing evils should be attacked by the Democratic party, and that immediate work should vigorously be instituted by the widespread formation of Democratic referendum clubs.

The Democratic national platform of 1900 declared for the direct initiative as well as for the referendum, saying:

"We favor direct legislation wherever practicable."

The result of "direct legislation" is majority rule—Democracy as distinguished from aristocracy and monarchy. The Democratic platform of last year laid down the fundamental principles of the Democratic party and concluded with these words:

"Absolute acquiescence in the will of the majority, the vital principle of republics—these are doctrines which Democracy has established as proverbs of the nation, and they should be constantly invoked, preached, resorted to, and enforced."

Immediately after the late election Mr. Bryan said:

"The party must continue its fight for the popular election of Senators and for direct legislation wherever the principle can be applied."

Mr. Bryan's reason, to quote his words in an editorial of some two years ago, is this:

"There is nothing more vigorous and virile than Democracy when it stands for the rule of the people—the right of the people to control their own government."

Shortly after the appearance of the above in the Commoner, Mr. Bryan vigorously defended the need for and value of the people's sovereignty, and in conclusion said:

"The initiative and referendum do not supplant representative government; they simply purify it and perfect it. (It is guarded representative government.) If the reader of the Commoner will pursue and consider the argument made against the initiative and referendum he will have his faith strengthened in this popular reform."

CONSERVATIVELY PROGRESSIVE.

Proof of the conservatively progressive character of the initiative and referendum are the results where the system has existed for many years. Says Prof. Frank Parsons on his return from a visit to Switzerland:

"The referendum and the initiative have proved so useful in checking corruption and controlling monopoly, so wisely conservative and intelligently progressive that even those who strongly opposed the referendum before its adoption are now convinced of its value.

"I was recently in Switzerland for several weeks, visiting nearly all the most important cities and talking with men of every class—heads of Government departments, presidents of cities, college professors, hotel proprietors, secretaries of chambers of commerce, lawyers, doctors, editors, business men, and workingmen of every description—and I did not find one man who wishes to go back to the old plan of final legislation by elected delegates without chance of appeal to the people."

GREATEST VOTE GETTER OF THE AGE.

In Oregon this improved system was adopted by an 11 to 1 vote, after all the political parties in the State had declared for the change. The Republican governor and the United States Senators recommended it. To-day the sentiment in Oregon is practically unanimous.

In Illinois the vote for the system in 1902 was 5 to 1, and as high as 12 to 1 in the counties where the people became more familiar with the details.

The worthy master of the National Grange, Aaron Jones, in his annual address two years ago declared:

MILITANT ATTITUDE OF ORGANIZED FARMERS.

"The Patrons of Husbandry's position is right on the trust question and has always been right. The people of the country are with us. Patrons, the time has come when promises will not suffice! Action—decisive action—is demanded.

"Any public official whose duty it is to act and he does not perform his entire duty in the enactment and enforcement of laws to suppress evils of trusts, whatever political faith he may profess, with whatever political party he may affiliate, should be defeated for renomination and election. All politicians and political parties should understand that the rights of the people must be respected and that special privilege will not be tolerated, and any law or laws now in force which enable manufacturers to sell, and they do sell, in foreign countries any manufactured article at a less price than they sell to American citizens, thus using the laws of our country to discriminate against our citizens, said law or laws should at once be revised, amended, or repealed, and all such practices made impossible.

"The laws of our country must express the will and maintain the rights of the majority of the people and said laws must be enforced and obeyed by all individuals and corporations."

This was unanimously approved by the National Grange.

One year after the foregoing policy was agreed to, Worthy Master Jones, of the National Grange, pointed out in his annual address that the monopoly extortions from the selling price of farm products alone amounted to the enormous sum of $700,000,000 annually. Following this the worthy master said:

"The majority of the people neither belong to trust associations nor labor unions. Whatever selfish advantage they have secured is taken from the majority of the people. The people are becoming exhausted and restive. If combinations of capital and labor will not consider the interests and rights of those outside their organizations, then it is time that the majority of the people, who pay most of the taxes and maintain the nation, should force their interests on the attention of these organizations and the country. They, the majority, can make laws and enforce them, upon which both organized capital and labor depends; and it clearly becomes their duty to do so."

This strong declaration for the people's sovereignty was unanimously approved by the National Grange.

REMEDY CAN BE ESTABLISHED AS RESULT OF NEXT YEAR'S CAMPAIGN.

A word as to the practicability of establishing the advisory referendum system in national affairs in next year's campaign. It is the programme of the American Federation of Labor, as we have said, also the programme of the granges in several States, the People's Sovereignty League of America, the National Direct Legislation League, and numerous State referendum leagues. Already there are pledged to the establishment of this national referendum system twelve of the sixteen Congressmen from Missouri, five of the ten Congressmen from Chicago, many other Congressmen, and two of the United States Senators. A majority vote in the Senate is to be secured by pledging candidates for the legislature to instruct the hold-over Senators and elect only such Senators as pledge for the advisory referendum system.

It is a noteworthy fact that the only question blanks issued in the late campaign by the Minnesota Federation of Labor to candidates for the legislature were as to this national referendum and the two other national measures of organized labor. The recent convention of the American Federation of Labor voted unanimously to continue the campaign for the immediate establishment of the national referendum system, declaring it to be the dominant issue. The machinery for questioning candidates was improved, and there was an instruction to President Gompers to frame a petition to Congress for the national referendum and mail copies to the 25,000 unions of the federation for signatures and circulation. The only question is, Are there a few Democrats in each community who will join the programme by organizing clubs within the party? The clubs to begin immediate work and to serve notice that the party members will be informed as to the attitude of every candidate that comes before the Democratic primaries and conventions.

SUMMARY.

The people's sovereignty can be established nationally without waiting to change the written constitution. The system is the advisory initiative and the advisory referendum.

And the system can be established as the result of a single campaign—no waiting for several years to elect a majority in the Senate, for the hold-over Senators are to be instructed.

Finally, success in next year's national campaign is assured, provided the Democratic referendum clubs are organized, for

1. Before next year's national campaign arrives there will be more than a year's time during which the referendum sentiment of the country will have been worked up;

2. The questioning of candidates within the Democratic party in next year's national campaign will insure the adoption of the programme for the immediate establishment of the people's sovereignty in national affairs; then

3. In the campaign between the nominees of the Democratic and Republican organizations none of the candidates will dare openly to oppose the establishment of the people's sovereignty, thereby insuring a clean sweep for the people's sovereignty in national affairs. Already in Oregon, Montana, and Nevada all the political party machines are shouting for the people's sovereignty, and the same is true in several cities. Nowhere is there any open opposition by officeholders or office seekers.

Such is the outline of possibilities. The existing conditions are such that the only thing needed to secure the people's sovereignty in national affairs next year is that a few Democrats in each community shall join in a Democratic referendum club, as we have said, the club to begin immediate work. The general outline of what that work should be is stated in the following charter members' agreement for the formation of a Democratic referendum club. This name has been selected by former National Chairman James K. Jones, as we have said. The reader is invited to read the charter members' agreement with a view to signing it and providing that it shall be circulated for signatures.

PLAN OF ORGANIZATION—CHARTER MEMBERS' AGREEMENT FOR THE ESTABLISHMENT OF THE ——— ——— DEMOCRATIC REFERENDUM CLUB.

We, the undersigned, hereby unite in a charter members' agreement to organize a Democratic club in the city of ———, State of ———. The objects of said club shall be as follows:

OBJECTS OF ORGANIZATION.

First object: To secure to ourselves and to our fellow-citizens the final power as to municipal legislation in place of the sovereign power now exercised by the few men in the city council and mayor's office, and to that end we demand—

1. That a resolution be introduced in said council for rules of procedure for the advisory referendum as to franchise ordinances and other important measures, and the establishment of the direct initiative (for copy of the resolution see Appendix A).

2. That public hearings be had on said proposed rules, followed by aye and nay vote, if possible.

3. That ten days before the holding of the Democratic primaries for the nomination of councilmen the candidates be questioned, "If elected, will you vote to establish the proposed system for the people's sovereignty," and "Will you promise to obey the will of your constituency when expressed by referendum vote?"

4. That the candidates for delegates to the city convention be questioned, "If elected, will you vote only for such candidate for mayor as shall have promised in writing to exercise the powers of his office to help install and maintain the proposed system for the people's sovereignty and who shall have promised to carry out the will of the people of the city when expressed by referendum vote?"

Second object: To investigate the comparative water rates and gas and electric-light charges in [name of city] and other cities similarly located, and to secure an investigation by the city council.

Third object: To cooperate with other Democratic referendum clubs in the State in securing the establishment of the people's sovereignty in State and nation by means of the advisory referendum and advisory and initiative; and to this end there shall be introduced at once in the legislature (unless already accomplished) the resolution set forth in Appendix C. Hearings shall be demanded, followed by aye and nay

vote, if possible. Before the holding of the next Democratic primaries that shall select the delegates that shall name the Democratic nominees for the legislature and for the governorship the candidates at said primaries shall be questioned: "If elected, will you vote for such candidates only as are pledged, in writing, for the establishment of the people's sovereignty in State affairs by means of the advisory initiative and advisory referendum?" The replies shall be given the widest possible publicity and effort made to nominate people's sovereigntists.

Fourth object: To cooperate with Democratic referendum clubs throughout the nation in securing the establishment of the people's sovereignty in national affairs by means of the advisory referendum and advisory initiative as the result of next year's elections; and to this end we indorse the resolution to be introduced in both Houses of Congress by the American Federation of Labor. (See Appendix B.) Effort shall be made to help secure hearings and an aye-and-nay vote. Before the holding of the next primaries and conventions that shall select the Democratic nominees for the national House and for the legislatures of the country the candidates at the primaries shall be questioned, "If elected, will you vote only for such candidates as are pledged in writing for the immediate establishment of the people's sovereignty in national affairs by means of the advisory initiative and advisory referendum?" The replies shall be given the widest publicity and every possible effort made to nominate people's sovereignists.

Fifth object: To cooperate with Democratic referendum clubs throughout the nation in securing in 1908 a Democratic Presidential nominee who shall be pledged to the people's sovereignty, and to that end all candidates at the Democratic primaries and conventions shall be questioned, "If elected, will you vote for such candidates only as are pledged in writing for the immediate establishment of the people's sovereignty in national affairs by means of the advisory initiative and advisory referendum?" The reply shall be made public and every possible effort made to nominate people's sovereignists.

Sixth object: To help elect in 1908 a Democratic majority in the United States Senate as well as in the House, all of whom shall be People's Sovereigntists.

Witness our signatures:

——— ———.

——— ———.

SHORT FORM OF CHARTER MEMBERS' AGREEMENT.

The following can be written on a sheet of paper and circulated for signatures:

(Name of city and State.)

We, the undersigned, hereby agree to form a Democratic Referendum Club, the objects of which are stated in detail in the Johnstown Democrat. We cordially invite all members of the Democratic party in this city (or county) to join with us.

Witness our signatures:

———

APPENDIX TO CHARTER MEMBERS' AGREEMENT—RESOLUTION FOR CITY COUNCIL—RULES OF PROCEDURE FOR ADVISORY REFERENDUM AND ADVISORY INITIATIVE.

One of the first steps in each city should be to introduce in the city council a resolution for the adoption of rules of procedure for the advisory referendum and the advisory initiative. The following resolution is suggested:

Joint resolution for rules of procedure for the advisory referendum and advisory initiative—a system whereby the people may instruct their representatives in the city council.

Resolved by the city council of ———, A majority of all the members elected to each house concurring herein and whose votes are entered on the journals of the respective houses, that the following rules of procedure for the advisory referendum and advisory initiative are herewith adopted:

ADVISORY REFERENDUM.

SECTION 1. Every ordinance granting, amending, or renewing a franchise for a public utility, which shall have passed its third reading shall, before final passage, lie on the table thirty (30) days, and, if within that time, a petition signed by eight members of the city council, or 5 per cent of the registered voters of the city, be filed with the city clerk asking that such ordinance be submitted to a vote of the qualified votes of the city, it shall be so submitted at the next election, or at a special election, and if a majority of the votes of those voting on it shall favor its passage, it shall then be put upon its final passage, but not otherwise.

ADVISORY INITIATIVE.

SEC. 2. Every petition to the city council proposing an instruction to a public official, and signed by at least 5 per cent of the voters of the city, or any subdistrict thereof, shall be received and referred to committee, testimony shall be taken, and the measure reported back, together with such amendments, substitute, or recommendation as are thought best, and a yea-and-nay vote taken, after which the measure as originally introduced, together with the amended measure, substitute, or recommendation, shall be submitted to an advisory vote of the people of the city or district.

SEC. 3. Each direct initiative petition shall have precedence over all other business except urgency measures, and each measure that is to be submitted to advisory referendum vote shall be advertised by the city clerk twice a week in the daily newspapers published in this city for the four consecutive weeks immediately preceding the referendum vote.

SEC. 4. The preparations of the ballots and ballot boxes, and the procedure for the balloting and the canvassing of the votes, as well as the penalties, shall be the same as now provided by law for voting on bond issues.

Public hearings should be called for. The data to be used at the hearings can be secured in the special number of the Pennsylvania Grange News, The People's Sovereignty versus Trustocracy, 112 pages, price 5 cents. Address the Pennsylvania Grange, Chambersburg, Pa.

The club should publish a petition to the city council and distribute copies for signature through the various nonpartisan organizations of the city and in other ways. The following form of petition states the fundamental propositions in the reform, and therefore the distribution of the same is one of the best possible ways of educating public sentiment:

PETITION.

To the common council of the city of ———:

We, the undersigned, petition your honorable body to adopt the following rules of procedure, which will clothe your constituents with a veto power as to ordinances concerning franchise corporations and authorize your constituents to directly initiate instructions:

(The rules of procedure are published in a preceding article.)

This proposed system, whereby voters of the city may instruct their representatives, is for use until the usual form of people's veto and direct initiative is installed.

That the proposed system would be effective is beyond question, for instructions by referendum vote would surely be heeded by this council. No Presidential elector has ever disobeyed instructions, and in the coming city campaign each candidate in this honorable body would be specifically pledged to obey whatever instructions may come by referendum vote of his constituents.

As to the value of the people's veto and direct initiative in city affairs, experience in other cities demonstrates that the people's possession of this final power as to city laws takes from the special-privilege corporations all incentive to invest funds in the nomination and election of aldermen and mayor, for the final power as to franchise measurers is in the people themselves. There is also removed from special-privilege corporations the incentive to attempt to corrupt the aldermen and mayor.

Here, then, is a complete remedy for the acknowledged evil of our political system—namely, corruption and special-privilege legislation.

And when the people's veto and direct initiative will be fully installed the head of the executive department of the city government will become a mere business manager for the people, in place of a dominant power in determining legislative politics. This separation of political power from executive work is a vital necessity.

The results, then, of a final power in the people are far-reaching and of the highest practical value. The political evils of our municipal life are terminated.

Few bills are ordered to a referendum vote, for the existence of the power to call for a vote does nearly all the work. Only the close questions go to a vote of the people. It is the optional referendum, a system requiring the signatures of a certain proportion of the voters before a measure can go to a referendum vote. It is to be distinguished from the compulsory referendum, a sytem wherein it is specifically provided that a measure shall go to a referendum vote, and which may not interst the people, thereby resulting in a small vote. Not so under the optional system, for only the live and debatable questions are put to a vote of the people.

To secure a people's veto and direct initiative has heretofore been an exceedingly difficult task, for the beneficiaries of special privilege have largely controlled the policies of the parties at the State capital. But at Winnetka, Ill.; Detroit, Mich.; Buffalo, N. Y., and a few other cities the referendum principle has been established in municipal affairs without waiting for a change in the city charter or State constitution, merely the adoption of rules of procedure for a direct vote, the result of which is advisory and effective. Later, when the people can secure control of the legislature they will secure the usual form of the system.

We repeat our request that your honorable body adopt the advisory system, and we respectfully direct attention to the fact that the essentials of this system—the people's right to a direct vote on public questions—are demanded by the entire body of organized labor and by practically every citizen who examines the question. In Buffalo, recently, at the hearings by the common council as to whether it should adopt the advisory referendum, there was no one who argued against it. In Detroit two years ago practically all the leading business firms signed a request for the adoption of the advisory referendum as to franchise ordinances.

In closing our petition we desire to state that if you refuse our request we shall carry the case into the coming municipal campaign. Before the primaries are held every aldermanic candidate will be invited to publicly state whether, if elected, he will vote for or against the immediate establishment of the people's sovereignty in city affairs.

Respectfully submitted.

———, ———,

Registered voter at ———.

———

APPENDIX B TO CHARTER MEMBERS' AGREEMENT—INITIATIVE AND REFERENDUM PRINCIPLE IN NATIONAL AFFAIRS—PROPOSED BY AMERICAN FEDERATION OF LABOR, PENNSYLVANIA GRANGES, PEOPLE'S SOVEREIGNTY LEAGUE OF AMERICA, AND NATIONAL REFERENDUM LEAGUE.

The following is a draft of a resolution to be introduced in the Congress of the United States. The adoption of this measure will open the way for important statutory changes and constitutional amendments. Minor changes in the proposed draft of the resolution and bill are provided for in the questions to candidates; that is, these changes may be agreed to by the authorized representatives of the American Federation of Labor and the National Grange:

"A resolution for rules of procedure in the United States House of Representatives establishing in the people an advisory initiative as to interstate commerce and ten other topics, and an advisory referendum as to laws of Congress and measures passed by a House or by both Houses—a system whereby the people may more effectually instruct national Representatives.

"*Resolved*, That until the people take to themselves the final power in legislation by a constitutional amendment for the optional referendum and direct initiative, this House adopts the following rules for a system whereby the people may instruct national Representatives:

ADVISORY INITIATIVE AS TO LEGISLATION CONCERNING INTERSTATE COMMERCE AND TEN OTHER TOPICS.

"SECTION 1. Whenever seven hundred and fifty thousand voters shall present to this House and Senate any bill, constitutional amendment, or other form of question as to national policy concerning interstate commerce—that is, concerning railways, telegraphs, telephones, currency, or other instrument of interstate commerce, or a corporation or individual whose business it is to operate any of the instruments of interstate commerce—and (2) trial by jury or any modification of the law of injunction; (3) dependencies; (4) hours and conditions of labor; (5) immigration; (6) postal savings bank; (7) direct election of Senators, President, and Vice-President of the United States; (8) the civil service, including direct election of fourth-class postmasters; (9) direct nominations; (10) direct initiative and optional referendum, and (11) proportional representation, the petition shall be received and numbered, read twice, referred to a committee for consideration, and reported back, together with such amendments, substitute, or recommendation as may be thought desirable. The House, after considering the subject and agreeing with the Senate, but without any enacting clause, shall refer to the voters the original bill as initiated, and also such alternative measure or recommendation as shall have been agreed upon; the details as to petition, referendum ballot, and all other steps leading up to and including the announcement of the result to be prescribed by laws of Congress and of the several States.

"SEC. 2. Each measure initiated by petitioners shall have precedence

over all other measures except appropriation bills and bills immediately necessary for the preservation of the public peace, health, or safety, and shall be reported to the Speaker of the House for submission not later than one year from the time it was filed. There shall be at least ninety days between the final reporting of the initiative measure and the balloting by the voters. In case there is less time the ballots shall be cast not later than the succeeding year. Where practicable the balloting shall take place at the autumn election.

"SEC. 3. If, in a majority of the Congressional districts and a majority of the States, a majority of the votes legally cast for and against both measures shall favor one of them, or if only one measure is presented and it shall receive a majority (as herein defined), there shall be incorporated an enacting clause, if the measure is a bill, read three times, and voted upon by yeas and nays. If the successful measure is not in detail it shall be referred to committee for the reporting of a bill which shall be considered with a view to expressing therein the will of the people, and shall go to third reading.

"SEC. 4. Where there are competing measures and neither receive a majority of the votes cast for and against them ("majority" being used as defined above), the one receiving the highest vote shall be resubmitted by itself if it receives more than one-third of the votes cast for and against both bills. Voters may indicate second choice, which shall be counted for a bill in case the first choice does not secure a majority. If a measure receives a majority as herein defined, there shall follow the procedure described in section 3.

ADVISORY REFERENDUM AS TO LAWS OF CONGRESS AND MEASURES PASSED BY A HOUSE OR BY BOTH HOUSES.

SECTION 1. Whenever 500,000 voters request in writing that a law of Congress or a measure passed by the Senate or House or by both Houses shall be submitted to a vote of the people for the purpose of instructing Representatives, their request shall be granted. The procedure for petitioning, verification of signatures, decision as to compliance with requirements, steps in an appeal, submission of question to the voters, return of vote, decision of contests, etc., to be prescribed by laws of Congress and of the several States.

SEC. 2. The balloting shall take place not later than the following general election which occurs more than sixty days after the filing of the petition.

SEC. 3. Where a people's advisory vote on the subject-matter enumerated in section 1 of this rule is requested by 1,000,000 petitioners, they shall be entitled to call a special election and shall specify the date.

The above rules are proposed for the House. A similar set to be presented to the Senate.

CONSTITUTIONAL, AND WILL BE EFFECTIVE.

This proposed system is constitutional, for—

(1) The Federal Constitution provides (*a*) that "each House may determine the facts of its procedure" (Art. I, sec. 5), and (*b*) that Congress may legislate on the eleven topics to which the rules are to apply.

(2) The proposed rules do not conflict with any provision in the Constitution. The rules are mere regulations setting forth how a certain class of petitions to Congress may be inaugurated, filed, and considered in Congress, then referred to an advisory vote of the people through referendum machinery provided by State legislatures. The people's will, when expressed, will not legally bind the Members of Congress, therefore no constitutional provision will be infringed. The candidates, however, who vote for the establishment of the system will be pledged to obey the will of the voters in their district when indicated by referendum vote. This moral obligation will make the system effective.

That the people are morally warranted in instructing their Representatives is not an open question. Every candidate for legislative office promises that, if elected, he will carry out the principles set forth in the platform on which he stands. In this way the majority vote is an instruction. To-day we propose to go another step and separate some of the issues from the vote for candidates, and also to separate some of the issues themselves, This will enable the voters to act more intelligently, for there is no vote purchasing at referendum elections on such measures as we propose. Furthermore, before a referendum vote can be taken the question will first be considered in Congress and the truth ferreted out; and Congress can frame a competing measure where the direct initiative is used.

Note also that the rules provide that before the Members of Congress become morally bound to install a measure it shall have received the people's assent in a majority of the Congressional districts and in a majority of the States. This conforms to the requirements for a majority vote in the Senate and in the House—a double majority as it is frequently termed. In Switzerland every measure adopted by referendum vote must receive this double majority, and it is an interesting fact that every measure which has received the assent of a majority of the districts has also been assented to in a majority of the cantons.

A very brief statement of the evils of the existing national system of machine rule is stated in the accompanying petition to Congress:

PETITION.

To the Congress of the United States of America:

We, your petitioners, desire relief from the trusts and other serious evils. Introductory to a statement of the remedy for which we petition, permit us to state that in our opinion the principal cause of these evils is that the final power as to legislation is not in the voters, but is in whichever party is in power—an organization outside of Congress and outside the written Constitution, and liable to be largely controlled by the individuals and corporations that furnish campaign funds in exchange for governmental favoritism.

This party organization controls Congress and the Presidency by securing pledges from the nominees of the party that, if elected, they will vote for the policies declared for in the party platform, and these nominees are impliedly pledged to abide by the judgment of the party caucus and to advance the party interests in other ways.

This pledging of nominees in advance of their election largely abolishes independence of judgment, thereby eliminating an essential element in representative government. Why provide for the taking of testimony and debate when the case has been decided in advance by a party convention, party caucus, or other form of party agreement? Independence of judgment by the people's representatives should apply to all questions except those that are constitutional—which affect the framework of the Government itself. In none other of the great nations of the world do the declarations of a party convention instruct a National Congress and Chief Executive.

But the worst feature is the political power of money, due to the people's delegation of the final power as to legislation.

And even where the majority in a legislative body are favorable in general to the people's interests, they often commit excess which would be checked where there is a people's veto.

These serious evils, due to party government, have been abolished wherever the voters have taken to themselves the final power as to legislation, as is the case in Oregon, South Dakota, Switzerland, and to some extent in every American Commonwealth, also in several of our cities. And the completed system has been voted for by the people of Utah, the referendum by the people of Nevada, while in the recent campaign each of the great parties in Montana promised that it would submit a constitutional amendment for the system. And many members of your honorable body have declared themselves in favor of the immediate establishment of the essential elements of the system in national affairs.

Bear in mind that the final power as to legislation is merely a right to exercise a veto power and to directly initiate legislation, which leaves the representatives free to exercise an independent judgment on each question that comes before them and effectually terminates the political power of money. There is removed from corporation managers all incentive to contribute funds in exchange for governmental favoritism, for it is impossible for legislators to deliver "the goods."

And the voters' mere possession of the veto power and direct initiative does the work. Not a really bad measure is passed by a legislative body where the people possess a veto power, for it is known in advance that such a measure would be vetoed. While the direct initiative in the voters is a guaranty that the bills demanded by any considerable number of the voters will get a fair hearing in committee, followed by a reasonable time for debate and fair consideration by legislators whose aim is to represent the people's interests and not those of special-privilege corporations. History demonstrates that these things are so, thus reinforcing the logical deductions herewith presented.

Furthermore, the heads of the executive departments of the government become free to recommend legislative changes, unhampered by the declarations of any party convention or fear of an unfavorable vote in the legislative body. This is due to the final power in the people, who insist that the recommendations of their representatives shall be based on their independent judgment, as are the recommendations of lawyers employed by business houses. It would be absurd for a business house to instruct its lawyer as to the advice he should give, and it is equally unthinkable that a people possessing the final power should instruct their legislative advisers.

To fully establish the proposed change in our system of government will require a few years, but a start can immediately be made if your honorable body will adopt rules of procedure for the advisory initiative and advisory referendum—a system whereby the people may instruct national representatives. We petition for the change and suggest the following resolution:

(The resolution is published in full in the preceding article.)

For the proposed system we urgently petition, at the same time reminding your honorable body that the members of the following organizations are unitedly demanding the establishment of the initiative and referendum—the sovereignty of the people in place of the existing sovereignty of a party machine:

American Federation of Labor, representing one-eighth the people of the entire United States.

State grange in eleven States—Pennsylvania, Rhode Island, West Virginia, Kentucky, Missouri, Illinois, Wisconsin, Minnesota, Colorado, Washington, and Oregon.

Farmers' National Congress, pledged to referendum.
People's Sovereignty League of America.
National Referendum League.
California Direct Legislation League.
Washington Direct Legislation League.
Montana Didect Legislation League.
Colorado Direct Legislation League.
Kansas Non-Partisan Federation for Majority Rule.
Texas Majority Rule League.
Missouri Direct Legislation League.
Iowa Direct Legislation League.
South Dakota Direct Legislation League.
North Dakota Direct Legislation League.
Illinois Referendum League.
Michigan Direct Legislation League.
Ohio Direct Legislation League.
New York State Direct Legislation League.
New Jersey Direct Legislation League.
Delaware Initiative and Referendum League.
Rhode Island Constitutional League.
Massachusetts Referendum Union.

And other leagues and associations. For example, the Turner Societies of America.

Some of the great questions which will come up for decision if the proposed system of guarded representative government is established are as follows:

1. Shall private monopolies in interstate commerce be terminated, which includes the securing of equal rights to transportation on the interstate railways, also equal rights to raw materials and the opening up of equal rights in other directions? For example, equal rights to would-be purchasers from large corporations.

2. Shall the great banking interests of Wall street control the money market and thereby put prices up or down temporarily, as they may choose?

3. Shall the few who rule each private corporation (after the annual election of officers) be shorn of the power to autocratically raise or depress the prices of their stock and bonds by falsifying reports?

4. Shall the people of Porto Rico and the Philippines, who now are subjects of your honorable body—shall they receive a promise of citizenship or of independence, as may be mutually agreed to by themselves and the American people?

5. Shall this country negotiate arbitration treaties with other countries and offer, also, certain tariff concessions to all countries that agree to refer to the international court at The Hague practically all disputed questions, and who shall become members of a regularly constituted international parliament, with sessions at stated periods?

6. Shall jury trial be restored in criminal cases where employers and employees are specially interested

These are some of the questions the settlement of which should be taken from the party machines and contributors of campaign funds, which under the existing system determine to a large extent the instructions by party conventions to the members of Congress and to the President. The settlement of these great questions and all other national issues should be transferred to the unfettered judgment of the members of Congress and the Cabinet, subject only to a people's veto and a direct initiative.

We also respectfully declare that in case your honorable body chooses to refuse the request for the immediate establishment of the advisory referendum and advisory initiative we give notice that each member who registers an opposing vote and afterward asks his constituents for a renomination will be invited to explain to them why he voted against the establishment of their sovereignty.

Respectfully, yours,

——— ———,

Registered voter at ———.

PETITION.

To the legislature of the State of ———

We, the undersigned, petition your honorable body as follows:

That you elect to the United States Senate such candidates only as shall have pledged to vote for the immediate establishment of the people's sovereignty in national affairs by voting for a people's veto and a direct initiative to be installed at once by the advisory initiative and advisory referendum.

That you instruct the Senators from this State to vote for the above-described system;

That you enact a statute whereby 5 per cent of the voters of the State may call a special election for a referendum vote on a proposition to instruct United States Senators if one or both of them shall fail to obey the legislature's instruction;

That you enact a statute for the verification of signatures to national, State, and municipal petitions for referendum voting, and provide election machinery for taking the referendum vote;

That you enact rules of procedure for (1) receiving petitions for a referendum vote on State questions, (2) the consideration of the measures proposed, and (3) submission to a vote of the people in order that they may instruct their representatives. The right to instruct is an essential element in representative government, but as yet the machinery for voicing the people's will is defective. The rules we suggest are as follows:

(Rules of procedure for the legislature are quite similar to the national rules.)

This proposed system whereby the voters of the State may instruct their representatives in the legislature is for use until such time only as a constitutional amendment for a people's veto (through the optional referendum) and a direct initiative can be adopted.

We respectfully request that your honorable body adopt the proposed rules of procedure; also the measures for referendum voting on national, State, and municipal questions.

And we direct your attention to the fact that a people's veto and direct initiative system is demanded by the entire body of organized labor in the State, also by most of the organized farmers and by practically all the other citizens who have examined the question. In the city of Detroit two years ago practically all the leading business firms signed a request for the adoption of the advisory referendum as to franchise ordinances. In the recent State campaign in Michigan and in Delaware organized labor and the referendum leagues demanded the advisory referendum in State affairs.

In closing our petition, we desire to state that if you refuse our request we shall carry the case into the coming State campaign. Before the primaries are held every legislative candidate will be invited to publicly state whether, if elected, he will vote for or against the immediate establishment of the people's sovereignty in city, State, and nation.

Respectfully submitted.

——— ———,

Registered voter at ———.

ORGANIZATION OF CLUBS AND STATE LEAGUES—MINIMUM EFFORT AND MAXIMUM RESULTS.

Live Democrats should note how easy it is to secure signatures to a charter member's agreement for a Democratic referendum club. The territory can embrace at the start the entire city or county.

After arrangements for securing signatures have been made and the names have been secured, the meeting for formal organization should be called. At this meeting a chairman for the meeting should be chosen and a temporary secretary. Then proposals for a constitution will be in order. The following draft of constitution is submitted: It is as simple as is consistent with a retention of final power in the members. The name was selected by Senator James K. Jones, who suggested, too, the plan for securing definite promises from the officers of clubs and leagues.

CONSTITUTION AND BY-LAWS—CONSTITUTION OF THE ——— DEMOCRATIC REFERENDUM CLUB, WITH PROVISION FOR COUNTY AND STATE LEAGUES—NATIONAL LEAGUE TO COME LATER—PREAMBLE.

The existence of trusts and all other forms of private monopoly, the tariff shelter for trusts, corruption in public affairs, and a refusal to promise independence to the Filipinos or citizenship to the Porto Ricans is the result of a system in which the people have delegated an excessive amount of power to Congress and other legislative bodies. The remedy, as demonstrated by the successful experiences of Switzerland, Oregon, and South Dakota, is that the people take to themselves a right to a direct vote on public questions (the people's veto and direct initiative) and a direct vote for candidates for public office (direct nominations and direct election of Senators). The establishment of this sovereignty in the people (democracy) is the dominant issue in city, State, and nation, for as rapidly as the change is accomplished the people will terminate the injuries to their interests. To assist in establishing the proposed increase of power in the people and to help apply the improved system of representative government to the solution of the legislative problems of the day there is hereby established the ——— Democratic Referendum Club.

ARTICLE I. MEMBERSHIP, DUES, OFFICIAL PAPERS.

Members of the Democratic party, also young men between the ages of 18 and 21 years, and all other voters who believe in the objects of the club may become members upon application and payment of dues for the year. The annual dues shall be the yearly subscription price of an official paper, each member to choose between such of the exsting papers as shall have contracted to supply space for the official communications. Each member shall receive, without further charge, the official paper that he selects. Only those members whose dues are paid or whose arrearage accompanies the ballot shall be entitled to vote in the club. The official paper shall be a medium of communication between members and officers, including announcement of elections, referendum voting, etc., also news of the movement. Rules of general application concerning the amount of newspaper space for official matter that shall be required from official papers shall be issued by the State committee of the league when it is organized as hereinafter provided. As rapidly as proprietors of papers signify a willingness to comply with the regulation, notice of the same shall be published in the literature of the league, and so far as practicable the names of the league members shall be supplied to the publisher upon request. The discount from subscription price which the league may receive shall be used by the State committee to pay for postage, stationery, and literature.

ART. II. TEMPORARY ORGANIZATION OF COUNTY AND STATE.

SECTION 1. When three Democratic referendum clubs shall have been organized in this county, the secretary of this club shall propose to them that they join in forming a county committee, as hereinafter provided, and elect a county secretary, who shall appoint some one in each township and precinct (ward or city?) to organize a club.

SEC. 2. When twelve Democratic referendum clubs are organized in two or more counties in the State, the secretary of this club shall propose to the other clubs that a State league of Democratic clubs be organized, as hereinafter provided, and a State secretary elected, whose duty it shall be to issue charters and by-laws for county organizations and shall appoint county secretaries and treasurers to hold office till the installation day succeeding the next regular election of county secretaries and treasurers, subject to a right of recall by the appointing power and by the club secretaries when one-third of the county is organized. County by-laws may be changed by majority vote of the club secretaries. Each county secretary shall immediately proceed to organize the county in the manner prescribed in the preceding section.

ART. III. COMMITTEE SYSTEM, LEGISLATIVE SYSTEM, REFERENDUM VOTING.

SECTION 1. There shall be a State committee, consisting of the secretaries of the county committees, who by mail vote shall annually elect a State secretary and treasurer. A chairman shall be elected at each State meeting, who shall hold office during the session. Questions concerning State policy shall be determined by the county secretaries by mail vote, subject to a referendum vote by the club secretaries upon request of 5 per cent of their number, and the club secretaries shall be subject to instructions by the members, thus placing in the members the final power as to questions of State policy. "Mail vote," as used in this constitution, shall imply that wherever those entitled to vote by mail are gathered together they may vote viva voce or by ballot, as also may less than the whole number, provided a mail vote is distributed to those not present if less than a majority of all are for or against.

SEC. 2. In each county there shall be a county committee, consisting of the secretaries of the clubs within the county, who at an annual meeting shall elect a county secretary and county treasurer. A chairman shall be chosen at each meeting, who shall continue in office for the session. Questions concerning county policy shall be determined by the county committee by mail vote, subject to instructions by club members, and subject also to a referendum vote by the members within the county upon request of 5 per cent of their number

SEC. 3. A secretary, treasurer, and executive committee shall be elected annually by the local members of each club. At each meeting a chairman shall be chosen, and it is suggested that the by-laws provide that the secretary shall nominate the chairman, but no one to be elected twice during a quarter.

SEC. 4. When a referendum vote is asked for on a county question, the requests shall be addressed to the State secretary, who shall keep count, and, if the required percentage is received, shall give notice to the official papers that a referendum vote has been called for, and the notice shall be published for two successive weeks, directing that till a specified date (twenty days from the date of publication of the first notice) the votes be addressed to his office, marked "Referendum vote on (name of county) question." At the end of said period the votes, with seals unbroken, shall be forwarded to the secretary of the proper county, with directions when and where the seals shall be broken and the votes counted in the presence of one or more representatives of each of the opposing sides. The result shall be certified to by the secretary to the official papers of the State for publication. Ballots shall be preserved for one year.

SEC. 5. When a referendum vote on a State question is asked for the requests shall be addressed to the State treasurer, who shall keep count and if the required percentage is received shall give notice to the official papers that a referendum vote has been called for, and the notice shall be published for two successive weeks directing that till a specified date (twenty days from the date of the publication of the first notice). Votes be addressed to his office marked "Referendum vote on State question." At the end of said period the votes with the seals unbroken shall be forwarded to the State secretary with directions when and where the seals shall be broken and the votes counted in the presence of one or more representatives of each of the opposing sides. The result shall be certified to by the secretary and representatives, and copies mailed by the secretary to the official papers for publication. Ballots shall be preserved for one year.

ART. IV. ELECTION OF OFFICERS.

SECTION 1. The third and fourth weeks in November the State secretary shall give notice through the official papers that the election of officers of the club shall take place the first Tuesday in December at 8 o'clock p. m. at the club headquarters.

SEC. 2. The third and fourth weeks in December the State secretary shall give notice through the official papers that the club secretaries shall assemble at the county seat the first Tuesday following the first Monday in January and at noon shall elect a county secretary and county treasurer. Proxies may be sent. Club members may instruct their representative.

SEC. 3. The third and fourth weeks in January the State secretary shall give notice through the official paper that till a specified date (twenty days from the date of publication of the first notice) the county secretaries shall cast a mail vote for State secretary and State treasurer, the vote to be addressed to the State treasurer and marked "Vote for State officers." First, second, and third choice should be indicated. Club members may instruct for whom their secretary shall vote. When the twenty days shall expire the treasurer shall deliver the votes to the secretary, who shall break the seals and count the votes in the presence of one or more representatives of each candidate who shall have announced his candidacy, and in the presence of such others as may desire to be present. The result shall be certified to by the secretary and representatives, and the secretary shall furnish copies to the official papers. If after distributing the second and third choice no one receives a majority of the votes cast for a secretary or for a treasurer, the taking of a second ballot shall be announced for such office or offices by the secretary through the official papers, the candidates for each office to be limited to the two who shall have received

the highest vote. The procedure in casting the second vote and the count thereof shall be the same as for the first ballot. The State secretary and State treasurer shall each be installed at the time the vote is counted, provided they are present; otherwise the absent one or ones shall be inducted to office one week later.

ART. V. RECALL.

The State, county, and club officers shall be subject to recall by those who elected each, and each secretary in voting shall be subject to instructions. The procedure shall be the same as in referendum voting.

ART. VI. RIGHTS AND DUTIES OF MEMBERS OF THE LEAGUE.

SECTION 1. Each executive committee of a club shall formally invite the citizens of the township or precinct to become members of the league and club and thereby receive regularly such of the official papers of the league as they care to select, in which will regularly be published the progress of the cause; also notice of referendum voting within the organization, notices concerning the election of club and league officers, etc.

SEC. 2. Each member of the league shall promise as follows:

1. I promise to participate so far as practicable in determining the policies of the club and of the county committee and State league.

2. January and September of each year I promise to make a contribution of money to the league for the following purposes:

(a) For club and league purposes, to the end that candidates may be nominated and elected who are pledged to vote to terminate the rule of the few and establish the people's sovereignty in city, State, and nation.

(b) As rapidly as the people's rule is established the funds shall be used for general club purposes and for circulating petitions for directly initiating progressive legislation, the order of time for each bill, and the details thereof to be decided by referendum vote of the members of the league who are resident within the territory to be affected.

ART. VII. CLUB AND LEAGUE FUNDS.

During January and September of each year the club secretaries shall each cause to be circulated a subscription list for funds to assist in defraying the expenses of the club and league. Twenty-five cents per member shall be forwarded each time by the club secretary to the county secretary, who shall forward two-thirds to the State secretary and keep one-third for county work. The State secretary shall forward to the national office with which the league shall affiliate one-half the receipts from county secretaries. The funds in the State and county treasuries shall not be paid out except on the order of the State and county committees, respectively.

ART. VIII. DEMOCRATIC REFERENDUM LEAGUE PROGRAMME FOR 1905–6.

The programme of the league for 1905–6 shall be as follows, subject to amendment in the manner hereinafter prescribed:

SECTION 1. In cities and counties where the people's veto as to franchise ordinances has not yet been adopted, an alderman or county supervisor shall be requested to introduce a resolution for the immediate establishment of such a system by means of a rule of procedure or an ordinance, and if thought best the resolution shall include provision for the advisory initiative. (For proposed rules see preceding column.) Public hearings for the measure shall be asked for. (See note 1.)

NOTE 1.—Public hearings were successful in Buffalo. No one appeared to oppose the system. The chamber of commerce voted for the establishment of a people's veto as to franchise ordinances. In Detroit the council just before election unanimously established a people's veto as to franchise ordinances, and at each election the candidates have been pledged. The system is a complete success, as is also the case in Buffalo, Winnetka, Ill., and Geneva, Ill.

SEC. 2. The State committee shall formulate petitions to the common council, county board, the legislature, and Congress, asking each for the immediate establishment of the referendum principle in their several jurisdictions. The petitions shall be printed and copies distributed to the clubs, with directions that nonpartisan organizations shall be urged to circulate the petitions; also that individuals (club members and others) sign, circulate, and present the petitions to the several legislative bodies.

SEC. 3. Steps shall immediately be taken to prepare such legislative measures as any considerable number of the club members may approve, and the bills shall be printed and distributed for discussion, to be followed at the proper time by balloting within the clubs as to which of the measures shall be pushed in city, State, and nation as rapidly as the referendum principle is established therein.

SEC. 4. Wherever the referendum principle has been established a direct initiative petition should be circulated, the subject-matter to be agreed upon within the league, and there shall be circulated a petition to Congress for the immediate establishment of the national referendum.

SEC. 5. Before the primaries are held for the election of delegates who shall elect Democratic candidates for alderman and mayor, the county secretary or the secretary of each club shall ask the candidates in his district the following questions:

"If nominated by the Democratic party and elected by the people, will you vote for the immediate establishment of the advisory referendum (or advisory initiative and advisory referendum), and vote to request the legislature to enact a direct nominations law?"

The replies shall be published as rapidly as received, and should any candidate refuse to pledge there shall be circulated at once a voters' agreement. (For form of agreement see note 2.) Early notice should be given that candidacy should be announced at least ten days in advance of the primaries, in order that the attitude of each candidate may become fully known throughout the district.

NOTE 2.—"We, the undersigned, members of the Democratic party, agree that at the primaries and conventions of our party we shall vote only for such legislative candidates as are pledged to vote for the immediate establishment of the people's sovereignty through the referendum principle and direct nomination and election of candidates for public office."

SEC. 6. Before the primaries are held for the election of delegates who shall elect Democratic nominees for the legislature, governor, and Congress, questions concerning their voting for the referendum system and direct nominations shall be published by the State secretary and mailed to the candidates for the Democratic nomination, with request to mail a reply to the county secretary; or the State secretary shall mail blank copies to the county secretaries, who shall fill them in and mail to the candidates. The answers shall be published promptly within the district by each county secretary, and should any candidate refuse to pledge there shall be circulated at once the voters' agreement. Early notice should be given that candidacy should be announced at least one month in advance of the primaries, in order that the attitude of each candidate may become fully known throughout the district from whence he seeks the nomination.

SEC. 7. It is recommended that each club hold a weekly meeting, at which speeches and reports of progress should be made. The training of members in public speaking and debate should be encouraged in every possible way. Challenges for debates with other political and educational clubs should be issued. Each club should appoint a press secretary to report items of interest, also to controvert erroneous statements in the press concerning the need for the referendum or direct nominations, or errors concerning the plan of campaign. Lecturers should be called that will pay their own way and more from paid admissions, and the State and county secretaries shall conduct a lecture bureau. Organization and education shall be stimulated in every possible way. This may include the employment of lecturers by the payment of a percentage of box-office receipts and a percentage of the resulting increase in the subscriptions to the cause. Monthly payment of subscriptions may be solicited and envelopes furnished to serve as reminders. Club members should invite their friends to organize a political study club to meet at the members' homes for the purpose of studying the principles of liberty and of social progress, including the order of time that reforms have been adopted in our land and in other countries.

SEC. 8. The league may declare for such other measures in city, State, and nation as may be thought best, it being distinctly understood, however, that the immediate establishment of the advisory initiative and advisory referendum will at once transfer to the people the final power and that thereafter a small proportion of the voters can initiate any measure they desire and can call for a referendum on any measure enacted by Congress, the legislature, or common council.

ART. IX. DUTIES OF PRECINCT AND TOWNSHIP EXECUTIVE COMMITTEES.

Upon the installation of officers each member of the executive committee of a club shall declare:

"I promise to promote to the best of my ability the objects of [name of State] League of Democratic Referendum Clubs, and to that end shall do my best to enroll members, to get an attendance at public meetings of the club, to help distribute literature and invitations, and will assist in circulating petitions, subscription lists for funds, etc."

Each club secretary should, in addition to the foregoing, declare:

"I will promptly question the Democratic candidates whose names are to come before the primary in my district, provided the questioning is not of such a character that it is handled by the county secretary or State secretary.

"I will promptly reply to official communications.

"During January and September of each year I will cause to be circulated subscription lists for funds for defraying the expenses of the club and to help assist in meeting the expenses of the league."

ART. X. DUTIES OF COUNTY SECRETARY.

Upon being installed in office each county secretary shall declare:

"I promise to promote to the best of my ability the objects of [name of State] League of Democratic Referendum Clubs, and to that end shall do my best to establish and build up a club in each precinct and township in my county; that I will call and attend at least twelve rallies each year and report monthly to the State secretary.

"I will promptly question the Democratic candidates whose names are to come before the primaries and conventions in my county, provided blanks are supplied for the Congressional and State candidates; and will promptly give the replies to the public through the local press and in all other practicable ways.

"I will promptly reply to official communications."

ART. XI. DUTIES OF STATE SECRETARY.

The State secretary shall be the executive head of the league, subject to direction by the State committee acting by means of a mail vote.

ART. XII. AMENDMENTS.

Amendments may be adopted by the direct initiative or by a majority vote of the State committees, subject to referendum vote as provided in Article II.

BY-LAWS OF THE ——— DEMOCRATIC REFERENDUM CLUB—ART. I. OFFICERS.

SECTION 1. There shall be a secretary and treasurer, who with three (or five) others shall constitute the executive committee. At each session of the club a chairman shall be chosen who shall be nominated by the secretary, but no one shall be twice elected chairman during a quarter.

SEC. 2. Each month the executive committee shall meet at club headquarters the first regular meeting night of the club for the month. A chairman of the executive committee shall be chosen at the first meeting in each quarter, beginning in January, and he shall hold office during the quarter. The secretary shall be secretary to the executive committee and shall be the executive officer of the club. He shall serve without salary. The pledges which the officers shall make when entering upon the duties of their several offices are stated in the constitution.

ART. II. MEETINGS.

The meetings of the club shall be held once a week on ——— evenings, beginning at 8 o'clock sharp. Special meetings may be called by order of the executive committee, and the object of the meeting shall be specified. Notices of special meetings shall be posted as follows: ——— ———.

ART. III. ORDER OF BUSINESS AND RULES OF ORDER.

(Will appear in printed pamphlets.)

ART. IV. FUNDS.

January and September of each year subscription papers shall be circulated for funds for club and league purposes. Twenty-five cents per member shall be forwarded each time to the county secretary for county, State, and national dues. Subscriptions to meet deficiencies or for special purposes may be solicited at other times. Monthly payment of subscriptions shall be encouraged, and envelopes bearing the names of the months shall be furnished by the secretary.

ART. V. PROGRAMME FOR 1905–6.

In addition to the league and club programme in the constitution, the following suggestions are prescribed:

SECTION 1. At each week's regular meeting of the club a speech, paper, or chapter from a book or paper shall be presented on the topic of most importance at the time. At the close of the address the subject shall be open to discussion, with five minutes for closing by the principal speaker.

SEC. 2. Subjects for study and discussion should include:

Evolution of representative government, including the establishment of the people's sovereignty through the initiative and referendum; also

the results of direct nominations, direct elections, home rule, Australian ballot, mail vote, etc.

Effect of referendum system on public service.

Effect of referendum system on public ownership of city monopolies.

Effect of referendum system on control of interstate monopolies, e. g., equal freight rates, lower freight rates, lower passenger rates, better conditions for railway employees, equal rights to raw material, such as iron ore, coal, salt, etc.

Effect of referendum system on Standard Oil monopoly, beef trust, coal trust, etc.

Uniform public accounting and the resulting system of competition in the public service.

Effect of referendum system on local taxation and public school system.

Effect of referendum system on maintenance of standard of living, e. g., restriction of undesirable immigration, establishment of factory laws, etc.

Effect of referendum system on tariff duties.

Effect of referendum system on proposed income tax and proposed inheritance tax.

Effect of referendum system on proposed ship subsidy and proposed discriminating duties in favor of shipping.

Effect of referendum system on international arbitration and establishment of international parliament.

Effect of referendum system on question of republic or empire.

Effect of referendum system on questions between capital and labor.

Effect of referendum system on maintenance of equilibrium between the supply of money and currency and the demand for it, and prevention of panics and maintenance of prosperity.

Effect of referendum system on public control of private corporations, including a national corporation law, Federal control of life insurance companies, protection of depositors in banking corporations, etc.

Effect of referendum system on establishment of postal savings banks, parcels post, and postal telegraph and telephone.

Effect of referendum system on housing problem.

Effect of referendum system on temperance.

Effect of referendum system on municipal art and music, public playgrounds, and other forms of recreation and culture for children and for adults.

Effect of referendum system for good roads.

Effect of referendum on proposed direct election of postmasters.

Effect of referendum on establishment of forestry system.

Effect of referendum on establishment of pure-food laws, etc.

There is recommended as a text-book the 112-page special number of the Pennsylvania Grange News, entitled "People's Sovereignty versus Trustocracy," price 5 cents, postage paid. Address Pennsylvania State Grange, Chambersburg, Pa.

SEC. 3. A debate and lecture committee of three shall be named by the executive committee. A public debate shall be held each month, and a lecture course, with paid admissions, shall be provided each season, for the establishment of which the committee shall request the cooperation of the Democratic Referendum clubs in the community and propose a joint public lecture committee. The committee, when formed, may also arrange for debates and such other joint meetings as the clubs may direct.

SEC. 4. A course in parliamentary law, principles of argumentation, and oratory shall be established by the executive committee, for the training of members in public speaking and debate, and to promote efficiency in the management of meetings. (Baker's Principles of Argumentation is recommended, price $1.25; also Oratory, by Hon. John P. Altgeld, price 50 cents; and Robert's Rules of Oratory.)

SEC. 5. A press secretary shall be appointed by the executive committee to report items of interest, to controvert erroneous statements concerning the need for the referendum or direct nominations, and to refute errors concerning the plan of campaign.

SEC. 6. Appeal for contributions of books and money toward the establishment of a club library shall be issued by the executive committee, and a librarian shall be appointed.

SEC. 7. The executive committee shall adopt and post a plan for a political study club course for members' homes, at which friends outside the club shall be invited to attend and participate.

SEC. 8. The executive committee shall appoint a public school committee, which shall endeavor to incorporate in the public school curriculum teachings concerning the evolution of representative government and how it is that the people's sovereignty is established. The committee shall familiarize themselves with the school city system, whereby self-government is established and maintained by the pupils, resulting not only in an improved system of school government, but a training in citizenship and in morals. (Address Mr. Wilson L. Gill, 340 West Duval street, Philadelphia, Pa.)

SEC. 9. It shall be the duty of club members to bring before the club every public interest which can be promoted by discussion or publicity, it being the purpose to furnish an open forum for the promotion of the public welfare.

ART. VI. AMENDMENTS.

These by-laws may be amended by majority vote of the members, or at a regular or special meeting, provided notice of the proposed change shall have been posted for one week.

ADVANTAGES OF THE PROPOSED SYSTEM.

1. Immediate work for Democratic clubs.

2. A programme which no real Democrat can find fault with personally, for it covers all questions, but in such a way that the change in the system of government comes first—a system the efficacy of which no man can successfully question, and no one in political life will openly question it. The issues that divide the Democrats themselves are legislative and of national importance, and will not come up for final vote within the party until 1908, and by that time the thorough organization of Democratic Referendum Clubs and the questioning of candidates at the Democratic primaries and conventions will secure State and national conventions that will be thoroughly progressive.

3. This Democratic club programme is the programme of organized labor and organized farmers—the two great classes that determine elections. It is not a question of whether the democratic Democrats will take hold and lead in the emancipation of the people, but whether they will keep from being run over by the existing movement among organized wage-earners and organized farmers. If partisan organizations do not at once take advantage of the remarkable opportunities it will indicate that the real reforms of the future must come from the industrial organizations of the country. It is believed, however, that partisan clubs and leagues will take a leading place, and they ought to take the foremost place. The self-interest of individuals can be promoted, and therefore the movement is bound to come. And the Democratic party will profit by taking up the far-along programme for the people's liberties.

4. All the national parties must soon come around to the general features of the referendum system, as already have all the parties in Oregon, South Dakota, Missouri, Montana, and Switzerland. It is the line of political evolution and therefore is inevitable.

Taking up the details it is to be noted that—

5. The near-by city elections can be carried, for live issues in the common council can at once be commenced, e. g., the immediate adoption of a rule of procedure for the advisory referendum as to franchises for city monopolies, a system in successful operation at Winnetka, Ill.; Geneva, Ill.; Detroit, and Buffalo.

Public hearings can be demanded. This was done at Buffalo, and everyone who appeared favored the system. Previous to this the chamber of commerce indorsed the proposition.

A weekly meeting of each club can be provided for, at which live speeches can be delivered and enthusiasm aroused. A minority party must awaken enthusiasm or continue in second place.

Precinct organization can be worked up without any cost, except the club and league expenses, which can be secured by voluntary subscriptions.

Best of all, notice should be served that each candidate who is to come before the Democratic primaries and the city convention must publicly declare himself on the questions at issue and make his declaration ten days in advance of the primaries. In this way publicity can be secured, thus preventing an evasion of the issues, and the candidates' self-interest will compel them to declare favorably or suffer defeat. Thus a clean sweep can be made at the primaries and also at the election, i. e., the measures will be carried; and in proportion as the Republicans take up the Democratic programme in coming city campaigns, it will weaken the Republican position in the State and national campaigns.

6. State elections can be carried by the Democrats this year (1905) in New York, New Jersey, Massachusetts, Rhode Island, and Maryland, with big gains in Ohio. The other State elections this year are in States already Democratic—Kentucky, Georgia, Mississippi, South Carolina, and Virginia.

7. An additional number of cities can be carried in the spring of 1906. In the autumn of 1906 the national House can be carried, and in the Senate a majority vote can be secured for the immediate establishment of the referendum principle. This Senate vote can be secured by pledging the legislatures to instruct their Senators.

9. These successes will insure Democratic supremacy in 1908. The only possible failure will come from Democratic delay in coming out for the referendum. The Republicans in Oregon forestalled the Democrats in 1900 and won, while in Missouri the Democrats were the first to declare for the system in 1902 and won, the Republicans trailing after. In Montana for the last two years Governor Toole and his supporters have been working for the initiative and referendum and direct nominations, and the Democratic State convention of last year declared for the system, and then the Republican State convention did likewise; but it came too late, for the people recognized that the Republicans had been forced to it. Nationally, the American Federation of Labor, with its 25,000 unions, has not only conducted a national campaign for the people's sovereignty, but at its recent annual convention declared that it is the dominant issue (resolution 39), and all unions are instructed at once to circulate petitions for the immediate establishment of the people's sovereignty in national affairs. The granges are likewise picking up the work. Can there be any question but that Democratic clubs should take up the issue? If they do not do so it will be because there is not a sufficiently high degree of democracy in the Democratic party, and the party will continue to trail in second place, as it is doing in Oregon; but if a league of Democratic referendum clubs is organized with a direct initiative and members' veto within the league there can be no failure.

10. The proposed veto, direct initiative, and recall within the club organization are essential elements, for otherwise you can not stir up real enthusiasm and win victory, and the billions of trustocratic money will completely sidetrack this liberal movement—another Wall street victory, like that of 1904. The strength of the Socialist party movement is largely in the Democratic organization within the party, and everyone ought to recognize it.

11. By starting the proposed league of Democratic referendum clubs the battle will at once be "on" and entirely apart from the personalities of national and State leaders. Furthermore, the attack on the enemy will be such that it can not be repelled, for wherever the proposed increase of power in the people has been presented and pushed it has succeeded. Heretofore, however, the advance has been led at the start by nonpartisan organizations—organized labor and a referendum league. Now, there can be swung into line a great party organization with the desire of members for office and for party successes, which will wonderfully hasten the adoption of the referendum system. The coming campaign in many cities can readily be won by the Democratic party if Democratic clubs are established, declaring for real democracy, and which shall start immediately at work, planning also to question the candidates that shall come before the Democratic primaries and conventions. Next spring's successes in the cities can be as inspiring as are the recent gubernatorial victories in Massachusetts, Missouri, Minnesota, Montana, and Colorado. These State victories are the result of practical policies in the people's interests, and the possibilities in the coming city campaigns are equally great, as likewise are the possibilities in this year's campaigns in New York, Massachusetts, and Rhode Island, thus leading to additional city victories in 1907 and 1908 and nationally in 1908. Everything, however, depends upon the immediate formation of Democratic Clubs for the pushing of Democratic policies.

Democrats of Pennsylvania who agree herewith are requested to sign the foregoing charter members' agreement for a Democratic referendum club. The primary object of this club system in Pennsylvania is to influence the policies of the Democratic party within the State. By questioning the candidates that are to come before the Democratic primaries and conventions of Pennsylvania, the Democratic referendum clubs of the State will become all powerful for the principles advocated. Start the work in your city by signing your name to the foregoing charter members' agreement, and ask your friends to do likewise, then write to your more distant friends and ask them to do as you have done. This "chain system" can produce far-reaching results in a short time. Report each organization, in order that notice of it may be published. State to us, also, such plans as you contemplate.

WARREN WORTH BAILEY,
Editor Johnstown Democrat.

JOHNSTOWN, PA., *January 24, 1905.*

LECTURES WANTED ON PEOPLE'S SOVEREIGNTY—ORDERS FOR LECTURERS SOLICITED.

The people of the country are desiring to learn how the rule of the few is to be terminated and the people's rule established. The People's Sovereignty Lecture Bureau of Washington, D. C., Edwin Sefton, manager, is booking lecturers and is endeavoring to secure for them profitable engagements. Democratic referendum clubs should arrange for one or more good lectures, with paid admissions. For list of speakers and terms, address the bureau.

THOMAS JEFFERSON'S ATTITUDE—AN ARDENT PEOPLE'S SOVEREIGNTIST.

Thomas Jefferson in a letter to James Madison, during 1787, concerning the proper system of government, said:

"It is my principle that the will of the majority should always prevail."

In his first inaugural address President Jefferson said:

"Absolute acquiescence in the decisions of the majority—the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism, I deem (one of the) essential principles of our government, and consequently (one) which ought to shape its administration."

Eight years after the above was stated by President Jefferson he wrote the following:

"If we are faithful to our country, if we acquiesce with good will in the decisions of the majority and the nation moves en masse in the same direction, although it may not be that which every individual thinks best, we have nothing to fear from any quarter."

IMPORTANT TO READERS OF THIS PAPER.

Ever since the announcement of the election of five Democratic governors in Northern States, and this in the face of an overwhelming vote for the national Republican ticket, it has been a foregone conclusion that the issues on which these Democratic successes were secured would be pushed to the front. The issues which include them all is the demand for the initiative and referendum—the establishment of the people's sovereignty.

When the people vote directly on whatever issue comes up there will soon be an end to special privilege and other present-day evils.

In this issue of The Democrat there is published a carefully worked-out plan of campaign. Copies of the paper are being mailed throughout the country and it is expected that progressive Democrats will take hold and immediately begin work. The city campaign should be pushed at once.

News of the movement will be published in The Democrat, and every subscriber should see that his paper is continued. And can't you get your neighbor interested in the people's sovereignty movement? The price for one new subscriber and a year's continuance of your present subscription is offered at $1.60 in place of $2, the usual price; two new subscribers, $1.50; two new subscribers and one continuance, $2.25; each additional new subscriber, 60 cents.

CONSTITUTION AND BY-LAWS FOR DEMOCRATIC CLUBS—SUPPLIED IN PAMPHLET FORM.

The foregoing constitution and by-laws for Democratic clubs will be published in pamphlet form, including the opening statement and comments. The preceding editorial and the article by Mr. Shibley will likewise be published as a pamphlet. The price of each set of 80 pages will be 5 cents, postage paid.

Address The Democrat, Johnstown, Pa.

[The Era Magazine, November, 1904.]

THE DESPOTISM OF COMBINED MILLIONS—HOW THE GIANT LIFE INSURANCE "COMBINE" EMPLOYS VAST TRUST FUNDS OF POLICY HOLDERS IN WALL STREET'S RUTHLESS SPECULATIVE SCHEMES.

[By Henry Shedd Beardsley.]

The series of articles beginning with this number will be of surpassing interest to millions of people. Five hundred millions of dollars are spent annually in the United States for life insurance, and not one person in one thousand of those who contribute this vast sum has the slightest knowledge of even the elementary facts concerning the methods of the companies. The facts which we have developed as the result of a protracted and diligent investigation will come as a startling surprise.

We say at the outset that there is no question of solvency, nor any dispute as to the beneficent purpose of life insurance. The revelations we shall make concern rather the persistent disregard by the companies of the equitable rights of their policy holders; the withholding of enormous amounts of divisible surplus; their coalition with Wall street in support of the most audacious schemes of speculation, and their defiance of salutary legal requirements.

The narrative throughout will be supported at every point by the weight of convincing evidence, even when dealing with the innermost secrets of the companies. It will be a story of organized audacity and cunning, of monstrous extravagance and unbridled greed, for which it is difficult to cite any parallel in the history of the world.

The articles will be temperate, fair, and impartial. They will present the facts. The readers may draw their own conclusions. We will not deny our pages to the insurance companies themselves. On the contrary, we welcome any statements which they wish to make.

THE PUBLISHER.

LIFE-INSURANCE SYSTEM EXPLAINED.

A life-insurance company is unlike the usual business institution, where men who have something to sell may make the largest legitimate profits possible from those who buy. A life-insurance company conducted on the "mutual plan"—as are these with which we are dealing—is a mutual society. Men band themselves together in an organization for a specific purpose. This purpose is not to make money, but it is purely for the protection of the home and family. The man who takes out a life-insurance policy for any sum has only one legitimate end in view, and that is that, should he die, this sum may be paid to his wife and children, or other heirs or dependants, to keep them from want. In thus providing an opportunity for the head of a household to continue after his death his protection over those who are bound to him by love and duty, the institution of life insurance is of great beneficence. It aids and supports the husband and father in the performance of his most sacred obligation. In order that they may thus provide for those who are dependent upon them after their capacity to earn a livelihood has ceased, the vast majority of those who carry life-insurance policies in the United States are obliged during their lifetime to make special efforts and sacrifices.

BAIT FOR BUSINESS.

And as a bait for further customers, the "Big Three" widely advertise the fact that they are mutual societies. After the story so vividly told of fabulous wealth and vast earnings, how alluring does this statement, coming from one of the widely circulated pamphlets of the Mutual, issued last March, sound:

"The company has no capital stock, but is entirely mutual, its policy holders controlling the management and receiving all the profits arising from low mortality and good interest earnings."

The Equitable, in a recent booklet containing statements designed to influence the reader to take out a policy, quoted conspicuously the provision of its charter, which says:

"The assurance business of this society shall be conducted on the mutual plan."

And below is the declaration by the company, following immediately the recitation of this part of its charter:

"The above is a section of the charter of the society. It always has been and will always be lived up to, not only in the letter, but in the spirit; and in the future, as in the past, the exigencies of competition will never influence the officers of the society to depart in any way from the strictest canon of mutuality."

The New York Life is as positive and unconditional. A sample of its professions is the following:

"Why every man should insure in the New York Life.

"Because it is purely mutual and all of its assets, surplus, and earnings belong to its policy holders."

All through the literature of the "Big Three" assurances like these are repeated. They want the man who takes out a policy to believe that he is indeed to be a partner. They tell him about their surpassing riches. They point out their enormous profits. He is led to believe that he is to get a share of these. The proposition is presented with all the art and ingenious skill that money can buy. The prospective customer is approached in every way that can be devised to exert an influence. The sentimental side is dwelt on fully. The canvasser in the very beginning, in a tone of solemnity, asks the prospective policy holder if he had neglected the sacred duty to his wife and babies. The heads of the insurance companies are presented in the light of public benefactors. A halo is put over their heads.

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THE SHRINKAGE OF DIVIDENDS.

But here is a startling and significant fact: In 1880, with an income of less than 35,000,000, the three companies paid to its policy holders in dividends more than $6,000,000.

But in 1903, with an income greater than 239,000,000, the "Big Three" paid back in dividends to its policy holders less than $14,000,000.

The "combine" received directly from its policy holders in premiums in 1880 between twenty-five and twenty-six millions, and paid back more than 6,000,000. The policy holders in 1880 got back 24¼ per cent of the money which they paid in.

In 1903 the policy holders of the "Big Three" paid into the companies in premiums between one hundred and ninety-two and one hundred and ninety-three millions. They received back in dividends only 7¼ per cent of that amount. Here are the figures in detail:

	Premiums.	Dividends to policy holders.
In 1880:		
Mutual	$12,275,589	$3,279,734
Equitable	6,832,946	1,389,617
New York	6,545,461	1,553,499
Total	25,653,996	a 6,222,850
In 1903:		
Mutual	60,151,020	2,944,643
Equitable	58,637,890	5,682,296
New York	73,693,766	5,339,292
Total	192,482,676	b 13,966,231

a 24¼ per cent. b 7¼ per cent.

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EXTRAVAGANCES OF ADMINISTRATION.

The affairs of these big companies, which control half the life insurance of the United States, have been carried on with the most lavish extravagance. These expenses are so cunningly distributed and so ingeniously compared with mighty assets in the published statements of the companies that their full significance is scarcely realized.

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The fact can not be too strongly emphasized that every dollar wasted in extravagant expense comes from the pockets of the policy holders.

Men have asked this question:

"If the big life insurance companies are practicing such outrageous imposition upon the millions who support them, why hasn't the subject been given wide publicity before?"

The answer is one of the most astonishing features of this story. It is a part of the tale of the immense power and resources of the great insurance "combine," of its potent and far-reaching influence.

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ENORMOUS DISBURSEMENTS OBSCURELY CLASSIFIED.

The "Big Three" maintains this influence by spending enormous sums every year to control public sentiment and to smother investigation. The "combine" has always assumed the attitude that to question the conduct of its affairs is an impertinence, that for the policy holder to ask how his money is being spent is an absurd presumption.

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IMPERIAL SALARIES.

Every year a gigantic fortune goes into the pockets of officers and employees at the home office. The salaries of the managers of the companies are princely, some of them receiving, it is currently reported,

as high as $100,000 a year—twice as much as we pay to the President of the United States. The policy holders of the three companies that are in the combine pay out every year nearly $3,000,000 for salaries in the home office alone. This does not include the money paid in fat salaries to managers throughout the country.

The "inspection of risks" for 1903 were:

Mutual	$215,575
Equitable	214,934
New York	164,004
Total	594,513

Salaries and all other compensation of officers and home office employees were:

Mutual	$953,917
Equitable	1,088,968
New York Life	806,335

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THE ALLIANCE WITH WALL STREET.

I repeat an old story when I say that Wall street is the greatest gambling institution in the world, that it is a gigantic wheel of fortune, and that the dealer, by merely pressing his thumb on a button that is cunningly hidden from the innocent player, may stop the wheel wherever he likes, with the result that the player is beaten, and his money raked off the board into the till of the dealer.

Wall street is not a "square" game. The dealers who are multimillionaires, sit behind the table and appeal to the speculative instinct of the public by loud invitation and by the clink of coins.

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The secret button in Wall street is the tremendous power of millions of ready cash at the command of the dealers. By using it at the right time and in the right way this money decides the game, just as the deceitful gambler stops the wheel of fortune by pressing his thumb on the invisible button.

This is not an idle comparison, but it describes an actual condition.

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The money which is won by the big professional gamblers of Wall street is stained with blood and tears. Every conspicuous catastrophe at this, the greatest gambling center, is followed by a train of ruined private fortunes, by insanity and suicide. I need only to refer you to the newspapers after the collapse of May, 1901, and after the bursting of the United States Steel bubble.

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The individuals who are guilty are those who furnish the funds which place the game wholly in the dealer's hands.

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The 71,000,000 ready cash of the "Big Three" is distributed in banks and trust companies as follows:

Deposited in trust companies and banks:

Mutual	$22,439,396
Equitable	25,617,668
New York Life	21,996,655

Now these figures mean that the cash of the policy holders and the other property which as members of the "Big Three" they own, is linked with the forces in Wall street which promote and control this, the greatest gambling game on earth. The public contributes the millions which the "Big Three" thus use, and it is the public which is the victim of Wall street's alluring snare. From one pocket the individual pays the premium on his life insurance policy; from the other pocket he buys the watered stocks of Wall street.

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The three big insurance companies, with their more than one billion dollars' worth of assets and with their combined annual income of about $239,000,000, are directly in league with the very interests in this country which are recognized by all the people as their most virulent and ruthless enemies.

The cancer in the side of the American people is a clique of men who, while they decoy the public into excesses from which the clique reaps the benefit, are gradually extending their control over the greatest industries in the United States. With no other incentive than greed and the lust for power, this band of able, cunning individuals are, at every opportunity, extending their malevolent control over the railroads, the coal, the beef, the manufacturing and other industries in the country. But the point I make is this: The insurance "combine" is one of the partners in this clique. In order to make themselves useful in aiding these schemes of evil encroachment, the companies of the "combine" violate the spirit of their charters, the laws of the States, and contemptuously abuse the confidence of their millions of policy holders.

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THE "GENTLEMEN'S AGREEMENT."

"Gentlemen's agreements" are so frequently broken that the expression has become a laugh in financial circles; the words are spoken with a sneer.

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But no matter how the members of the clique may attempt to get the best of one another, they are united in the campaign against the general public.

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I have said that the leaders of Wall street finance have undue influence in the disposition of the trust funds of the "Big Three." The plan of operation is this: The men who control the finances of a member of the insurance "combine" organize or obtain control of a trust company. On the statement of the assets of the insurance company there then appears an item showing an investment in the stock of this trust company. This means that the trust company, from the funds of the insurance company (belonging to the policy holders), has been provided with the sinews of business. At the same time the insurance company deposits part of its ready cash with the trust company, to give the latter more money to make profits with. With this generous supply the trust company is able to engage extensively in the enterprises which are organized by the boss gamblers of Wall street.

These enterprises being immensely profitable to the boss gamblers (as they are unprofitable to the public, which is playing the one-sided game), the trust company shows a good increase in earnings. Consequently, its stock rises to an extremely high figure. The men who organized or gained control of the trust company reach the conclusion that the time has come to make one great sweeping profit. They do this by selling stock of the trust company to the insurance company. The difference is usually millions. The insurance company, having a majority of the stock of the trust company, now controls it, but the same individuals as before remain in the management of the trust company, because they handle the money of the insurance company.

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J. P. MORGAN'S CLUTCH ON THE NEW YORK LIFE.

There are two ways in which the insurance combine supplies cash to manipulators of Wall street's cruel speculation. One of these is to subscribe to promotion syndicates or buy securities direct, or to do the same things through the trust companies which they own. I will give you instances directly.

The boldest ringleader of the Wall street clique is J. Pierpont Morgan, head of the banking house of J. P. Morgan & Co. His most active partner is George W. Perkins, vice-president and chairman of the finance committee of the New York Life Insurance Company. Being chairman of the finance committee gives to Mr. Perkins the highest authority in the disposition of the funds of the big insurance corporation. It is Mr. Perkins who determines the investment of the trust funds of the policy holders in his company. As a partner in the house of J. P. Morgan & Co., he shares in the profits of that house. If the funds of the New York Life are so invested that a profit accrues to J. P. Morgan & Co., Mr. Perkins, the partner, receives his share.

Remember that.

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Mr. Perkins entered the Morgan firm about four years ago. In April, 1901, John A. McCall, President of the New York Life, issued the following statement:

"Mr. Perkins severs his connection with the New York Life completely when he enters the firm of J. P. Morgan & Co. We don't believe it right that an officer of a firm making such enormous investments as ours should be connected with any banking firm handling investments."

Mr. Perkins is still vice-president and chairman of the finance committee of the New York Life. He is the partner and personal representative of J. Pierpont Morgan in the handling of the finances of the New York Life. By reason of this dual position Mr. Perkins's authority in directing the New York Life is greater than that of President John A. McCall, Morgan being the real and supreme power behind the throne.

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MILLIONS MASSED IN TRUST COMPANIES AND BANKS.

In my first article I showed how the dividends to policy holders in the "Big Three" have been dwindling, while their premium collections from policy holders have swollen enormously. The falling off of dividends to their policy holders has been coincident with the tightening of the alliance between the "Big Three" and the big gamblers of Wall street. And this alliance has been growing closer very rapidly during the last few years.

From the Equitable Life's own report it is seen that on January 1, 1900, this life insurance company owned of New York bank and trust company stocks a little more than $5,000,000. Just a year later it had nearly $7,000,000 invested in this way. January 1, 1902, the Equitable Life owned almost $8,000,000 of bank and trust company stocks. And on January 1, 1903, it owned in stocks of banks and trust companies—including the Union National of Newark, $240,000, and the First National of Chicago, $485,322—more than $11,000,000. And on January 1, of this year, the holdings of bank and trust company stocks by the Equitable were double those of the year previous, the total being more than $23,000,000!

January 1, 1900, Equitable had these investments in bank and trust company stocks:

Mercantile Trust Company	$3,503,764
Fifth Avenue Trust Company	200,000
Western National Bank	1,247,374
Park National Bank	204,587
Total	5,155,725

January 1, 1901:

Mercantile Trust Company	3,498,324
Fifth Avenue Trust Company	200,000
Commercial Trust Company	480,000
Girard Trust Company	198,780
Western National Bank	2,019,360
American Deposit and Loan Company	233,500
Franklin National Bank	200,000
Total	6,829,964

January 1, 1902:

Mercantile Trust Company	4,447,375
Fifth Avenue Trust Company	300,000
Commercial Trust Company	480,000
Girard Trust Company	198,780
Western National Bank	1,991,250
American Deposit and Loan Company	233,500
Franklin National Bank	200,000
Fidelity Trust Company	106,029
Total	7,956,934

January 1, 1903:

Mercantile Trust Company	4,420,792
Missouri Safe Deposit Company	426,250
Fifth Avenue Trust Company	300,000
Commercial Trust Company	480,000
Girard Trust Company	198,780
Western National Bank	2,090,928
Equitable Trust Company	299,926
Franklin National Bank	200,000
Fidelity Trust Company	997,804
International Banking Corporation	600,000
Union National Bank, Newark	240,000
Central Realty Bond and Trust Company	600,000
First National Bank, Chicago	485,322
Total	11,339,802

January 1, 1904:

Mercantile Trust Company	$4,394,809
Missouri Safe Deposit Company	476,250
Fifth Avenue Trust Company	475,053
Commercial Trust Company	497,432
Girard Trust Company	198,780
Equitable Trust Company	5,484,102
Franklin National Bank	200,000
Fidelity Trust Company	1,375,304
International Banking Corporation	352,600
Union National Bank, Newark	240,000
Central Realty Bond and Trust Company	600,000
First National Bank, Chicago	991,305
National Bank of Commerce	7,720,446
Total	23,006,081

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FINANCING STUPENDOUS RAILROAD COMBINATIONS.

E. H. Harriman, who is now one of the Equitable directors, recently offered $7,000,000 for 550 shares of the whole 1,000 shares of the company, which would give him unrestricted control. Without the special privileges this stock would be worth only $110,000.

There has been recent abundant evidence that the men who were defeated by the Supreme Court in carrying out the Northern Securities deal, a deal which Justice Oliver Wendell Holmes characterized as a criminal proceeding, have been secretly and covertly at work to circumvent the decision of the court and perfect a plan which would mean the control not of several but of all the great railroad systems that carry commerce to the Pacific coast.

Now Harriman is a director of the Equitable Life Assurance Society, a company that pretends to conduct its business on the mutual plan for the benefit of all its policy holders. His duty as director of that company and the obligation which he assumes in accepting the office is to use his efforts for the benefit alone of the society's policy holders—not to promote the schemes of himself and his associates.

The last statement of the Equitable shows that at the first of this year the enterprises controlled by Magnate Harriman had enlisted, through various channels, more than twenty million dollors of the funds of this insurance company.

The funds from the insurance company went out to the Harriman interests through loans and through the purchase of stocks and bonds. It is probable that a small share of the loans were made to parties *other than* Harriman, who happened to put up Union Pacific stock among their collateral, but the bulk of this huge sum can have been given for no other purpose, on the face of the statement, than for the perfection of the Harriman schemes. On one occasion the Equitable loaned $500,000 on Union Pacific 5 per cent notes. This means simply that a concern owned by Harriman, a director of the Equitable, borrowed money on its notes from the Equitable. This is dangerously near the situation of a company loaning its money to one of its own directors, when such a proceeding is forbidden by law.

Harriman, in pursuance of his plan of consolidating transcontinental lines, formed a pool or syndicate for the control of the Union Pacific stock. The Equitable Life Company, from its funds, contributed directly to this syndicate $1,400,000, an act which was directly contrary to law.

The Equitable Life loaned in one transaction $2,700,000 on $3,900,000 of Union Pacific preferred stock, and this stock is quoted below par to-day. The Equitable holds of the Harriman lines, the Union Pacific and Southern Pacific and their branches, $18,450,000 in bonds. To issue bonds is to borrow money. The bonds of a railroad represent the money that has been loaned to it. The Equitable also holds as collateral for a large loan $1,000,000 of the stock of the Southern Pacific, controlled by Magnate Harriman.

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A MONSTROUS, GREEDY CONSPIRACY AGAINST THE PUBLIC WELFARE.

The Northern Securities case, the shipbuilding proposition, the mercantile marine deal, the Harriman-Equitable intimacy, are only a few of the instances which show the league between the life insurance "combine" and Wall street. In other articles I will describe in detail other deals, all of which lead to this conclusion: That this aggressive, cunning, greedy clique in Wall street, which all men in this country—no matter what may be their position or political affiliation—are beginning to realize is the most insidious and ruthless enemy of the American people, could not successfully carry on its operations were it not for the vast funds of cash which the insurance "combine" contributes. To the policy holders whose dividends are being reduced, on account of this unholy alliance, the subject is scarcely more vital than to every man in every walk of life in the United States.

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The history of the shipbuilding case, showing the close association of the life insurance "combine," is one of the most thrilling chapters in the annals of Wall Street.

The big gambler offers something which he says is worth $100. The man with a little money to invest buys this "security" for $100. It turns out shortly that the "security" is worth only $25. The individual who had savings to invest has lost $75. The great financier of Wall street has "made" $75. When this sort of a transaction is perpetrated in a small way we call it a "confidence game," or obtaining money under false pretenses. The guilty man, if he is caught, is sent to prison, and the righteous indignation of the public is appeased. And this is as it should be.

But the men who carry on similar transactions on a scale a million times as large become pillars of churches. They wear expressions of sanctity.

HOW THE EQUITABLE'S TRUST FUNDS WERE DRAWN INTO THE GAME.

John W. Young, the financial magician, first, and afterwards Charles Beatty Alexander, head of the Equitable Life's firm of lawyers, close relative of the Equitable Life's president, went to France and undertook to sell there $6,000,000 of these bonds. They carried with them the prestige of the Mercantile Trust Company, which, in my last article, I showed was a creature of the men who control the Equitable Life. This company announced public relations with the Shipbuilding Trust.

The Mercantile Trust Company has gained its prestige through the unlimited financial power which is given to it by its use of the trust funds of the Equitable Life—these trust funds being the money of the policy holders. Remember, if you are a policy holder in this insurance company, that the money which you paid in premiums every year helped the men who had visions of millions in the Shipbuilding Trust to carry on their ruthless game.

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The Associated Press, as every one knows, is the largest and most influential disseminator of news in the world. It is the life and forms the body of the vast majority of daily papers in the cities of America. It is, perhaps, the most powerful existing agent in the education of public opinion. Valentine P. Snyder, president of the bank in which the interests of the ringleader of Wall street and the life insurance "combine" have joined hands, is the treasurer of the Associated Press.

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DRAWING THE CASH FROM THE LIFE INSURANCE RESERVOIR.

From the mass of facts that disclose the interweaving of the members of the life insurance "combine" with notorious schemes of Wall street—showing that it is the rule rather than the exception for the men who control the "Big Three" to use the trust funds of policy holders in the biggest and most odious speculative deals—I select for this article two cases. These are the Equitable Trust Company case and the Prudential-Fidelity affair. These two cases, each of them projected mainly for the personal gain and aggrandizement of the men who control the companies, illustrate two things.

First. How the men who control the three giant insurance companies use the insurance funds in trust-company scheme directly for the increase of their own private fortunes.

Second. How the life insurance trust companies are used as channels through which life insurance funds, in contemptuous evasion of law, are carried into the most daring and despicable flotation schemes.

And both of these cases show that the trust funds of the insurance "combine" are like huge reservoirs of money, which the arch schemers drawn upon freely and at will.

The Equitable Trust Company, as it stands to-day, is simply a creature of the Equitable Life Assurance Society. This trust company is one of the biggest and most active of the peculiar Wall street institutions called trust companies, but which are in reality merely huge loan brokerage shops, carrying "curb" and other doubtful securities, including promissory notes of individuals—a condition which would not be possible if they were subjected to periodical official scrutiny as effective as that of national banks. The funds of this annex of the Equitable Life are loaned out for speculative purposes, and this company supports many variegated watered-stock enterprises. Its office is in the building of the Equitable Life. President Alexander, of the life insurance company, First Vice-President Hyde, Second Vice-President Gage E. Tarbell, and thirteen directors of the Equitable Life are directors of the Equitable Trust. Now, here is the story of the evolution of this peculiar enterprise:

THE EVOLUTION OF A TRUST COMPANY ANNEX.

Previous to January 1, 1901, there had been organized the American Deposit and Loan Company, with a capital of $500,000. At that time the Equitable Life owned $233,500 (nearly half) of the stock of the Deposit and Loan Company, the remainder being held by Equitable officers and directors. Just a year later, January 1, 1902, the books of the Equitable showed that it held the same amount of stock of this company as on January 1, 1901, but the market value (which is supposed to be the value for which it could be sold at that time) was marked up on the books of the life insurance company to $350,250. The loan company reported at that time surplus and undivided profits amounting to $247,000, making the actual value of every $100 share of its stock about $150.

During this period the Equitable Life had been depositing its money with the loan company, so that at the beginning of the year 1902 the deposits of the loan company amounted to $4,300,690, by far the greater part of which was placed there by the Equitable. This is the money which the loan company used in its various enterprises, and from which it derived its profits.

The explanation of the ability of the loan company to hold on deposit such an enormous sum of life insurance money may be found in the fact that the trustees of the loan company were at that time officers and directors of the Equitable Life.

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MILLIONS FOR THE PRIVATE FORTUNES OF THE MEMBERS OF THE RING.

The ring had now gotten everything in shape to make its final coup, as now described. Soon after the 1st of January, 1903, the capital stock of the Equitable Trust Company was increased from $1,000,000 to $3,000,000, and one-half of this new issue of two millions was sold to the Equitable Life. The life insurance company bought this stock of a concern which was created and owned by the Equitable's own officials, and which had thrived by use of this insurance company's funds. But this was by no means the most astonishing fact of this monstrous deal. The ring of Equitable officials arbitrarily fixed the price of the new stock at $500 a share, so that it took $5,000,000 of the policy holders' money held in trust by the Equitable Life to pay for stock which was thus sold. Six months before that time these officials had acquired $456,500 of stock at the rate of $150 per share of $100, which thus became enhanced in value to $2,282,500, so that their profits by this barefaced misuse of surplus belonging to policy holders amounted to nearly $2,000,000. (The exact figures are $1,826,000.)

In its annual statement of January 1, 1904, the Equitable Life held the value of its stock in the Equitable Trust at $675 per share. So this would make the total profits of the members of the ring which worked the deal nearly $2,500,000. Not only were the members of this inside clique thus privately enriched, but their trust company's available funds for use in speculative enterprises had been increased by $5,000,000 drawn from surplus belonging to policy holders, and besides this the insurance company, having a larger interest in the trust company, would be warranted, without exciting public criticism, in very largely increasing its deposits in the trust company. And this the trust company ring were seeking, for increased power and gain are the result of increased available resources.

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PUNISHMENT FOR TRANSGRESSION OF THE MORAL LAW.

The life insurance company repeats its solemn declaration to its policy holders that its investments are made with only one end in view, the safety and profit of the policy holders. But here is a trust company which was created by and exists under the control of the Equitable's officials for the purpose of furnishing an avenue for carrying the "sacred hoard of widows and orphans" into the enterprises in which these same officials have personal interests. They call to mind

the misdeeds of the notorious Whitaker Wright, of London, concerning whose punishment the New York Evening Post commented as follows in their leading editorial:

"No man who examines his career can resist the conclusion that he was guilty first of dishonesty, secondly of being caught. * * * But there is one vast difference between the case of Wright and that of some of our leaders of high finance—he was amenable to the severe English companies' law. He transgressed it. He paid the penalty, and a thousand preachers will use his fate as a text. Our transgressors of the same moral law walk the free air, lavish in their philanthropies, lauded from the pulpits as examplars for our youth."

This is only a sample of the transactions that have gone on and are going on now inside the insurance "combine," while dividends to policy holders are dwindling to insignificant proportions. What ridiculous mockery was the November exhortation of Vice-President Gage E. Tarbell—who was himself one of the ring—to the agents of the Equitable in the field, when he said in a burst of poetic fervor, "Why try to paint the lily white?"

POCKETING MILLIONS CONTRIBUTED BY THE POOR.

But let me tell you about another deal, in which also appears the hand of the Equitable Life. The case which I am about to describe was one of the most astounding and audacious in the whole history of life insurance.

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James W. Alexander and James B. Hyde, president and first vice-president, respectively, of the Equitable Life, are directors in the Prudential's Fidelity Trust Company, of Newark, N. J. It was through this Fidelity Trust Company that the officers of the Prudential turned the trick which I am going to describe. This trust company is the greased chute through which divisible millions held by the Prudential have slid from the treasury of that insurance company into one of the most greedy and malevolent of the recent schemes of monopoly, the Public Service Corporation of New Jersey.

HOW JOHN D. ROCKEFELLER CAME INTO THE GAME.

Here was a scheme devised by a ring—of which John D. Rockefeller was a part—to control all the street railway and lighting interests of New Jersey. This company was organized to own absolutely these two important public utilities and to stifle and prevent all competition. So there are three heads to this affair: The Prudential Life Insurance Company, the Fidelity Trust Company, and the New Jersey Street Railway and Lighting trust.

Almost from its very start the Prudential Company was conducted mainly in the interest of its directors, the policy holders being merely useful contributors. State insurance commissioners and other insurance men have repeatedly been astounded at the audacity of the doings of the Prudential. It has been the persistent policy of this company to give its profits to the men who own its stock, it being a stock company, and not a strictly mutual concern.

The original amount paid in as capital stock of the Prudential was $91,000. The capital was increased from time to time until in 1898 it was $2,000,000. This was done by the process known as "capitalizing the surplus." Instead of distributing all of its earnings in large dividends direct to its stockholders, the Prudential increased its capital stock, distributing the new stock pro rata among its stockholders as a stock dividend.

The stockholders have received every year since 1893 10 per cent dividends on $2,000,000, or $200,000 a year. For every $1,000 which the stockholders paid in originally they now hold $22,000 of stock, upon which they receive $2,200 annually. That is, every year for more than ten years they have received in cash dividends more than twice their original investment.[a]

"It was contemplated," says the insurance commissioner of Massachusetts in his report for 1903, "by the directors in 1898 to still further increase the capital stock of the company by another stock dividend of $3,000,000, thus making the capital a round $5,000,000. Preliminary steps were taken to effect this, but strong protests were made, and the plan was abandoned. The surplus of the company is now about $7,000,000, and the natural query is, if the profits can not be disposed of through cash dividends, to which above 10 per cent a year there are manifest objections, and stock dividends can not be declared without loud protests, through what other channels may they be diverted. The Massachusetts commissioner holds to the old Massachusetts doctrine that it ought to be done through the medium of dividends to policy holders. The stockholders have already received enrichment beyond what avarice could have dreamed of when the company started, and are yearly receiving an amount twice the original investment. Now the excess of profits should flow to those from whom they are collected, and not be turned into other channels."

Was the surplus excess given back to the policy holders who created it? Not by several millions. The Prudential paid in dividends to policy holders in 1903 only a little more than 2 per cent of its income from premiums, or $780,479.

"THE GREASED CHUTE" FOR POLICY HOLDERS' FUNDS.

Now, after presenting these facts about the Prudential Company let us proceed to the Fidelity Trust Company, the greased chute for the policy holders' profits. As the Equitable Trust Company was controlled by a ring of Equitable Life officials, so the Fidelity Trust Company, of Newark, N. J., is owned by a ring of Prudential directors; with this difference, that by a curious partnership arrangement, the Equitable Life is directly involved in the affairs of the Fidelity Company, the principal officers of the Equitable, President Alexander, Vice-Presidents Hyde and McIntyre, and Financial Manager Winthrop, being directors of the Fidelity.

When the Fidelity concern had a capital of $1,500,000 the Prudential owned 2,500 shares, for which they paid $250 a share, making $625,000. Then the capital of the Fidelity was increased to $2,000,000 and the Prudential bought 2,300 shares more, paying $500 a share, making their total holding of Fidelity stock $480,000 out of the $2,000,000 capitalization. The Equitable Life, which already held a small amount, took more trust funds of its policy holders across the Hudson River, increasing its investment in stock of the Fidelity concern to $1,375,304.

The sale of this stock gave to the Fidelity Trust a large amount of cash, the cash of the Equitable and Prudential. Having this cash, the Fidelity then invested nearly $6,000,000 in the Prudential stock. These individuals sold this stock at a personal profit of millions. The sale, at these extravagant prices, could not have been accomplished if millions of money belonging to the policy holders of the Equitable and Prudential had not been deposited in the Fidelity Trust Company.

Remember that the Fidelity and the Prudential are controlled by identically the same ring. They have offices in the same building, and by this curious complexity of ownership they have to be considered as one concern. And in simple words the whole proceeding may be described thus:

The ring creates a trust company. They place an extraordinary value on its shares. The shares are then carried to the treasury of the insurance company and millions of dollars are taken out of the treasury of the insurance company and placed in the treasury of the trust company. There are only two steps from the treasury of the insurance company to the private bank accounts of the ring. The ring had sold out its Prudential stock at a personal profit of millions, a quicker profit than waiting for dividends, and one of the most glaring and outrageous breaches of trust ever perpetrated. But the majority of the policy holders of the Prudential Life Insurance Company are from the poorest classes of people, those whose lives are spent in relentless toil, and of these transactions with the money which they had contributed from their small savings these policy holders were kept in utter ignorance. But a peculiar feature of this deal is that when the ring sold their individual stock, at a fabulous profit, they did not relinquish control of the Prudential, but actually strengthened it, for the Fidelity concern had bought 20,605 shares of the 40,000 shares of the Prudential, and therefore controlled the Prudential. And the ring controlled the Fidelity Trust Company.

This is another sample of what has been going on, and is probably now going on behind the scenes of these giant members of the insurance "combine," of which the Prudential is a subsidiary fourth member, having an actual community of interests with the "Big Three" in propagating nefarious financial schemes. Vast sums have been spent to prevent interference with the schemes and avoid fatal publicity.

But this is not all of the Prudential case. I will show you now how the ring is helping John D. Rockefeller and his allies of the Standard Oil, United Gas Improvement Company of Philadelphia, in their effort to monopolize control of all the street-car lines and lighting plants of New Jersey. The aid of the ring was vital, for they supplied the money.

GETTING NEW JERSEY BY THE THROAT.

The Public Service Corporation of New Jersey came into existence in May, 1903. Before that it had been planned to draw the various street-railway companies and lighting plants into the combine, and to accomplish this it was necessary to employ large sums of money. The new trust came into existence with an authorized capital of $25,000,000, of which it was decided to issue only $10,000,000 at the outset, and the whole of this amount was arranged to be provided out of the funds of the Fidelity Trust Company; that is to say, the trust company agreed to underwrite that amount, on terms and conditions peculiarly favorable to the promoters. They invested of their own money, in stock and certificates of the Public Service Corporation, more than $2,200,000.

Furthermore, the Fidelity bought in the subsidiary companies controlled by this Public Service octopus securities to aid the trust to the extent of $4,357,726, and in addition to this it became liable to a large amount for the expense account of the Public Service Corporation. The Prudential Life, for its part in vivifying this corporate monstrosity, invested in the subsidiary securities to the extent of $5,814,575—paying an exorbitant price to cover "brokerage" and "divides," as proven by the fact that these securities have subsequently decreased in market value. In addition to this the Prudential loaned more than $3,000,000 on securities of these "public service" companies. So that it has become directly interested in this giant monopoly to the extent of considerably more than $8,000,000. Besides this, the Prudential had on deposit in November, 1903, in the Fidelity more than $6,419,000 in cash, on which it received less than 2 per cent interest. The amount loaned by the Fidelity on collateral of the subsidiary companies of the Public Service Corporation can not be learned from the report of the commissioner of banking of New Jersey, whom Zeno M. Host, insurance commissioner of Wisconsin, has openly charged with being "friendly" to the Prudential-Fidelity ring. It is safe to say, however, that the Fidelity Trust Company has placed its solvency at the mercy of this rapacious coalition of public utilities. The Prudential is interested in the coalition directly and indirectly to the extent of more than $20,000,000 through its own holdings and loans and those of its Fidelity loan brokerage annex.

Suppose that the Public Service Corporation should become embarrassed. The Fidelity and the Prudential would be obliged to come to its aid, as the Fidelity already has done by assuming liability for the expense account of the Public Service Corporation. This practice, if continued, may involve both companies in ruin, with the most calamitous results to 4,000,000 deluded and disappointed policy holders. The whole thing means that this gigantic insurance company has deliberately placed its resources at the disposal of a trust company, and this trust company has put itself at the mercy of a reckless and unscrupulous scheme of monopoly, devised by Rockefeller and his confederates. The men who permitted and assisted and profited by this transaction were the officers of the insurance company, which lives on the savings of millions of toilers. * * *

But the Prudential was not permitted to perpetuate this mammoth piece of chicanery without protest from insurance commissioners of some of the States, the men who are charged with the protection of the people's interests against attempts at fraud in life insurance. The commissioner of Massachusetts, Mr. Frederick L. Cutting, and the commissioner of Wisconsin, Mr. Zeno M. Host, both objected. Mr. Host made an examination of the Prudential and came upon this nest of evil. * * *

Mr. Host refused to renew the license of the Prudential to do business in Wisconsin, and cited that company to appear before him and show cause why its license should not be revoked. But instead of appearing and making explanation, this giant company resorted to a cowardly subterfuge. It brought suit in Wisconsin, charging the insurance commissioner of that State with exacting exorbitant fees for examination.

The purpose of this suit was merely to draw attention from the main issue and discredit Commissioner Host. Mr. Host has undertaken to enforce a wise law in Wisconsin to restrain the Equitable Life from withholding vast surplus from its policy holders, some of the details of

[a] Contrast this with what was done last year by that other large and prominent life insurance company in Newark—the Mutual Benefit Life, which has maintained its traditional policy, and paid in dividends to policy holders in 1903 as much as $1,837,273, or nearly 15 per cent of its premium income. The Prudential paid a 10 per cent dividend to its stockholders on their watered stock, and only 2¼ per cent to its policy holders. The Mutual Benefit Life paid nothing to stockholders, because it is a purely mutual company and has no stockholders.

which I will discuss later on; and the Equitable case and Prudential case were made issues against this commissioner when he was a candidate for reelection in the last campaign.

A significant fact is this, that the same lawyers who represented the Equitable in Wisconsin also represented the Prudential. The insurance "combine" spent money liberally in Wisconsin, in the campaign, to defeat the commissioner. The Mutual Life of New York sent one of its "expert" political representatives out to that State to organize an opposition to Mr. Host. An agent of the Equitable Life said, during the campaign: "The Equitable can buy the whole State of Wisconsin, and Mr. Host will find it out before he gets through with them."

Mr. DOUGLAS. Mr. Chairman, the Postal Reform League of New York City requested me to introduce two bills this session, which have been referred to the Committee on Post-Offices and Post-Roads, and I desire to call the attention of the House to the same. These measures have also been indorsed by the Postal Progress League, who are strongly in favor of a commission to revise our postal regulations, and hold petitions signed by several hundred of the leading commercial houses and business men in New York City asking for proper relief.

The first bill calls for a joint commission of Members of Congress and business men to investigate, revise, and codify our postal laws and regulations; also suggest means to extend and generally improve the service, and to report fully to Congress at once on the conclusion of its labors. On looking into this question, while already knowing of many irregularities and inconsistencies, and being aware of the advantages which other nations enjoyed in a postal way which we do not, especially in their foreign relations, I have been greatly surprised at the numerous serious discrepancies, and am therefore thoroughly in agreement with the associations named and the individuals agitating this subject, that the time has come when we should have a most careful investigation of our present system and endeavor to bring our service up to modern methods and an efficiency which we naturally all look for. The package-delivery system of our cities particularly demands attention and extention by proper postal regulations.. I would call especial attention to the statements printed herewith, which clearly show the need for reform.

The second bill which I have introduced will, I think, commend itself to all as one of absolute need for the protection of our merchants in the large cities and to prevent theft among their employees. It is a very simple measure, calling for the authority to perforate stamps with initials, or as might otherwise be arranged, without this being considered as canceling them; also providing penalties where traders purchase unused stamps from minors or others, and further creating penalties where these stamps are resold. It is well known in New York, and the same remarks apply to all of our larger cities, that it is almost impossible to prevent the younger clerks in city offices from stealing postage stamps, which they sell to dealers who make a business of trading in them, and who purchase at a discount of 20 to 25 per cent, then reselling at the full value. Young men who are otherwise honest appear to think nothing of this theft, and temptation should be taken out of their way, or they should be made to realize that punishment will be the result of the theft.

I call attention to the views of others on this subject, printed with my remarks, and would ask the earnest consideration of the committee and the House to both these measures as necessary and desirable in the way of postal progress and reform.

NECESSITY FOR A REVISION AND CODIFICATION OF POSTAL LAWS AND REGULATIONS.

The confused condition of the postal laws and regulations of the United States, constituting a perpetual source of annoyance and trouble, is a fact too well known to require elaborate demonstration. Many amendments have been proposed from time to time, some of which have been already adopted. The result of this patchwork process, however, is only to increase the confusion by adding new complications to those already existing. In this chaotic state of the law Department officials have been forced to fill the gap by rulings which have often been far from satisfactory or consistent.

This malady lies far too deep to be cured by piecemeal legislation or arbitrary interpretation. The fundamental body of our postal law was enacted in the early days of our nation's history, when the population of the country was small and its business interests relatively few and limited to comparatively simple transactions. The enormous complexities of our present immense network of transportation were not even dreamed of. Hence the machinery which amply met the needs of a former generation in the matter of postal service has proved hopelessly inadequate to meet the intricate requirements of our present large population and immensely diversified interests.

Taking, for example, the matter of postage on publications entered at second-class rates, the chaotic condition of our present law is thus expounded by the Third Assistant Postmaster-General, on pages 24–27 of his current annual report:

There are six rates of postage for the second class of mail matter when the same is mailed by a publisher or news agent. They are as follows:

First. Copies of a newspaper or periodical publication may be mailed free of postage to actual subscribers who reside in the county where the publication is printed in whole or in part and published, provided they are not addressed to a letter-carrier post-office, and provided they are not addressed for delivery at the post-office of mailing if it be a letter-carrier post-office.

Second. Copies of a publication sent to persons who reside anywhere outside the county in which it is printed and published and those sent to subscribers within the county who reside at letter-carrier offices, except at the office of mailing, if it be a letter-carrier office, are subject only to a cent a pound, regardless of the number of copies in a pound.

Third. Copies of newspapers, excepting weeklies, addressed for delivery by the letter-carriers at the post-office at which mailed are subject to 1 cent postage each, without regard to the weight of a single copy.

Fourth. Copies of weekly publications, no matter where addressed, are subject only to the cent-a-pound rate, and are entitled to free transmission and delivery under the conditions given in the first paragraph.

Fifth. Copies of periodicals (other than newspapers) exceeding two ounces in weight, when addressed for delivery by the letter-carriers at the office at which mailed, are subject to postage at the rate of 1 cent each.

Sixth. Copies of periodicals (other than newspapers) exceeding two ounces in weight, when addressed for delivery by the letter-carriers at the office at which mailed, are subject to postage at the rate of 2 cents each, regardless of the maximum weight of a single copy.

When the mailing is done by persons other than the publisher or news agent, still another, or seventh rate, is provided in addition to the six above mentioned. The rate is 1 cent for each 4 ounces or fraction thereof, regardless of address.

The difficulties and perplexities of publishers in arranging their business and mailings, and the corresponding difficulties of postmasters and other postal officials in endeavoring to administer these numerous and involved rates, will be manifest. Nor would it be difficult to imagine what a great improvement in the way of simplification would result to the postal system by substituting for this confused patchwork one or two flat rates based upon differences in the classes, inherent in them and independent of the accidents of time, place, and manner of printing and publication. Under this system of rates and conditions disputes are constantly arising which must be settled by the Department, and the settlements are frequently attended with friction. This multiform classification of rates is a relic of the days when the postal business was in a more or less primitive state. In this day of business methods in Government service the lack of simplicity and uniformity is keenly felt.

The anomalous results of the system will be best understood from example. There is a monthly publication in a large eastern city, each copy of which weighs 4 pounds. Addressed for delivery in the city where mailed, the postage rate on a copy is 2 cents and no more, or about half a cent a pound. As the publication is printed in the same county in which it is published, copies addressed to subscribers residing in the county, but outside the carrier-delivery limits of the office of mailing, and to a post-office which has no letter-carrier delivery may be mailed free. Copies addressed to post-offices other than the one of mailing, whether letter-carrier post-office or not, are subject only to a cent a pound.

Let us contrast this case with another publication, a mere leaflet, a pound of which contains about fifty separate copies. It is also a monthly, and copies addressed for delivery by the letter carriers at the post-office of mailing, requiring no transmission in the mails whatever, must be prepaid at the rate of 1 cent each, which is 50 cents a pound. Copies of this same publication addressed to subscribers residing within the county and outside the jurisdiction of the office of mailing may go free through the mails, provided they are not addressed to a letter-carrier post-office. Copies of this same publication addressed to persons in the Philippines, remote Alaska, Guam, Canal Zone, Canada, Mexico, etc., are required to pay only a cent a pound—that is to say, fifty copies sent to separate addresses will be transmitted and delivered at any letter-carrier office for 1 cent.

In other words, fifty copies may be distributed to fifty places scattered over half of the earth at the cost of 1 cent for the whole, while the same number of copies delivered at the office of mailing, without any transportation at all, costs 50 cents. If the publication, instead of being a monthly, as in the case taken, were a weekly, not only would copies addressed to subscribers within the county of publication at an office outside of the delivery limits of the office of mailing, and not itself a letter-carrier office, go absolutely free, but the copies addressed to the office of mailing itself, even though a letter-carrier delivery office, would be transported and delivered at a cent a pound instead of 50 cents a pound. In the case of such a weekly publication, fifty copies will be delivered by carriers in the city of mailing—say New York, Boston, or Philadelphia—for 1 cent; and fifty addressed, some to the Philippines, some to Guam, some to Canal Zone, some to Tutuila, will all be delivered by carriers, wherever carrier service has been established, for the like sum of 1 cent.

If similar conditions existed with regard to rates upon letters and other classes of mail matter, the state of the postal service could be easily imagined.

So much for the postal rates on this class of matter. When we turn from them to the law governing the preliminary question whether a publication is of the class entitled to such rates at all, we find that the difficulties and perplexities in respect of rates pale into insignificance. In establishing the second class of mail matter and giving it these extremely favored rates, Congress seems to have proceeded upon grounds of public policy apart from the mere classification of mail matter as such for the purposes of transportation and delivery.

The reason of this was clearly not any distinction in the transportation or the handling of newspapers and periodicals as distinguished from printed matter in general, but the desire to assist certain well-known instrumentalities for keeping the mind of the American public abreast of what was being done and thought in the world. In elaborating the definition of this class of instrumentalities, designated in the statutes "newspapers and other periodical publications," Congress, following the policy above referred to, proceeded to enumerate cer-

tain characteristics which they must possess in order to entitle them to this rate. Some of these characteristics, such as that the publications must be formed of printed paper sheets not substantially bound, numbered consecutively and dated, and issued from a known office of publication, related to the external characteristics of the thing itself. Others dealt with purely ideal considerations, such as, for example, that the publications must be originated and published for the dissemination of information of a public character or devoted to literature, the sciences, arts, or some special industry. In addition, as a safeguard against the exploitation of this highly favored rate for purposes not of the ideal nature intended by Congress, a provision was added forbidding the granting of this rate to any publication designed primarily for advertising purposes or for free circulation or for circulation at nominal rates.

Now, it will be ovious that in providing these characteristics of a newspaper or other periodical publication Congress dealt in terms having no precise legal signification. The duty was necessarily cast upon the administrative officers of the Post-Office Department in applying the law to the subject-matter to determine what was meant by "information of a public character," and to distinguish it from information of a private or nonpublic character. It was likewise left to the officers of the Post-Office Department to determine for the purposes of the statute what was meant by the term "devoted to literature," what was embraced within the arts and sciences, and what modes or forms of human activity could be recognized as special industries.

The statute did not proceed to define any of these terms, and the Post-Office Department was left with no other guide than the meaning of the terms as used in common speech to be applied in the light of the purpose of Congress as gathered from the statute as a whole.

The condition with respect to merchandise transportation is likewise confused and unsatisfactory. The Third Assistant Postmaster-General thus refers to the matter on page 36 of the above-cited report:

In my first annual report (1899) I recommended, in the interest of better, simpler, and more efficient postal service, that mail matter of the third and fourth classes be consolidated at the uniform rate of 1 cent for each 2 ounces or fraction thereof.

That recommendation was based upon the following considerations:

First. The administrative difficulty of separating and classifying the matter of those two classes.

Second. The annoyance and perplexities of the public and postmasters in making distinctions in the many cases which have something of the characteristics of both classes.

Third. The seeming discrimination against the sender of matter of the fourth class in the domestic mails and in favor of the sender of such matter to Postal Union countries as "samples" and by "parcels post."

Fourth. The probability that the increased quantity of the fourth class, due to the reduction of rate, would offset any loss of revenue arising from the change.

Each year that recommendation has been renewed, because of the conviction that such legislation will be in the interest of both the public and the postal service.

Since the recommendation was first made a branch of the postal service—rural free delivery—then in its infancy, has grown to great proportions, practically carrying post-office accommodations to the doors of over 2,000,000 families. The facilities thus provided encourage the transaction of business through the mails without leaving home and without loss of time—matters especially important in rural districts.

The Postmaster-General concurs in the recommendation for similar reasons.

The regulations with regard to foreign postage have long been recognized to be in a condition of almost helpless entanglement; and the varying parcels-post agreements with certain individual nations, while affording some relief from the intolerable handicap placed on United States merchants, have only added to the confusion by their lack of universal application.

Many more phases of the weakness of our present postal law may be cited. In the resultant uncertainty it is no wonder that serious questions have arisen with regard to the rightful functions of the Post-Office Department. Without any attempt to prejudice the question, it is only just to say that many upright and thoughtful citizens are firmly convinced that the Department has of late years shown a marked tendency to transgress the proper bounds of its jurisdiction by carrying a system of espionage to unallowable lengths. The degree to which the post-office should serve as an instrument for the transportation of merchandise is another important and widely debated question.

The lately adopted rural free-delivery service, tacked on the postal system as an afterthought, while proving its usefulness beyond dispute, is at present the source of a large deficit. It has already become evident that changes in the management of this branch are absolutely essential, although quite out of harmony with the present general basis of the postal service. A special form of rural parcels post is, in fact, recommended by the Postmaster-General on page 2 of his current annual report. That this tentative proposition is merely a makeshift is obvious to all who have considered the important bearings of the problem. In many details the present postal law is uncertain, confusing, or inconsistent to the last degree. Author's manuscript travels at third-class rates when accompanied by proof, but when sent alone it must pay letter postage. Bulbs and cuttings of plants, although technically merchandise, are transferred to the third-class rate, which otherwise consists only of printed matter. Reading matter in raised letters for the blind is transmitted free of charge. A strong movement, supported by leading educators, is on foot to transfer library books from the third to the second class rate of postage. A card showing samples of paint might be construed as printed matter of the third class or as merchandise belonging to the fourth class.

These instances might be extended almost indefinitely. Taken together they form an overwhelming mass of cumulative evidence of the hopeless lack of cohesion in our present body of postal law. The intricacy of the difficulty renders it incurable by piecemeal amendments, each of which attempts at "putting new wine into old bottles" only adds to the confusion. That a complete revision and codification of postal laws and regulations is the only practical and effective solution is the inevitable conclusion from a thorough survey of the situation. The whole system must be brought up to date, and its loosely cohering members must be properly related to one another and to the central aim of rendering the post-office the most highly efficient possible instrument for transportation under the complex conditions of the present time.

PROTECTION AGAINST STAMP THEFT.

[Printed by request.]

Unused United States postage stamps are purchased, at a discount, at hundreds of places in our large cities, the trade being chiefly with office boys. The dealers seldom if ever interest themselves in ascertaining if the stamps have been honestly procured; the profit of 10 or 15 per cent is usually all that is thought of. The natural result is that there is a lot of encouragement of petty thieving from employers, for 25 or 50 cents' worth of stamps taken occasionally are never missed in houses where a large mail business is done.

Beverly R. Robinson, a member of the board of aldermen from the twenty-ninth district, New York city, has received a number of requests from employers and others to try to find some means of guarding against this easy first step in thieving. He has given the matter some little study, and is now preparing an ordinance designed to regulate such sales. The difficulty, he finds, is in devising a plan that will work. Thus far Mr. Robinson is inclined to favor a twofold restriction. In the first place, he would have everyone who deals in unused, current stamps (as distinguished from the philatelic dealers) licensed to carry on such a business. Then, if care was not exercised, or it was found that stolen stamps were being bought, the license could be revoked.

The other restriction would be on sellers themselves. Every person offering stamps for sale would be required to sign a card giving his own name and address and those of his employer as well. The difficulty undoubtedly would be that the boys would give fictitious answers to these questions. At least, that is the belief of Police Commissioner McAdoo, to whom Mr. Robinson has submitted his plan with a request for suggestions.

"These sales of stamps are one of the commonest forms of theft," Mr. McAdoo said to-day, in discussing the alderman's letter. "It is a great evil, in fact, and one that requires attention. Yet I fear that such restrictions as Mr. Robinson suggests would not lessen the evil to any appreciable extent, for a dishonest office boy could easily cover himself by giving false names, and the enforcement of the ordinance would then be turned into a farce."

All regular stamp dealers buy these unused stamps; but as a rule they are very careful with respect to the sellers, and will refuse to purchase if the size of the lots offered, the frequency of the offers, or the appearance of the sellers excites suspicion. The chief trouble is that there are many places where only unused stamps are dealt in; and there, as a rule, no questions are asked. The only fixed rule appears to be to exact a discount in proportion to the amount offered—sometimes as large as 20 or even 25 per cent.

In England and in some parts of the Continent a real remedy has been applied. Firms using large quantities of stamps are permitted to have the stamps perforated, with initials that identify them; and it is made illegal to sell such perforated stamps. Should an unscrupulous dealer buy some of them, he does so at great risk, because of the easy means of tracing and identifying the stolen property.

Such a safeguard has been proposed more than once in this country. The postal authorities hold, however, that this perforation would be illegal, as under the present laws it would be an actual cancellation. Such a plan is favored by Commissioner McAdoo, but, of course, to make it legal, it will be necessary for Congress to authorize the perforation. (New York Evening Post, December 10, 1904.)

The state of affairs described above is by no means confined to New York. The business men of every large city are similarly affected. The object of the proposed bill is to obtain Congressional leave to apply the only remedy which has been found practical and effective. There is no risk of mistaking protective perforation for the cancellation prescribed by law. The bill proposes nothing which will in any way interfere with post-office routine. It is not mandatory, but permissive, and is not open to abuse. Its passage is demanded for the simple protection of business men against a very annoying form of petty thieving. It requires merely a technical change in the existing postal law, in no way contradictory to its fundamental theory or impeding its practical operation.

[H. R. 18531. Fifty-eighth Congress, third session.]

In the House of Representatives, January 30, 1905.

Mr. DOUGLAS (by request) introduced the following bill; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed:

A bill relative to the perforation of postage stamps as a safeguard against robbery.

Be it enacted, etc., That the simple perforation of postage stamps with the initial letter or letters of an individual, firm, or corporation shall not operate as a cancellation of said stamps.

SEC. 2. That it shall be unlawful for any person or persons to sell or buy any stamps so perforated.

SEC. 3. That any person selling or offering for sale any stamps so perforated shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than $100 nor more than $500, or to imprisonment for not less than six months nor more than one year, or both.

SEC. 4. That any person buying stamps so perforated shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than

$100 nor more than $500, or to imprisonment for not less than six months nor more than one year, or both.

SEC. 5. That all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

SEC. 6. That this act shall take effect on its passage.

Mr. OVERSTREET. Mr. Chairman, I ask that the reading of the bill proceed.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated for the service of the Post-Office Department, in conformity with the act of July 2, 1836, as follows:

OFFICE OF THE POSTMASTER-GENERAL.

For advertising, $5,000.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

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

The Clerk read as follows:

Insert after line 8, page 1, the following:

"For compensation and expenses of United States delegates to the Universal Postal Congress to convene at Rome, Italy, $10,000."

Mr. OVERSTREET. Mr. Chairman, just briefly. Since the bill was framed by the committee and reported to the House the Secretary of State has notified the Postmaster-General, and the latter official notified me, that the postal congress originally called to convene at Rome this approaching April has been postponed, and this amendment is sought to carry an appropriation and authority for delegates for that congress when it shall be called, which will probably be during the fiscal year 1906.

Mr. CROMER. Mr. Chairman, I would like to ask the gentleman why he fixes the sum at $10,000?

Mr. OVERSTREET. I fixed it at $10,000 and make it "delegates" instead of "a delegate" in order to carry authority for more than one individual and to carry enough money to defray the expenses of such delegates as the President felt should properly be appointed to attend that congress.

Mr. CROMER. What information has the gentleman received from the Department or from anyone else that there ought to be an increase in the appropriation from five thousand to ten thousand dollars?

Mr. OVERSTREET. I do not know that there has been any statement from the Department—at least, there has not been any official statement from the Department as to any need of a larger sum. I will say frankly, Mr. Chairman, that if only one delegate should be appointed, then $5,000 would be ample, in my judgment. I believe, however, the largest postal Government on earth, and one having to deal with the greatest amount of money for the administration of that service, should, if it asked to have a representation at such an international congress, be represented in a proper way, and one individual would not, in my judgment, be the character of representation which the Government should send. If we are going to carry on the representation in a proper manner with an international congress, it ought to carry a sufficient sum of money to defray the ordinary expenses commensurate with the importance of our postal system.

Now, I yield——

Mr. STEENERSON. Mr. Chairman, I would like to ask the chairman of the Committee on the Post-Office and Post-Roads [Mr. OVERSTREET] what became of the appropriation which was made for this purpose in the last bill?

Mr. OVERSTREET. That lapses into the Treasury.

Mr. STEENERSON. Does the gentleman know positively that the money appropriated by that bill lapsed into the Treasury?

Mr. OVERSTREET. I know that that would be the legal effect of it. And does not the gentleman know——

Mr. STEENERSON. And further, does not the gentleman from Indiana [Mr. OVERSTREET] know that $1,250 of the appropriation of last year was actually drawn by the man supposed to be the future representative, under this provision?

Mr. OVERSTREET. I do not know; neither do I know that it is not a fact. It may be true. I do not know it.

Mr. STEENERSON. We were so informed by the Treasury officials a year ago.

Mr. OVERSTREET. There is this to be said, however, Mr. Chairman, that the authority for the delegates to be appointed at the compensation of the total appropriation of $5,000 was carried in the appropriation bill for 1904. That amount, however, was $7,500 instead of $5,000. The President, acting under that authority, made an appointment. The individual was in Washington and about to sail upon that mission when notice was given that the convention had been postponed. If he had incurred an expense after his designation, and that expense was properly under that authority, he would have been entitled to the amount of that expense. But so far as any other amount appropriated is concerned, it would naturally and legally be covered into the Treasury.

Mr. STEENERSON. I would like to ask the gentleman from Indiana [Mr. OVERSTREET] why this matter was not submitted to the Committee on the Post-Office and Post-Roads?

Mr. OVERSTREET. I stated that since this bill was framed and reported to the House the Secretary of State notified the Postmaster-General, and in a letter dated January 30, 1905, which I shall ask to have read from the desk, the Postmaster-General notified me, as chairman of the committee, of the postponement of the convention. And I think it is proper to bring it to the attention of the House. Therefore, I will ask the Clerk to read from the desk the letter to which I have referred.

Mr. STEENERSON. I will also ask the gentleman from Indiana [Mr. OVERSTREET], if it cost the future delegate $1,250 to get ready to go, had we not better wait until we know that this convention will not be further postponed, or else it may cost $1,250 more?

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 30, 1905.

Hon. JESSE OVERSTREET,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

SIR: The act making appropriations for the service of the Post-Office Department for the current fiscal year includes the following item under the "Office of the Postmaster-General:"

"For compensation and expenses of United States delegate to the Universal Postal Congress, to convene at Rome, Italy, $5,000."

The time for holding this congress was fixed by postponement as April, 1905. I am now in receipt of a letter from the Secretary of State, inclosing a copy of a note from the Italian ambassador at this capital, in which, under instructions from his Government, he gives notice of the further postponement of the Sixth Universal Postal Congress to be held at Rome, the date not being announced. The matter is therefore brought to your attention in order that provision may be made for this item in the bill now pending making appropriations for the service of the Post-Office Department for the next fiscal year, if agreeable to your committee.

Very respectfully,

R. J. WYNNE,
Postmaster-General.

Mr. CROMER. Mr. Chairman, I do not believe it wise for this House to make this provision especially appropriating $10,000. The delegate to this convention has already been appointed, and he has already received $1,250 of the amount of money that was appropriated two years ago. I do not know whether or not he has received any of the appropriation for the present year——

Mr. OVERSTREET. Will the gentleman yield? Does not the gentleman from Indiana [Mr. CROMER] appreciate that it would require a new payment under a new authority?

Mr. CROMER. I do not so understand.

Mr. OVERSTREET. But it does, unquestionably. It is an annual appropriation bill and not a continuing permanent law. There would necessarily be a new appointment, and no part of the appropriation for the fiscal year 1905 could possibly be used by any delegate.

Mr. CROMER. Mr. Chairman, when this delegate was appointed the members of the Post-Office and Post-Roads Committee went to the President and to the Postmaster-General and made a request that the former chairman of the Post-Office and Post-Roads Committee of the House of Representatives be sent as a delegate. I understood that he was appointed to that position.

Mr. OVERSTREET. That was under the authority carried in the postal law for the fiscal year 1904.

Mr. CROMER. Yes; but was not that gentleman reappointed?

Mr. OVERSTREET. He was not reappointed after the passage of the bill for the fiscal year 1905.

Mr. CROMER. I understand he was here in Washington ready to attend this convention during this coming year.

Mr. OVERSTREET. I am not responsible for what my colleague understands. I am only speaking of what the law is.

Mr. CROMER. I do not know about the law upon that particular question, but I move to amend by striking out the word "ten" and fixing it at "five."

The CHAIRMAN. The gentleman from Indiana [Mr. CROMER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "ten" and insert "five;" so as to read "five thousand dollars."

Mr. STAFFORD. Mr. Chairman, as a substitute for the amendment offered by the chairman of the committee, I wish to offer the following:

For compensation and expenses, not to exceed $5,000 for any one, of the United States delegates to the Universal Postal Congress to convene at Rome, Italy, $10,000.

The CHAIRMAN. The gentleman from Wisconsin offers a substitute, which the Clerk will report.

The Clerk read as follows:

For compensation and expenses, not to exceed $5,000 for any one, of the United States delegates to the Universal Postal Congress to convene at Rome, Italy, $10,000.

Mr. STAFFORD. Mr. Chairman, the purpose of this substitute is to limit the amount of the appropriation that may be accorded to any delegate who would be appointed under this provision. It is possible, under the phraseology of the amendment offered by the chairman of the committee, that there could be only one delegate appointed, who might receive for his compensation and expenses $7,500, or some designated amount less than $10,000. Last year when the committee introduced the supply bill in the House there was a provision that the delegate to the Universal Postal Congress should have for his compensation and expenses a sum not to exceed $7,500. When the bill left this House the amount had been reduced to $5,000; and accordingly this limitation in the substitute has been suggested. Now, Mr. Chairman, I fully agree with the recommendation of the chairman of our committee that provision should be made for more than one delegate to represent this Government at the postal congress.

Mr. FITZGERALD. Will the gentleman yield to me for a question?

Mr. STAFFORD. With pleasure.

Mr. FITZGERALD. Has there been any suggestion that there should be more than one delegate to this postal congress?

Mr. STAFFORD. I would state, in answer to the gentleman, that there has always been more than one, except to the congress last held, which was here in Washington, and no provision was necessary to defray the expenses of representatives of the Post-Office Department who then attended.

Mr. FITZGERALD. Has there been any recommendation that Congress increase the number of delegates to the coming convention?

Mr. STAFFORD. When the matter was under consideration before the Post-Office Committee a year ago we considered whether there should not be more than one representative; and this committee will recognize the need of having more than one. It might be better to have three and, perhaps, four; perhaps it would be advisable to have a representative of each bureau of the Post-Office Department at this postal congress, because questions arise and have to be decided that are pertinent to each bureau of the Department. I think the gentleman from New York will appreciate the advantage of having a representative of the Post-Office Department. It has been suggested, should more than one delegate be appointed, that one should be a representative from the Department who is well versed in postal affairs.

Mr. FITZGERALD. What I want to ascertain is this: Where did this suggestion that the number of delegates should be increased originate? The gentleman's committee has made no recommendation, and no request has been made from any department to the Government.

Mr. STAFFORD. When the matter was brought before the attention of the committee this year we were informed by the Second Assistant Postmaster-General that, owing to the Italian Government not having provided for the entertainment of the congress this year, there was no need for such an appropriation for the present, as the Italian Government did not give any promise when it would be held in the future.

Since the bill has been prepared some members of the committee have been informed that it is probable that this postal congress will convene in the year 1906; and there ought to be some provision for such an emergency, if it takes place. I do not believe that the gentleman from New York would want this Universal Postal Congress, which is composed of representatives of all governments having postal service, not to have a representative of our Government, when that body has to determine the rates for the carriage of the mails across the seas, the postage to and across foreign countries, and many other important questions which relate to our postal service. I repeat, I do not believe there is a Member here who wishes that this Government should not be represented in such an important congress, and well represented; not merely by one, but possibly by two, three, or four representatives.

Mr. FITZGERALD. I am not opposing representation of this Government in this congress. What I am endeavoring to ascertain is this: Where does this suggestion for additional delegates originate? There has been no recommendation made by the Department and none by the committee.

Mr. OVERSTREET. Let me say to the gentleman that the limitation to a single delegate was an innovation. It never before had been limited.

Mr. FITZGERALD. What action has the gentleman's committee taken to determine it now?

Mr. OVERSTREET. My colleague [Mr. STAFFORD] was undertaking to explain that and I think had explained it.

Mr. FITZGERALD. He was explaining that it was not necessary to make an appropriation, because the convention had been postponed, but he has not indicated that the committee considered that it was necessary to increase the number of delegates.

Mr. BARTLETT. May I ask the gentleman, when was the last congress held, and where?

Mr. STAFFORD. It was held at Washington, some six or seven years ago.

Mr. BARTLETT. And the last post-office appropriation bill carried a provision of $5,000 for our delegate to the next one?

Mr. STAFFORD. Yes.

Mr. BARTLETT. What became of that appropriation?

Mr. STAFFORD. It lapsed into the Treasury, because no congress was held.

Mr. BARTLETT. All of it?

Mr. STAFFORD. All of the appropriation for the year 1905 lapsed into the Treasury.

Mr. BARTLETT. Where is the next one, which we provide for here, to be held?

Mr. STAFFORD. It is expected to be held at the same place—Rome. The Congress last year did not convene. It was planned that it would hold its sessions sometime during the fiscal year ending June 30, 1905. As I have explained to the gentleman from New York [Mr. FITZGERALD], owing to the Italian Government not providing the necessary appropriation for the entertainment of the congress, no invitations were sent out, and it had to be abandoned. We have since been informed that there is a likelihood of such an arrangement being made, and we wish now to make provision for it in this appropriation bill.

[Here the hammer fell.]

Mr. CROMER. Mr. Chairman, heretofore, as I understand it, only one representative from this Government has been appointed to this congress. When it met here in Washington, where it was convenient for all of the post-office officials to attend, there was only one representative to this convention.

I can not see the necessity of sending two, three, or four men to Italy or to Rome to represent the postal affairs of this Government. If you take one man with comprehensive knowledge of our postal affairs, he certainly ought to be able to give the countries of the world a good knowledge of the postal business of this country, and make every suggestion that is necessary to be made for their benefit, and receive every suggestion from them that it will be necessary for us to have.

Mr. BARTLETT. Will the gentleman permit me to ask him a question?

Mr. CROMER. Yes.

Mr. BARTLETT. As I understand it, there was an appropriation in the last appropriation bill for one delegate to this congress, at $5,000 a year.

Mr. CROMER. Yes.

Mr. BARTLETT. Can the gentleman give us any information as to whether any part of that $5,000 was expended; and if so, how much and for what?

Mr. CROMER. This convention was to have met during the fiscal year 1903–4. There was an appropriation of $5,000 made to bear the expenses of the delegate, and the former chairman of the Post-Office Committee was appointed. He came on to Washington, perhaps two or three months before this convention was to have been held, and about the time that he got ready to start to the convention it was postponed. He drew $1,250 of that appropriation, covering his expenses to this city. Then last year another $5,000 was appropriated. I do not know whether or not any of that money has been drawn by this delegate or whether it has been covered back into the Treasury.

Now, the committee come in here, after we have selected a man and the President and the Postmaster-General have appointed him as having comprehensive knowledge of postal affairs, a fit representative of this Government—they come in now and say that we ought to have four or five delegates. I can not see any necessity for such a large sum, and I think that if we appropriate $5,000 we have been very generous in our appropriation for this purpose.

This convention certainly is not so very important or they would not delay it from year to year. It certainly does not bring very much good to these countries or else there would be a prompt holding of the convention.

Mr. BARTLETT. Does not the gentleman know that if the convention was called for a certainty, and it became necessary for Congress to provide for our representative, that the Appropriations Committee or the Post-Office Committee could get a resolution passed very promptly for that purpose?

Mr. CROMER. Oh, yes; but the convention might be held before Congress convenes again, and there might be some necessity if this convention is called after July 1 to have the appropriation for the next year.

But there is no necessity of sending four or five people to Rome to represent the postal affairs of this country. It never has been done before. We have never had but one man and never had but $5,000 appropriated for this purpose.

Mr. OVERSTREET. Just a word, Mr. Chairman, and then I will ask for a vote. I have no objection to the substitute offered by the gentleman from Wisconsin, because it puts on a limitation which perhaps would be wise. Now, I hope the members of the committee will view this proposition from the standpoint of whether or not it is meritorious.

The fact is no man is appointed yet as a delegate. There is neither authority of law nor fact for the intimation that any certain individual will be appointed. The insinuation that some man who at one time had the appointment is now drawing from the Treasury of the United States compensation unfairly is unwarranted by the facts. The fact is we have an international congress for considering postal questions. Shall the United States, the greatest of all postal countries, have a representative at such a congress? The appropriation bill for the fiscal year 1904 carried an appropriation of $7,500 for a delegate. Never before has it been limited to a single individual. At congresses held away from the United States more than one delegate has been sent to represent us. I do not know what the amount of the expenditures were. If we are to send representatives, whether one or two delegates, let us deal with this question in a spirit of broad nature, like other governments deal with it.

I say that no delegate has been designated yet under the authority which was passed on the appropriation bill for the fiscal year of 1905; no expenditure of that amount has been made, and therefore all of that appropriation lapsed into the Treasury.

Mr. FINLEY. I would like to ask the gentleman a question.

Mr. OVERSTREET. Certainly.

Mr. FINLEY. In the opinion of the gentleman, if this appropriation is made, does he think the amendment is framed in such a way as to safeguard the appropriation and prevent the expenditure of $1,250 as was done in the last appropriation?

Mr. OVERSTREET. The item offered here appropriates $10,000 for the total expenses of the representatives of this country to such a universal convention. That is a matter for the auditor. I do not know, I am sure, whether it would prevent it or not, but I know the intent of the law, as claimed by this substitute, is clearly that this money should be used only to defray the expenses of any representatives and all compensation. It is not to exceed $5,000 for any one gentleman. It is not entirely a question of compensation, because all of the expenses must be taken care of by the total amount appropriated. If it is only one delegate, he would get just as much as the Postmaster-General, under the direction of the President, would think proper, not to exceed $5,000. But I believe that the spirit of the representation would mean some representative from the Department familiar with all the details and the intricate problems, and that no compensation would be given to such a representative but his expenses only.

Mr. FINLEY. I will say to the gentleman that I think this Government should be represented, and I am only concerned to know that no compensation and that no part of this appropriation will be expended unless the delegate to that Congress attends.

Mr. OVERSTREET. Oh, certainly. Now, Mr. Chairman, I ask that debate on this motion for an amendment close in five minutes.

Mr. FITZGERALD. I want to ask a question, Mr. Chairman.

Mr. OVERSTREET. I will withdraw that for a moment, Mr. Chairman.

Mr. FITZGERALD. I want to ask the gentleman from Indiana whether the Post-Office Department has complained that one delegate would not be sufficient?

Mr. OVERSTREET. No; there has been no such complaint.

Mr. FITZGERALD. I wish to ascertain where the suggestion came from, that there should be more than one representative.

Mr. OVERSTREET. That was the original practice. Never before the last appropriation was carried on the bill has it been limited to a single one.

Mr. FITZGERALD. There have been five postal congresses.

Mr. OVERSTREET. There has always been more than one representative, except once.

Mr. FITZGERALD. The vote of the gentleman's committee provided for one delegate.

Mr. OVERSTREET. That was not this committee; it was a former committee.

Mr. FITZGERALD. Well, Congress provided for one delegate then. Whose recommendation is it that this representation be increased?

Mr. OVERSTREET. There is no official recommendation.

Mr. FITZGERALD. Does the gentleman know whom it is intended should be selected for the place?

Mr. DOUGLAS. Let me say to the gentleman that I have heard it suggested that Mr. Wanamaker, at one time Postmaster-General, might be willing to go as one of the delegates to this convention.

Mr. OVERSTREET. Now, Mr. Chairman, I ask that debate on this paragraph and amendment close in five minutes.

The CHAIRMAN. The gentleman from Indiana asks that debate on this paragraph and amendment close in five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, this amendment, it seems, originates with the chairman of the Committee on the Post-Office and Post-Roads, the gentleman from Indiana [Mr. OVERSTREET]. I do not know that anybody objects to this Government being properly represented at this international conference. By law it is determined that one delegate shall represent this country. This provision, or this amendment, evidently intends that there shall be two delegates from this country, because it provides for $10,000, and restricts the amount to be expended for any one delegate to $5,000. I understand that previously there was designated as the delegate from this country a gentleman who for many years was chairman of the Committee on the Post-Office and Post-Roads in this House. I do not know where a more competent representative of this country could be found for that convention. I do not know whether it is intended to be suggested that that gentleman is not competent properly to represent his Government or not. I do not know whether this amendment intends to provide a pleasant trip to some other gentleman who will rest upon the labors of the efficient gentleman selected to represent this Government; but I do believe that without some recommendation from the Postal Department, without some communication from somebody who has thoroughly investigated this subject, with the Department apparently well satisfied with the only delegate provided, that this House can well afford to restrict the number of representatives of this Government to the one provided by law, and I hope that the substitute offered by the gentleman from Wisconsin [Mr. STAFFORD] will be voted down, and that the amendment offered by the gentleman from Indiana [Mr. CROMER] limiting the appropriation to $5,000, which it is believed is adequate for one representative, will be adopted by the committee. [Applause.]

Mr. OVERSTREET. Mr. Chairman, just a word, and then I will ask for a vote. As I stated a while ago, this is simply a total sum to cover the entire expense of the proper representation of the Government at the international congress if it shall be held. I can not say definitely that it will be held. This is the third appropriation without its having been held, and all told, according to the statements made on the floor, only about $1,200 of all the appropriations have been expended. I think that we all agree that if such an international congress should be held it would look very strange if the United States Government were not properly represented at it. If we limit the representation to a single delegate it would in all probability embarrass greatly the representation, because of the failure of any one representative to be entirely and completely familiar with all of the details of the service which ought to be taken into account during the progress of the convention.

Mr. CROMER. Mr. Chairman, I understood the gentleman from Indiana [Mr. OVERSTREET] to say a while ago that this committee did not recommend a year ago that one delegate should be sent.

Mr. OVERSTREET. Oh, no; the gentleman misunderstood me.

Mr. CROMER. It was another committee that recommended only one delegate?

Mr. OVERSTREET. The first committee that recommended the single delegate was the committee recommending the appropriation bill for 1904. Then the committee last year, practically the same committee this year, made the same recommendation.

Mr. CROMER. It is the present committee?

Mr. OVERSTREET. That is right.

Mr. CROMER. Another question. I understood the gentleman to say that there always had been more than one delegate?

Mr. OVERSTREET. Except the time they met here.

Mr. CROMER. I was going to ask him if, when they met here in Washington, there was not but one delegate, and if that was not General Shallenberger.

Mr. OVERSTREET. There was quite a number who were

not designated as delegates, but who were privileged to attend. Mr. Chairman, I ask for a vote.

Mr. HITCHCOCK. Mr. Chairman, I offer the following amendment to the substitute, which I shall send to the desk.

The CHAIRMAN. The gentleman offers a substitute, which will be pending. The Chair wishes to state that the parliamentary situation is this: The gentleman from Indiana [Mr. OVERSTREET] has offered an amendment. The gentleman from Indiana [Mr. CROMER] has offered an amendment to that amendment, and the gentleman from Wisconsin [Mr. STAFFORD] has offered a substitute. All are pending. The first vote will be taken upon the amendment offered by the gentleman from Indiana [Mr. CROMER].

Mr. ROBINSON of Indiana. Mr. Chairman, I ask unanimous consent that all of these propositions may be again reported to the House.

The CHAIRMAN. Without objection, the amendments will be again reported.

Mr. HITCHCOCK. Mr. Chairman, I ask for the reading of my amendment to the substitute.

The CHAIRMAN. Certainly, if the gentleman wishes it, it can be now read.

Mr. OVERSTREET. Do I understand the vote will first come upon the amendment offered by my colleague, the gentleman from Indiana [Mr. CROMER]?

The CHAIRMAN. The first vote comes upon the amendment offered by the gentleman from Indiana, Mr. CROMER. The Chair will suggest that the Clerk first report the amendment offered by the gentleman from Indiana, Mr. OVERSTREET, and then the amendment to that amendment offered by the gentleman from Indiana, Mr. CROMER.

Mr. LIVINGSTON. Mr. Chairman, I ask that the substitute be also reported for information before we cast our vote.

The CHAIRMAN. The Clerk will report the two amendments—the substitute, and also the amendment to the substitute just offered by the gentleman from Nebraska.

The amendments and substitute were again reported.

The CHAIRMAN. The Clerk will report the amendment to the substitute.

The Clerk read as follows:

Provided, That one of said delegates shall be especially assigned while abroad to gather information and report to the Postmaster-General on the operation of the postal savings banks in European countries.

Mr. OVERSTREET. I reserve the point of order upon that, Mr. Chairman.

The CHAIRMAN. Before any vote is taken the Chair thinks the point of order had better be discussed and decided. Will the gentleman from Indiana state his point of order?

Mr. OVERSTREET. Mr. Chairman, the first point of order is that the amendment can not be considered at this time, because there are now pending two amendments and a substitute.

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Nebraska is to the substitute.

Mr. OVERSTREET. Well, we are not voting upon that now. The Chair merely had that read for the information of the committee.

The CHAIRMAN. In the opinion of the Chair the amendment to the substitute must be considered as pending.

Mr. OVERSTREET. The second point of order I make is that it is new legislation and contrary to existing law.

Mr. HITCHCOCK. On that I would like to be heard, Mr. Chairman.

The CHAIRMAN. The Chair will state that no point of order having been raised to the original proposition, any germane amendment would be in order, and that the point of order that the amendment to the substitute is new legislation comes too late. That is the impression the Chair has, but he will be glad to hear the gentleman from Indiana.

Mr. OVERSTREET. If the original amendment offered was subject to the point of order, would the Chair hold that after the point had been raised as to the original proposition that any kind of a proposition which would be clearly new legislation would be in order? It must be germane to the proposition. The investigation in any country of postal savings banks is not germane, in my judgment, to the proposition to carry an appropriation to defray expenses of representatives to the Postal Congress, and this is not germane for that reason—that the proposition pending is with reference to expenditures and compensation of delegates to a congress.

Mr. HITCHCOCK. I would like to be heard on that point of order if the Chair is in doubt.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Nebraska.

Mr. HITCHCOCK. It seems to me, Mr. Chairman, that in providing for an additional delegate to a congress to be held at Rome it is within the power of this House, and it is perfectly germane to the proposition, to stipulate what his duties shall be. If it is within the province of this bill at all to send a delegate there, heretofore not provided for by law, it is certainly within the province of this committee to stipulate what his duties shall be, and is entirely germane to the sending of him.

The CHAIRMAN. The Chair will ask the gentleman from Indiana if there is existing law which now authorizes the appointment of these delegates?

Mr. OVERSTREET. There is at the present time, carried in the appropriation bill for the postal service for the current fiscal year, an item appropriating $5,000 for a delegate to attend the postal congress.

The CHAIRMAN. In the opinion of the Chair that would not be existing law, and the point of order not having been made to the original proposition, and the amendment to the substitute offered by the gentleman from Nebraska being germane, the point of order must be overruled.

Mr. HITCHCOCK. May I inquire whether that amendment is open to discussion?

The CHAIRMAN. Discussion is closed by vote of the committee. The first proposition before the committee is upon the amendment offered by the gentleman from Indiana [Mr. CROMER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. I desire to know if the House is not voting now upon the proposition of the gentleman from Indiana [Mr. CROMER] reducing the amount to $5,000—if that is not the sole proposition we are voting upon?

The CHAIRMAN. The gentleman is correct.

Mr. OVERSTREET. Division, Mr. Chairman.

The committee divided; and there were—ayes 71, noes 28.

So the amendment was agreed to.

The CHAIRMAN. The next step is the perfecting of the substitute, and the question comes upon the amendment to the substitute offered by the gentleman from Nebraska, which the Clerk will report.

The Clerk read as follows:

Provided, That one of said delegates shall be especially assigned while abroad to gather information and report to the Postmaster-General on the operation of postal savings banks in European countries.

Mr. HITCHCOCK. Mr. Chairman, I ask unanimous consent to amend that so as to conform to the limitation made in the last vote, that said delegate shall be instructed——

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to amend the amendment he proposed——

Mr. OVERSTREET. I do not know that it requires unanimous consent, but I would like to know what the proposition is. I suggest the gentleman offer his amendment.

Mr. FITZGERALD. Mr. Chairman, I wish to make a point of order. The committee having decided that but $5,000 be appropriated, the substitute now follows, and is not in order.

Mr. MANN. This amendment is the amendment to the substitute, which is not yet before the committee.

Mr. OVERSTREET. That is what I am waiting for.

Mr. FITZGERALD. Mr. Chairman, I make a point of order that the substitute could not be before the committee now.

The CHAIRMAN. In order that the committee may understand the situation, the Chair will ask the Clerk to again report the substitute.

Mr. OVERSTREET. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OVERSTREET. Is either the substitute or this proposed amendment to the substitute in order, the other amendment having been agreed to?

The CHAIRMAN. Certainly, because the substitute has been offered as a substitute for the amendment as amended.

Mr. OVERSTREET. Now, may I ask the Chair to have reported, as he started to do, the proposed amendment?

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the Chair to the fact that the amendment of the original amendment makes the substitute inoperative. The original amendment provided for the appropriation of more than $5,000.

The CHAIRMAN. That is very true. The substitute has a standing of its own. The Clerk will report the substitute.

The Clerk read as follows:

For compensation and expenses, not to exceed $5,000 for any delegate, for delegates to the Universal Postal Congress, $10,000.

The CHAIRMAN. The Clerk will report the amendment to the substitute.

The Clerk read as follows:

Provided, That one of the said delegates shall be specially assigned while abroad to gather information and report to the Postmaster-General on the operation of the postal savings banks in European countries.

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

The question being taken, the Chair announced that the noes seemed to have it.

Mr. HITCHCOCK demanded a division; and there were—ayes 27, noes 45.

So the amendment to the substitute was rejected.

The CHAIRMAN. The question now comes upon the substitute offered by the gentleman from Wisconsin [Mr. STAFFORD] to the amendment offered by the gentleman from Indiana [Mr. OVERSTREET].

The question being taken, the substitute was rejected.

The CHAIRMAN. The question comes on the original amendment offered by the gentleman from Indiana [Mr. OVERSTREET].

The question was taken; and the amendment as amended was agreed to.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment:

The CHAIRMAN. The gentleman from Indiana [Mr. OVERSTREET] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 8, page 1, the following:

"Salaries of post-office inspectors: For salaries of fifteen inspectors in charge of divisions, at $2,500 each; six inspectors, at $2,400 each; fifteen inspectors, at $2,250 each; fifteen inspectors, at $2,000 each; seventy inspectors, at $1,600 each; sixty inspectors, at $1,400 each; and forty-two inspectors, at $1,200 each; in all, $362,050.

"For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, $195,000: *Provided*, That the Postmaster-General may, in his discretion, allow post-office inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and may make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of $2,000 or more.

"For salaries of clerks and laborers at division headquarters, miscellaneous expenses at division headquarters, traveling expenses of inspectors without per diem, and of inspectors in charge, expenses incurred by field inspectors not covered by per diem allowance, and traveling expenses of the chief post-office inspector, $100,000: *Provided*, That of the amount herein appropriated not to exceed $2,000 may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals.

"For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, $15,000."

Mr. CROMER. A point of order.

Mr. MANN. I make a point of order on that amendment.

Mr. OVERSTREET. It is merely a transfer of this force.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana, upon which a point of order has been reserved.

Mr. MANN. Mr. Chairman, I make the point of order on that amendment in this way. The amendment, as I understand, is a provision in the bill on page 21 and running over several pages.

Mr. OVERSTREET. It simply transfers this item, since the Executive order for the transfer of this force has been made.

Mr. MANN. It changes at once a large number of separate paragraphs, each of which would have to be read by itself in the bill, and subject to amendment by itself in the bill; and now the gentleman offers all of these provisions as one amendment. If that amendment be in order, then the gentleman could offer, after the first paragraph of the bill, all the balance of the bill as one amendment, and prevent the amendment of different paragraphs of the bill. I think the gentleman ought to ask unanimous consent that he may take up that part of the bill at this place and insert it in this place in the bill, to which there probably would be no objection; but it does seem to me, to offer a large number of paragraphs out of one place in the bill where they should be read one at a time and subject to point of order each by itself and offer them as one amendment in another place in the bill, absolutely destroys the right of the committee properly to consider and amend the bill as it should be presented.

Mr. OVERSTREET. Mr. Chairman, on pages 21 and 22 of the bill as reported to the House will be found the identical language contained in the amendment which I have offered. with the exception that it has omitted line 13 of page 22, which would carry the expenses of the Fourth Assistant Postmaster-General. After this bill had been reported to the House an Executive order, under proper law, transferred from the Fourth Assistant Postmaster-General directly to the office of the Postmaster-General the post-office inspection service. In framing the bill the practice has long obtained, perhaps universally obtained, to arrange the items according to the facts in the different offices as they exist in the administration of the service. For that reason as long as the post-office inspection service was carried in and as a part of the Fourth Assistant's department the items of appropriation for that service were also carried in that part of the appropriation bill. That service having been transferred by an Executive order to the office of the Postmaster-General, we offer this amendment, simply transferring from one part of the bill to its proper place in the bill this same item.

Mr. MANN. Will the gentleman allow me?

Mr. OVERSTREET. Just a moment. If there is any force at all in the contention of the gentleman from Illinois that the committee would be estopped from amending any of these several items as proposed in this amendment and under a different practice from what the committee would have the right to do in considering pages 21 and 22 of the bill, I would certainly be perfectly willing to enter into any understanding which would obviate that embarrassment. However, Mr. Chairman, the amendment is drawn in the usual parliamentary way, seeking to transfer from one part of the bill to another all the items of that particular service. There are several paragraphs—not many—and these paragraphs are subject to amendment in this amendment if any person desired to make any such amendment.

Let me say on this point that the only change in the present law by these several items is an increase by seven in the number of inspectors in the lowest grade. There is no change of law either as to compensation or per diem and expense account. There is no change of language from that which is now the law in the current appropriation bill except provision is made for the additional number of seven at the lowest grade. It has the unanimous recommendation of the committee for the purpose of increasing the force, whose duties have been enlarged by the extension of the rural free-delivery service, making the opportunity for depredations greater than ever existed before.

Mr. Chairman, I can not refrain from taking advantage of this opportunity to remind the committee that a year ago a vigorous and strenuous effort was made on the part of the Committee of the Whole to make the very transfer that we have here recommended. Then this Department was under the Fourth Assistant Postmaster-General. Now, we, in proper legal manner, when the transfer has been made, when we seek to make the transfer of the money to the point in the bill where the gentlemen a year ago were so anxious it should remain, we meet with these obstacles. Now I will yield to my friend from Tennessee.

Mr. GAINES of Tennessee. The gentleman says the only change in existing law is the additional aid that you give in what is known as the "rural delivery system."

Mr. OVERSTREET. Oh, no; I did not say that.

Mr. GAINES of Tennessee. I understood you to say that.

Mr. OVERSTREET. No; the additional aid in the inspection service because of the increased number of violations of the law in the way of depredations on rural routes.

Mr. GAINES of Tennessee. I thought it was an increased number of employees.

Mr. OVERSTREET. I think, Mr. Chairman, with the explanation that I have made, that the point of order might be ruled upon, and I want to renew my statement. If there is any doubt about any Member being foreclosed against his privilege to offer an amendment to any one of these paragraphs, I stand ready, by unanimous consent, to overcome that difficulty.

Mr. MANN. Mr. Chairman, so far as the object of the gentleman from Indiana in charge of the bill is concerned, I am quite in sympathy with his object. But it seems to me to be setting a very dangerous precedent so far as parliamentary practice is concerned.

The amendment offered by the gentleman from Indiana contains several different items in no way related to each other at all.

Mr. OVERSTREET. All in one service.

Mr. MANN. In no way related to each other, except that they all come under the post-office appropriation bill. There is no relationship between the appointment of inspectors and the payment of the salaries of the clerks and laborers at division headquarters. Now, the gentleman from Indiana could easily accomplish the purpose which he desires, if I may have his attention——

Mr. OVERSTREET. The gentleman has my attention.

Mr. MANN. By offering the first paragraph of his amendment and then following that by offering the other paragraphs separately, so as to preserve the proper parliamentary status of each paragraph by itself and not inaugurate a parliamentary practice of grouping together a lot of items in no way related to each other as one amendment to a bill.

The CHAIRMAN. The Chair is ready to rule upon the point of order. The Chair will call the attention of the committee to a ruling made at the last session, when the post-office appropriation bill was under consideration. That ruling is that "it

is in order by a motion to insert, to effect a transfer of paragraphs from the latter to the first portion of a bill." The chairman of the committee therefore has a right to move to transfer a paragraph from one place in the bill to another.

A motion to insert a paragraph containing different propositions can be divided, upon the request of any member of the committee, so that the rights of the committee are entirely safeguarded. If the committee sees fit to consider it as one paragraph, it can do so. If not, any member of the committee has the right to have the paragraph divided, and the different propositions contained in it considered separately.

The Chair overrules the point of order. The question is upon the amendment offered by the gentleman from Indiana [Mr. OVERSTREET].

Mr. GAINES of Tennessee. I move to strike out the last word.

I hold in my hand a copy of the opinion delivered by Mr. Justice Holmes on January 30 in the case of Swift & Co. et al. *v.* The United States, the beef-trust case. The opinion, which is not very long, is very important, and I ask unanimous consent to print it in the RECORD for the information of Members.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print in the RECORD the opinion which he has cited. If there be no objection, the order will be made.

There was no objection.

The opinion is as follows:

Supreme Court of the United States. No. 103. October term, 1904. Swift & Co. et al., appellants, *v.* The United States. Appeal from the circuit court of the United States for the northern district of Illinois. [January 30, 1905.]

Mr. Justice Holmes delivered the opinion of the court.

This is an appeal from a decree of the circuit court, on demurrer, granting an injunction against the appellants' commission of alleged violations of the act of July 2, 1890, chapter 647 (26 Stat., 209), "to protect trade and commerce against unlawful restraints and monopolies." It will be necessary to consider both the bill and the decree. The bill is brought against a number of corporations, firms, and individuals of different States and makes the following allegations: 1. The defendants (appellants) are engaged in the business of buying live stock at the stock yards in Chicago, Omaha, St. Joseph, Kansas City, East St. Louis, and St. Paul, and slaughtering such live stock at their respective plants in places named, in different States, and converting the live stock into fresh meat for human consumption. 2. The defendants "are also engaged in the business of selling such fresh meats, at the several places where they are so prepared, to dealers and consumers in divers States and Territories of the said United States other than those wherein the said meats are so prepared and sold as aforesaid, and in the District of Columbia, and in foreign countries, and shipping the same meats, when so sold from the said places of their preparation, over the several lines of transportation of the several railroad companies serving the same as common carriers, to such dealers and consumers, pursuant to such sales." 3. The defendants also are engaged in the business of shipping such fresh meats to their respective agents at the principal markets in other States, etc., for sale by those agents in those markets to dealers and consumers. 4. The defendants together control about six-tenths of the whole trade and commerce in fresh meats among the States, Territories, and District of Columbia; and, 5, but for the acts charged would be in free competition with one another.

6. In order to restrain competition among themselves as to the purchase of live stock, defendants have engaged in, and intend to continue, a combination for requiring and do and will require their respective purchasing agents at the stock yards mentioned, where defendants buy their live stock (the same being stock produced and owned principally in other States and shipped to the yards for sale), to refrain from bidding against each other, "except perfunctorily and without good faith," and by this means compelling the owners of such stock to sell at less prices than they would receive if the bidding really was competitive.

7. For the same purposes the defendants combine to bid up, through their agents, the prices of live stock for a few days at a time, "so that the market reports will show prices much higher than the state of the trade will warrant," thereby inducing stock owners in other States to make large shipments to the stock yards to their disadvantage.

8. For the same purposes, and to monopolize the commerce protected by the statute, the defendants combine "to arbitrarily, from time to time, raise, lower, and fix prices and to maintain uniform prices at which they will sell" to dealers throughout the States. This is effected by secret periodical meetings, where are fixed prices to be enforced until changed at a subsequent meeting. The prices are maintained directly, and by collusively restricting the meat shipped by the defendants, whenever conducive to the result, by imposing penalties for deviations, by establishing a uniform rule for the giving of credit to dealers, etc., and by notifying one another of the delinquencies of such dealers and keeping a black list of delinquents and refusing to sell meats to them.

9. The defendants also combine to make uniform charges for cartage for the delivery of meats sold to dealers and consumers in the markets throughout the States, etc., shipped to them by the defendants through the defendants' agents at the markets, when no charges would have been made but for the combination.

10. Intending to monopolize the said commerce and to prevent competition therein, the defendants "have all and each engaged in and will continue" arrangements with the railroads whereby the defendants received, by means of rebates and other devices, rates less than the lawful rates for transportation, and were exclusively to enjoy and share this unlawful advantage to the exclusion of competition and the public. By force of the consequent inability of competitors to engage or continue in such commerce, the defendants are attempting to monopolize, have monopolized, and will monopolize the commerce in live stock and fresh meats among the States and Territories, and with foreign countries; and

11. The defendants are and have been in conspiracy with each other, with the railroad companies and others unknown, to obtain a monopoly of the supply and distribution of fresh meats throughout the United States, etc. And to that end defendants artificially restrain the commerce and put arbitrary regulations in force affecting the same from the shipment of the live stock from the plains to the final distribution of the meats to the consumer. There is a prayer for an injunction of the most comprehensive sort against all the foregoing proceedings and others, for discovery of books and papers relating directly or indirectly to the purchase or shipment of live stock, and the sale or shipment of fresh meat, and for an answer under oath. The injunction issued is appended in a note.[a]

To sum up the bill more shortly, it charges a combination of a dominant proportion of the dealers in fresh meat throughout the United States not to bid against each other in the live-stock markets of the different States, to bid up prices for a few days in order to induce the cattlemen to send their stock to the stock yards, to fix prices at which they will sell, and to that end restrict shipments of meat when necessary, to establish a uniform rule of credit to dealers and to keep a black list, to make uniform and improper charges for cartage, and, finally, to get less than lawful rates from the railroads, to the exclusion of competitors. It is true that the last charge is not clearly stated to be a part of the combination. But as it is alleged that the defendants have each and all made arrangements with the railroads that they were exclusively to enjoy the unlawful advantage, and that their intent in what they did was to monopolize the commerce and to prevent competition, and in view of the general allegation to which we shall refer, we think that we have stated correctly the purport of the bill. It will be noticed, further, that the intent to monopolize is alleged for the first time in the eighth section of the bill as to raising, lowering, and fixing prices. In the earlier sections the intent alleged is to restrain competition among themselves. But after all the specific charges there is a general allegation that the defendants are conspiring with one another, the railroads, and others to monopolize the supply and distribution of fresh meat throughout the United States, etc., as has been stated above, and it seems to us that this general allegation of intent colors and applies to all the specific charges of the bill. Whatever may be thought concerning the proper construction of the statute, a bill in equity is not to be read and construed as an indictment would have been read and construed a hundred years ago, but it is to be taken to mean what it fairly conveys to a dispassionate reader by a fairly exact use of English speech. Thus read this bill seems to us intended to allege successive elements of a single connected scheme.

We read the demurrer with the same liberality. Therefore we take it as applying to the bill generally for multifariousness and want of equity and also to each section of it which makes a charge and to the discovery. The demurrer to the discovery will not need discussion in the view which we take concerning the relief, and therefore we turn at once to that.

The general objection is urged that the bill does not set forth sufficient definite or specific facts. This objection is serious, but it seems to us inherent in the nature of the case. The scheme alleged is so vast that it presents a new problem in pleading. If, as we must assume, the scheme is entertained, it is, of course, contrary to the very words of the statute. Its size makes the violation of the law more conspicuous, and yet the same thing makes it impossible to fasten the

[a] And now, upon motion of the said attorney, the court doth order that the preliminary injunction heretofore awarded in this cause, to restrain the said defendants and each of them, their respective agents and attorneys, and all other persons acting in their behalf, or in behalf of either of them, or claiming so to act, from entering into, taking part in, or performing any contract, combination, or conspiracy, the purpose or effect of which will be, as to trade and commerce in fresh meats between the several States and Territories and the District of Columbia, a restraint of trade, in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," either by directing or requiring their respective agents to refrain from bidding against each other in the purchase of live stock; or collusively and by agreement to refrain from bidding against each other at the sales of live stock; or by combination, conspiracy, or contract raising or lowering prices or fixing uniform prices at which the said meats will be sold, either directly or through their respective agents; or by curtailing the quantity of such meats shipped to such markets and agents; or by establishing or maintaining rules for the giving of credit to dealers in such meats, the effect of which rules will be to restrict competition; or by imposing uniform charges for cartage and delivery of such meats to dealers and consumers, the effect of which will be to restrict competition; or by any other method or device, the purpose and effect of which is to restrain commerce as aforesaid; and also from violating the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," by combining or conspiring together, or with each other and others, to monopolize or attempt to monopolize any part of the trade and commerce in fresh meats among the several States and Territories and the District of Columbia, by demanding, obtaining, or, with or without the connivance of the officers or agents thereof, or of any of them, receiving from railroad companies or other common carriers transporting such fresh meats in such trade and commerce, either directly or by means of rebates, or by any other device, transportation of or for such meats, from the points of the preparation and production of the same from live stock or elsewhere, to the markets for the sale of the same to dealers and consumers in other States and Territories than those wherein the same are so prepared, or the District of Columbia, at less than the regular rates which may be established or in force on their several lines of transportation, under the provisions in that behalf of the laws of the said United States for the regulation of commerce, be and the same is hereby made perpetual.

But nothing herein shall be construed to prohibit the said defendants from agreeing upon charges for cartage and delivery, and other incidents connected with local sales, where such charges are not calculated to have any effect upon competition in the sales and delivery of meats; nor from establishing and maintaining rules for the giving of credit to dealers where such rules in good faith are calculated solely to protect the defendants against dishonest or irresponsible dealers, nor from curtailing the quantity of meats shipped to a given market where the purpose of such arrangement in good faith is to prevent the overaccumulation of meats as perishable articles in such markets.

Nor shall anything herein contained be construed to restrain or interfere with the action of any single company or firm, by its or their officers or agents (whether such officers or agents are themselves personally made parties defendant hereto or not) acting with respect to its or their own corporate or firm business, property, or affairs.

principal fact to a certain time and place. The elements, too, are so numerous and shifting, even the constituent parts alleged are and from their nature must be so extensive in time and space, that something of the same impossibility applies to them. The law has been upheld, and therefore we are bound to enforce it notwithstanding these difficulties. On the other hand, we equally are bound by the first principles of justice not to sanction a decree so vague as to put the whole conduct of the defendants' business at the peril of a summons for contempt. We can not issue a general injunction against all possible breaches of the law. We must steer between these opposite difficulties as best we can.

The scheme as a whole seems to us to be within reach of the law. The constituent elements, as we have stated them, are enough to give to the scheme a body, and, for all that we can say, to accomplish it. Moreover, whatever we may think of them separately, when we take them up as distinct charges they are alleged sufficiently as elements of the scheme. It is suggested that the several acts charged are lawful and that intent can make no difference. But they are bound together as the parts of a single plan. The plan may make the parts unlawful. (Aikens *v.* Wisconsin, 195 U. S., 194, 206.) The statute gives this proceeding against combinations in restraint of commerce among the States and against attempts to monopolize the same. Intent is almost essential to such a combination and is essential to such an attempt. Where acts are not sufficient in themselves to produce a result which the law seeks to prevent—for instance, the monopoly—but require further acts in addition to the mere forces of nature to bring that result to pass, an intent to bring it to pass is necessary in order to produce a dangerous probability that it will happen. (Commonwealth *v.* Peaslee, 177 Mass., 267, 272.) But when that intent and the consequent dangerous probability exist, this statute, like many others and like the common law in some cases, directs itself against that dangerous probability as well as against the completed result. What we have said disposes incidentally of the objection to the bill as multifarious. The unity of the plan embraces all the parts.

One further observation should be made. Although the combination alleged embraces restraint and monopoly of trade within a single State, its effect upon commerce among the States is not accidental, secondary, remote, or merely probable. On the allegations of the bill the latter commerce, no less, perhaps even more, than commerce within a single State, is an object of attack. (See Leloup *v.* Port of Mobile, 127 U. S., 640, 647; Crutcher *v.* Kentucky, 147 U. S., 47, 59; Allen *v.* Pullman Co., 191 U. S., 171, 179, 180.) Moreover, it is a direct object; it is that for the sake of which the several specific acts and courses of conduct are done and adopted. Therefore the case is not like United States *v.* E. C. Knight Co. (156 U. S., 1), where the subject-matter of the combination was manufacture and the direct object monopoly of manufacture within a State. However likely monopoly of commerce among the States in the article manufactured was to follow from the agreement, it was not a necessary consequence nor a primary end. Here the subject-matter is sales and the very point of the combination is to restrain and monopolize commerce among the States in respect of such sales. The two cases are near to each other, as sooner or later always must happen where lines are to be drawn, but the line between them is distinct. (Montague *v.* Lowry, 193 U. S., 38.)

So, again, the line is distinct between this case and Hopkins *v.* United States. (171 U. S., 578.) All that was decided there was that the local business of commission merchants was not commerce among the States, even if what the brokers were employed to sell was an object of such commerce. The brokers were not like the defendants before us, themselves the buyers and sellers. They only furnished certain facilities for the sales. Therefore, there again the effects of the combination of brokers upon the commerce was only indirect and not within the act. Whether the case would have been different if the combination had resulted in exorbitant charges was left open. In Anderson *v.* United States (171 U. S., 604) the defendants were buyers and sellers at the stock yards, but their agreement was merely not to employ brokers or to recognize yard traders who were not members of their association. Any yard trader could become a member of the association on complying with the conditions, and there was said to be no feature of monopoly in the case. It was held that the combination did not directly regulate commerce between the States, and, being formed with a different intent, was not within the act. The present case is more like Montague *v.* Lowry. (193 U. S., 38.)

For the foregoing reasons we are of opinion that the carrying out of the scheme alleged by the means set forth properly may be enjoined and that the bill can not be dismissed.

So far it has not been necessary to consider whether the facts charged in any single paragraph constitute commerce among the States or show an interference with it. There can be no doubt, we apprehend, as to the collective effect of all the facts, if true, and if the defendants entertain the intent alleged. We pass now to the particulars, and will consider the corresponding parts of the injunction at the same time. The first question arises on the sixth section. That charges a combination of independent dealers to restrict the competition of their agents when purchasing stock for them in the stock yards. The purchasers and their slaughtering establishments are largely in different States from those of the stock yards, and the sellers of the cattle, perhaps it is not too much to assume, largely in different States from either. The intent of the combination is not merely to restrict competition among the parties, but, as we have said, by force of the general allegation at the end of the bill, to aid in an attempt to monopolize commerce among the States.

It is said that this charge is too vague and that it does not set forth a case of commerce among the States. Taking up the latter objection first, commerce among the States is not a technical legal conception, but a practical one, drawn from the course of business. When cattle are sent for sale from a place in one State, with the expectation that they will end their transit, after purchase, in another, and when in effect they do so, with only the interruption necessary to find a purchaser at the stock yards, and when this is a typical, constantly recurring course, the current thus existing is a current of commerce among the States, and the purchase of the cattle is a part and incident of such commerce. What we say is true at least of such a purchase by residents in another State from that of the seller and of the cattle. And we need not trouble ourselves at this time as to whether the statute could be escaped by any arrangement as to the place where the sale in point of law is consummated. (See Norfolk and Western Railway *v.* Sims, 191 U. S., 441.) But the sixth section of the bill charges an interference with such sales, a restraint of the parties by mutual contract, and a combination not to compete in order to monopolize. It is immaterial if the section also embraces domestic transactions.

It should be added that the cattle in the stock yard are not at rest even to the extent that was held sufficient to warrant taxation in American Steel and Wire Company *v.* Speed (192 U. S., 500). But it may be that the question of taxation does not depend upon whether the article taxed may or may not be said to be in the course of commerce between the States, but depends upon whether the tax so far affects that commerce as to amount to a regulation of it. The injunction against taking part in a combination, the effect of which will be a restraint of trade among the States, by directing the defendants' agents to refrain from bidding against one another at the sales of live stock, is justified so far as the subject-matter is concerned.

The injunction, however, refers not to trade among the States in cattle, concerning which there can be no question of original packages, but to trade in fresh meats, as the trade forbidden to be restrained, and it is objected that the trade in fresh meats described in the second and third sections of the bill is not commerce among the States, because the meat is sold at the slaughtering places, or when sold elsewhere may be sold in less than the original packages. But the allegations of the second section, even if they import a technical passing of title at the slaughtering places, also import that the sales are to persons in other States and that the shipments to other States are part of the transaction—"pursuant to such sales"—and the third section imports that the same things which are sent to agents are sold by them, and sufficiently indicates that some, at least, of the sales are of the original packages. Moreover, the sales are by persons in one State to persons in another. But we do not mean to imply that the rule which marks the point at which State taxation or regulation becomes permissible necessarily is beyond the scope of interference by Congress in cases where such interference is deemed necessary for the protection of commerce among the States. Nor do we mean to intimate that the statute under consideration is limited to that point. Beyond what we have said above, we leave those questions as we find them. They were touched upon in the Northern Securities Company's case (193 U. S., 197).

We are of opinion, further, that the charge in the sixth section is not too vague. The charge is not of a single agreement, but of a course of conduct intended to be continued. Under the act it is the duty of the court, when applied to, to stop the conduct. The thing done and intended to be done is perfectly definite, with the purpose mentioned, directing the defendants' agents and inducing each other to refrain from competition in bids. The defendants can not be ordered to compete, but they properly can be forbidden to give directions or to make agreements not to compete. (See Addyston Pipe and Steel Co. *v.* United States, 175 U. S., 211.) The injunction follows the charge. No objection was made on the ground that it is not confined to the places specified in the bill. It seems to us, however, that it ought to set forth more exactly the transactions in which such directions and agreements are forbidden. The trade in fresh meat referred to should be defined somewhat as it is in the bill, and the sales of stock should be confined to sales of stock at the stock yards named, which stock is sent from other States to the stock yards for sale or is bought at those yards for transport to another State.

After what we have said, the seventh, eighth, and ninth sections need no special remark, except that the cartage referred to in section nine is not an independent matter, such as was dealt with in Pennsylvania Railroad *v.* Knight 192 U. S., 21), but a part of the contemplated transit—cartage for delivery of the goods. The general words of the injunction "or by any other method or device, the purpose and effect of which is to restrain commerce as aforesaid," should be stricken out. The defendants ought to be informed as accurately as the case permits what they are forbidden to do. Specific devices are mentioned in the bill, and they stand prohibited. The words quoted are a sweeping injunction to obey the law, and are open to the objection which we stated at the beginning that it was our duty to avoid. To the same end of definiteness, so far as attainable, the words "as charged in the bill," should be inserted between "dealers in such meats" and "the effect of which rules," and two lines lower, as to charges for cartage, the same words should be inserted between "dealers and consumers" and "the effect of which."

The acts charged in the tenth section, apart from the combination and the intent, may, perhaps, not necessarily be unlawful, except for the adjective which proclaims them so. At least we may assume, for purposes of decision, that they are not unlawful. The defendants severally lawfully may obtain less than the regular rates for transportation if the circumstances are not substantially similar to those for which the regular rates are fixed. (Act of Feb. 4, 1887, chap. 104, sec. 2, 24 Stat., 379.) It may be that the regular rates are fixed for carriage in cars furnished by the railroad companies, and that the defendants furnish their own cars and other necessities of transportation. We see nothing to hinder them from combining to that end. We agree, as we already have said, that such a combination may be unlawful as part of the general scheme set forth in the bill, and that this scheme as a whole might be enjoined. Whether this particular combination can be enjoined, as it is, apart from its connection with the other elements, if entered into with the intent to monopolize, as alleged, is a more delicate question. The question is how it would stand if the tenth section were the whole bill. Not every act that may be done with intent to produce an unlawful result is unlawful or constitutes an attempt. It is a question of proximity and degree. The distinction between mere preparation and attempt is well known in the criminal law. (Commonwealth *v.* Peaslee, 177 Mass., 267, 272.) The same distinction is recognized in cases like the present. (United States *v.* E. C. Knight Co., 156 U. S., 1, 13; Kidd *v.* Pearson, 128 U. S., 1, 23, 24.) We are of opinion, however, that such a combination is within the meaning of the statute. It is obvious that no more powerful instrument of monopoly could be used than an advantage in the cost of transportation. And even if the advantage is one which the act of 1887 permits, which is denied, perhaps inadequately, by the adjective "unlawful," still a combination to use it for the purpose prohibited by the act of 1890 justifies the adjective and takes the permission away.

It only remains to add that the foregoing question does not apply to the earlier sections, which charge direct restraints of trade within the decisions of the court, and that the criticism of the decree, as if it ran generally against combinations in restraint of trade or to monopolize trade, ceases to have any force when the clause against "any other method or device" is stricken out. So modified it restrains such combinations only to the extent of certain specified devices, which the defendants are alleged to have used and intend to continue to use.

Decree modified and affirmed.

Mr. CROMER. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the chairman of the committee. I understood the gentleman to state that there was nothing new in this except the provision for seven inspectors in the lowest grade. Am I correct in that?

Mr. OVERSTREET. Oh, yes; we reduce the amount of the

usual appropriation carried for rewards. The usual amount carried for rewards, I think, has been $25,000, and we make that appropriation $15,000. In recent years that appropriation has not all been used. It is in the nature of an insurance fund, anyhow. That is to say, you never know just how much will be used. In view of the small expenditure as compared with the total, the committee felt warranted in making the reduction. My colleague [Mr. STAFFORD] calls my attention to the fact that in the clerks of the offices at the division headquarters there is a change, and I correct that statement. We appropriated for the current fiscal year $85,000. The Department felt last year that we had unnecessarily cut that item and wanted more. They made an estimate last year of $97,000. We appropriated $85,000. This year their estimate is $112,000, and we made it $100,000.

Mr. STEENERSON. As I understand it, the amendment has nothing new in it. Now, what is the object of explaining the provisions in the bill at this time? The gentleman is going into the merits of the provisions of the bill, whereas the only point is whether we shall substitute this provision in the bill in another place. I do not think it is a proper time to discuss the merits.

Mr. OVERSTREET. I was answering questions of other gentlemen.

Mr. STEENERSON. I think the gentleman misunderstood your proposition. There is no change in the words of the amendment as printed in the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

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

The Clerk, proceeding with the reading of the bill, read as follows:

Salary and allowance division: For compensation to assistant postmasters at first and second class post-offices: Two, at $3,500 each; 25, at $3,000 each; 5, at $2,500 each; 2, at $2,500 each; 12, at $1,900 each; 20, at $1,800 each; 55, at $1,700 each; 100, at $1,600 each; 90, at $1,500 each; 100, at $1,400 each; 210, at $1,300 each; 350, at $1,200 each; 340, at $1,100 each; 275, at $1,000 each; 40, at $900 each; 40, at $800 each; and 40, at $700 each; in all, $2,123,800.

Mr. OVERSTREET. Mr. Chairman, I move to strike out the words "salary and allowance division." I think they are superfluous and unnecessary.

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

The Clerk read as follows:

For compensation to clerks in first and second class post-offices, $21,000,000.

Mr. OVERSTREET. Mr. Chairman, in line 21 I move to strike out the words "twenty-one million dollars," and put a period after the word "offices." That is superfluous language, because the total amount is carried at the close of that item.

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

The Clerk, proceeding with the reading of the bill, read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, printers, private secretaries, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 1,735, at not exceeding $1,200 each.

Mr. WILSON of Illinois. Mr. Chairman, I move to strike out the word "thirty-five," in line 13, on page 7, and insert instead thereof the word "ninety-five."

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

The Clerk read as follows:

On page 7, line 13, strike out the word "thirty-five" and insert the word "ninety-five;" so that it will read: "1,795, at not exceeding $1,200 each."

Mr. WILSON of Illinois. Mr. Chairman, in this bill they have provided for an increase of salaries of ninety-eight clerks in this grade. In that grade there are 1,637 scattered through something like 1,536 offices over the country. The Post-Office Department in its report made by the First Assistant Postmaster-General recommended that there be 406 clerks in this grade increased from their present salary of $1,100 per year to $1,200. I desire to state that these clerks in this grade are, as a whole, a splendid class of clerks, men of intelligence, integrity, capability, and education, who take great pains in their work, carried on from year to year, and if they would devote the same time and energy in a commercial line they would be much better off physically, financially, and mentally.

Mr. OVERSTREET. May I interrupt the gentleman?

Mr. WILSON of Illinois. Certainly.

Mr. OVERSTREET. Is it the purpose of this amendment to simply enable a larger number of promotions in that grade?

Mr. WILSON of Illinois. It is.

Mr. OVERSTREET. For promotion purposes only?

Mr. WILSON of Illinois. It is for the purpose of carrying out as nearly as possible the recommendations of the Postmaster-General to the committee. The number of ninety-eight, who will receive an increase of salary this year, is entirely too small. The men who have been in that Department in that grade for years, working along, have no chance to secure a higher or better position. They have no chance to improve their time in any other manner. They are kept on this one job all the time, year after year, learning one scheme after another until they may have learned possibly eight to ten different schemes, which may include every county, town, railroad, and route in the various States. There is no question about the office at Chicago, at any rate; there are many men in this grade who have been without an increase of salary from one to ten and twenty years, and it seems to me it is about time that the clerks in the Post-Office Department in the first and second classes are taken care of and better looked after by this committee.

You will notice in the other grades as you go down in this bill that small increases are provided for. In the next grade there are only 58 provided for out of the total of 1,612 and the Department asks for 790. In the $900 grade the bill provides for only 119 and the Department asks for 948. There are 2,700 in that grade. In the following grade, the $800 grade, there are 639 increases provided for in the bill out of 3,596, and the Department asks that 1,541 should be increased. In the $700 grade this bill provides for 847 out of 3,308, and the Department asks that 1,651 shall be increased.

There is no question in my mind but the salary of the post-office clerks located in Chicago, New York, Philadelphia, and other large offices, who receive salaries from six to nine hundred dollars, is altogether too small. They are kept at that salary from five to six and seven years. Many of them you will find are married, with large families to educate and support. The expense of living is much higher in those cities than elsewhere, and it seems almost impossible to get a good class of men to enter the post-office service and remain at such compensation, and if you keep up this stingy spirit it will not be long until you have crippled the service to such an extent that instead of the United States post-office service being the best in the world it will be of a second-class standard. We should legislate in such a manner that the young men of character, education, and ability should continue as they now are in the service and give the public value received for every dollar expended in their behalf.

Mr. OVERSTREET. Mr. Chairman, the gentleman offering the amendment admits that it is offered for the sole purpose of permitting a larger number of increases of salaries of this particular grade of the $1,200 class. If the committee wants to begin at this point of the bill to increase the salaries of the employees in the Department, it will have that opportunity in this amendment. If this amendment shall prevail, other amendments will, of course, follow for increases of salaries in the other grades or classes of employment over and above what the Committee on the Post-Office and Post-Roads has recommended. I appreciate that it is always more popular to advocate increases of salaries than it is to oppose them. I realize that Members are imbued with a high motive for the purpose of increasing the advantages of their constituents by giving them larger salaries from the Treasury; but we have undertaken in this bill to provide for the proper and complete administration of the service, without holding our eyes singly to the importance of increasing the salaries of employees.

We have provided for ninety-eight increases in this particular class and the other increases as the gentleman indicated in the figures which he submitted. We are opposed, and I believe this committee is opposed, to appropriating money now solely for the purpose of increasing the salaries of these postal employees. This bill carries every single additional clerk asked for by the Department for the administration of the service. We have not reduced the number by a single clerk. We believe in giving enough in numbers for the full, complete, and proper administration of the service, but we do hew to the line on the question of appropriating solely for the increase of salaries. We have distributed these employees according to the facts as they exist to-day in the several offices of the country, not increasing the number of clerks in the different grades nor changing in a single instance the designation or title of the clerk until we have reached the grade of the $1,200 clerk, and there we begin to distribute the different clerks of an additional number asked for by the Department.

We put ninety-eight in the class of the $1,200 grade, which would of course permit an increase in the salaries of ninety-eight of the $1,100 class. We provide fifty-eight additional in the $1,100 class, which will admit of the promotion of that

many from the $1,000 class, and we do provide an increase of salary for approximately 45 per cent of all the clerks now employed at $600, an increase of salary for 45 per cent of those receiving $700 to $800, of 10 per cent of those receiving $800 to $900, and 6 per cent of those receiving $1,000 to $1,100. If, however, this committee feels disposed, out of the magnanimity of the cry to which they heed from their constituents, to appropriate money solely for the purpose of increasing the salaries, then the responsibility rests with it and not with the Committee on the Post-Office and Post-Roads, which had been actuated in its desire for a proper administration of the service, without increasing the salaries beyond what they now are except in the lower grades of the service. Mr. Chairman, I ask for a vote upon the amendment.

Mr. MANN rose.

Mr. OVERSTREET. Mr. Chairman, I ask that the debate close on this item in five minutes.

Mr. COWHERD. Mr. Chairman, I would like to say a few words about this.

Mr. OVERSTREET. Then I ask that it close in ten minutes.

Mr. MANN. I hope the gentleman will not make that request. It will not expedite the matter, because the next paragraph will afford an opportunity to move to strike out the last word.

Mr. OVERSTREET. Then I withhold the request for a moment.

Mr. MANN. Mr. Chairman, the increase in salaries and promotions is not designed as a special benefit to the clerks, but to the service. I desire to call the attention of the committee to some of the difficulties with which clerks are confronted because of the rules and the law adopted for the Post-Office Department. I hold in my hand a photograph of a money order drawn in the city of Chicago which cost the money-order clerk who paid it $60, out of the pocket of the clerk, not through any fault of the clerk, but through the fault of the law, of the regulations of the Post-Office Department—faults which the gentleman from Indiana [Mr. OVERSTREET] would willingly correct and which he has the power to correct. A money order drawn in the country by the postmaster of one town against the postmaster of another town is easily protected, because when the postmaster of the drawing order draws that he also draws an advice, which he sends to the office upon which the order is drawn. That is not the case, however, in the city of Chicago or the other cities. There are hundreds of substations in Chicago which draw money orders and which pay money orders. Only one advice is drawn. That advice is sent to the main office, but the money orders are not paid at the main office.

Mr. GARDNER of New Jersey. If I understand the gentleman, he does not mean to suggest that the proper legislation to reimburse the clerk for an error in reference to money orders is by the increase of the salary of all clerks.

Mr. MANN. Inasmuch as it is within your power to correct these things, I am showing now that if you want to put upon the clerks the responsibilities of meeting these losses against which they can not protect themselves they ought to be paid reasonable salaries.

Mr. GARDNER of New Jersey. Very well; let the gentleman draw his bill.

Mr. MANN. Now, Mr. Chairman, a money order drawn in the city of Chicago is drawn against the main post-office. The advice is communicated to the postmaster at the main office, but the owner of the order can take the order to any subpostal station or to any postal station and demand payment. If any of you have gone to a city and drawn a money order at any time you know there are certain forms of identification required. In the case which I have before me now a woman had an order drawn in her favor for $6 at Station 202, Chicago. The advice was sent to the main post-office, as is always the case. The lady who owned the order lost it in connection with her bag containing a large number of letters addressed to her. The person finding the order raised it from $6 to $60, which you ought to provide against, and presented it to the money-order clerk at Armour postal station, with all the letters in her name, with her cards, with all the data which are usually considered necessary for identification, and the money-order clerk to whom it was presented paid not $6, but $60.

Now, we have heard a good deal about the Government controlling the various utilities, and yet we have a Post-Office Department which is so far behind the times in controlling its own business that it never has yet provided, nor has the Committee on Post-Office and Post-Roads recommended that there be provided, proper stamping machines so that across this order might have been stamped "Not to exceed $10;" or not to exceed, in other cases, twenty or thirty dollars. There is not an express company in the land that issues orders that would not have protected itself in this way. There is not a bank draft that would be drawn that would not be protected in this way, and yet you require the money-order clerks in these cities to pay these money orders, which may be lost and brought to them, which can be raised from $6, as it was in this case, to $60, and I defy any person in this House to examine that money order, or the photographic copy of it, and detect that is raised at all, and the only way it was ascertained——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to speak for two minutes more. Is there objection? [After a pause.] The Chair hears none, and the gentleman is recognized for two minutes.

Mr. MANN. Nobody could tell that money order was raised, and you refuse to make provision for preventing such occurrences in the future.

Mr. OVERSTREET. Mr. Chairman, may I ask my friend whether or not this amendment now pending to increase salaries will cure that defect?

Mr. MANN. If the gentleman from Indiana will permit, I am taking occasion to call his attention to a defect which he can cure. I know that this amendment will not prevail, but it is no reason why the gentleman should shrink from receiving information. I know he does not shrink from it; I know he welcomes these propositions——

Mr. GARDNER of New Jersey. If nobody can tell that order has been raised, what evidence is there that it was not originally a mistake of the clerk issuing it?

Mr. MANN. The gentleman has been so long connected with the Post-Office Department that the least of the gray matter in his large head, which is filled with gray matter, would answer the question. Nobody knew that the money order was raised until after it was paid and sent to the main office. The very fact that the original advice, which never was in possession of the clerk who paid it, but was originally in possession of the main office——

Mr. GARDNER of New Jersey. As a lawyer, do you receive that as conclusive evidence that the original mistake was not made in the order itself?

Mr. MANN. Well, as a lawyer I would presume that would put persons upon inquiry. At least, in this case it was a raised order. It is the duty of the gentleman, and I believe he endeavors to perform his duty, to correct this evil in the Post-Office Department. It would be an easy matter for the Post-Office Department to furnish——

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

Mr. COWHERD. That the committee may understand the proposition before the House, I want to suggest that it is on a motion of the gentleman from Illinois [Mr. WILSON] to raise the pay of a certain class of clerks. If I rightly understood the argument of my friend from Illinois [Mr. MANN] who has just taken his seat, his argument is on a proposition to purchase stamping machines for money-order offices. I do not see the relation of one as to the other. Now, this proposition of the pay of clerks or the promotion of clerks is a very important one.

Mr. MANN. The gentleman from Missouri [Mr. COWHERD] will pardon me. I suppose the gentleman could see the relation of the loss of clerks at $60 without any effect upon the salary of the clerk. If the gentleman had lost the $60 doubtless he could see the relation easier, I presume.

Mr. COWHERD. The gentleman from Illinois [Mr. MANN] will hardly suggest that the committee ought to raise the salaries of clerks to the point where they could afford to pay all losses that may happen in the money-order business of the United States?

Mr. MANN. The gentleman from Illinois has not proposed a raise of salaries.

Mr. COWHERD. The gentleman from Missouri does not propose a raise in salaries. Unless the gentleman from Illinois [Mr. MANN] can tell us what clerks are going to make a mistake during the next year, you can not tell what clerks to raise the salaries of.

Mr. MANN. You can tell which clerk to raise the salary of in order to correct this particular mistake.

Mr. COWHERD. Yes; but not next time.

Mr. WILSON of Illinois. Is it not time enough to ask in the next appropriation bill for whatever may be lost?

Mr. COWHERD. That has got nothing to do with the gentleman's proposition to raise the salaries of clerks. I am asking the House to consider the gentleman's amendment on its merits, and not interject a proposition concerning some clerk who lost money on account of a forged money order into what is a very important question.

Now, Mr. Chairman, I hope the House will consider this matter seriously, for I think it is one of the very important propositions that comes before the Post-Office Committee, and it comes year after year. Every four years the clerks of all the various branches, like all other men in the postal service, made an effort for an increase of salary, and your committee recognized that the salaries then were too low. They did not believe it was best to pass what was called the "classification bill," which would have taken out of the Treasury in a lump sum a very large amount of money, and would have fixed a rigid classification for all the clerks in all the offices. Therefore we proceeded to raise these salaries by a provision that increased the number of clerks in the higher salaried positions. Mr. Chairman, I want this House to remember that for four years we have given an increase every year to 50 per cent of the men in the first and second class offices, that 41,000 promotions have been made in the first and second class offices of clerks' salaries in four years—and that in a service that then consisted of only 12,000 men, and to which we have added in that time more than 11,000 new clerks in addition to these promotions.

Now, gentlemen come here year after year and say that notwithstanding what this committee is doing we are not doing enough for the clerks. The Department heads come in and say that we must have continual promotions all along the line in order that we may have good service and that we may have something there to tempt the ambition of men to stay in the service.

Now, Mr. Chairman, I appeal to you, sir, to know whether there is any business in the United States, or whether there is any other government service under the sun, where you have to promote a large proportion of the men every year in the service and will have to do so as long as the government lasts? If there is, where will you stop and when will the charge on the Treasury and on the pockets of the people cease?

Mr. BAKER. Will the gentleman from Missouri [Mr. COWHERD] yield?

The CHAIRMAN. The time of the gentleman from Missouri [Mr. COWHERD] has expired.

Mr. COWHERD. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Missouri [Mr. COWHERD] asks unanimous consent that he may proceed for five minutes longer. Is there objection?

There was no objection.

Mr. BAKER. In view of the fact, Mr. Chairman, that the policies on the other side of the Chamber have resulted during these four years and during the preceding three years in an increase in the cost of living, according to Dun's Review, of 41 per cent from July, 1897, to March, 1904, does the gentleman think these people are getting too much?

Mr. COWHERD. Mr. Chairman, I am not discussing now a question of politics, but of business.

Mr. BAKER. But this is business.

Mr. COWHERD. And I decline to inject into it any proposition of politics. [Loud applause.]

Mr. BAKER. But the cost of living has increased, and these people thereby suffer.

Mr. COWHERD. Now, Mr. Chairman, the Department comes before your committee this year, when they have on the rolls of the first and second class offices 25,410 men—they come before the committee, as the gentleman from Illinois [Mr. MANN] has suggested, and ask for the promotion of 8,430 of these 25,000 clerks. We gave them last year promotion of 25 per cent. As I say, during the last four years we have given them an average promotion of 50 per cent of the men in the service. I believe, Mr. Chairman, that the men drawing the lower salaries ought to be promoted, not at once. I believe that when the lower grades of these men enter the service and when they have been there long enough to become efficient clerks, they should have an opportunity for promotion; but I believe that when a man reaches the place where he draws $1,200, $1,300, or $1,400 a year and more for clerical service he is getting a fair compensation. I do not believe that in order to tempt his ambition to good service we have got to continue to promote him as long as he chooses to stay in the service.

Now, I submit to the House, in view of the condition of the revenue, in view of the fact that our attention has been called to the condition of the Treasury, that when this committee comes and gives to the Department every solitary clerk that it asks for in first and second class offices, and when it gives promotion of 45 per cent to the clerks in the lower classes and appropriates over $300,000 in these items for promotion purposes alone, that it has done its full duty by the clerks, considering the condition of the country and the Treasury, and that the House ought to stand by the committee. [Loud applause.]

Mr. WILSON of Illinois. Mr. Chairman, the report of the First Assistant Postmaster-General was before the committee, and I wish to read what he has to say:

For the current fiscal year the appropriation is $19,995,700, segregated into grades from 100 to 3,200, providing for 25,410 clerks. This appropriation allowed of the promotion on July 1, 1904, of about 5,000 clerks, or less than 25 per cent of the entire number.

It was too small. The Department has stated that the appropriation last year of $500,000 was too small, and this year we only appropriate $300,000 for promotion of 3,000 clerks out of 25,000. And if $500,000 is too small, there can be no question but $300,000 is too small for that purpose.

Mr. COWHERD. If the gentleman will permit me. The gentleman understands that it is too small simply on account of the Department's theory that you should have a certain percentage of promotions every year. They say 33⅓ per cent of all the men in the service.

Mr. WILSON of Illinois. They believe in encouraging these men who enter the service and learn their schemes in order to do their work efficiently and well, working from eight to ten and twelve and one-half hours every night or day. They have no time for themselves; they have no time for other employment or enjoyment, and a very large amount of their work is done at night. Nearly 80 per cent of the work at the large post-offices, such as Chicago and New York, is performed at night. In some of the departments they have a slight variance, changing so they will get one week day work out of three months' night work. So I say that when the Department advises the committee that $500,000 is too small, there should be no doubt in their mind that $300,000 is too small, and the committee should have acted accordingly and increased the appropriation for promotion purposes instead of decreasing it, as I believe the Department knows better what they want than this committee. Why is it that the assistant postmasters are given a much larger increase than is given to the clerks of the first and second class offices? You have appropriated an increase of $86,000 for 1,600 of them. In other words, you have appropriated nearly one-third as much for 1,600 men as you have for 25,000. I have no doubt but the 1,600 need it and deserve it and more, but I do think you have wronged the clerks, and you should agree to this and the estimate of the First Assistant Postmaster-General.

Mr. BAKER. Mr. Chairman, I can not agree with my friend from Missouri [Mr. COWHERD] that there should be no politics injected into this matter. I can not conceive of anything transpiring in this House which has no politics in it. Politics affects all these bills, and therefore it is very proper, although, of course, slightly inconsistent, he having voted for the policies which raise the cost of living, for the gentleman from Chicago to ask for an increase of these salaries, as we know that as a result of Republican policies the increased cost of living, according to Dun's Review, on 200 staple articles, from the 1st day of July, 1897, to the 1st day of March, 1904, was 41 per cent. Surely the men who are in the Government service, and who, presumably, have no other means of getting return for their labor—surely if their expenses of living have been increased by the Republican party 41 per cent as the result of the policies of that party it is a very modest proposition of the gentleman from Illinois [Mr. MANN], speaking for them, to say: "Give them a small increase, so they can pay part of the increased cost of living." But, of course, as a Republican he is careful not to put it on any such ground.

As I understand, the sum of $300,000 is appropriated for 25,000 clerks. What an enormous increase—$12 each—to pay for an increased cost of living of 41 per cent.

If I had been the chairman of the Democratic Congressional committee during the last campaign, I would have rung the changes on that in every hamlet of the United States, and I do not think you would have had quite so large a Republican plurality. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. WILSON].

The amendment was rejected.

The Clerk read as follows:

Clerks, clerks in charge of stations, janitors, laborers, messengers, porters, and watchmen, 800, at not exceeding $500 each.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the chairman of the Committee on the Post-Office and Post-Roads.

Mr. Chairman, in the legislative bill which we recently passed, appropriating for clerks for the Departments, there was a provision increasing by thirty-three the number of clerks to the Civil Service Commission for what was designated the field service. It develops that thirty-three clerks now doing that work are now transferred from post-offices at Chicago and other parts of the

country for the use of the Civil Service Commission. That Commission very properly desires to have its own clerks to attend to its own business. I understand that in the Senate a provision has been put into the legislative bill to that effect. It was in the bill as reported to the House, but it went out on a point of order. What I should like to ask the gentleman from Indiana [Mr. OVERSTREET], chairman of the Committee on the Post-Office and Post-Roads, is whether in this total of $21,000,000 there has been made any deduction because of the fact that thirty-three clerks in post-offices throughout the country, now serving the Civil Service Commission, will be relieved from duty there and be at liberty to resume their places in the various post-offices from which they were assigned, or whether we shall have all the clerks in the other branches that we now have and thirty-three additional clerks to the Civil Service Commission?

Mr. OVERSTREET. Mr. Chairman, I can only answer the gentleman from Pennsylvania in this way: These several groupings of clerks by the grades of salary were made in consultation with the Post-Office Department officials, and the actual number of clerks, as in actual service in those several offices, are used in these several groups, and no more, excepting groups where we seek to increase the number of clerks for the additional service.

There has been no official statement made to us of any changes since this statement was prepared. I will ask the gentleman from Pennsylvania to indicate a single clerk who has been paid from this appropriation who will now be paid from the appropriation on the legislative bill.

Mr. OLMSTED. There were thirty-three clerks who have heretofore been paid for in this bill, and who, I think, will still be paid for in this bill; but the number of clerks of the Civil Service Commission will be increased by thirty-three, because the Commission desires to have clerks under its own employment instead of those who have heretofore been assigned from post-offices in different parts of the country. If no deduction is made in this bill and thirty-three clerks are added in the sundry civil bill, the Government will have just that many more clerks.

Mr. OVERSTREET. I will state that I inquired of the member of the Committee on Appropriations having charge of the legislative bill to know what clerks, if any, carried in the post-office appropriation bill had been, by the legislative bill, changed to that appropriation, and the only statement I have from him is with reference to a number of clerks who heretofore have been carried on this bill in the stamp and postal-card agencies. I have an amendment on the desk to offer when these items are reached to strike out those clerks. It does not aggregate thirty-three, but I have undertaken to strike from this bill all of the clerks who will hereafter be taken care of by the legislative appropriation bill, as I have learned from the Committee on Appropriations.

Mr. STAFFORD. Mr. Chairman, perhaps I may be able to give the gentleman from Pennsylvania [Mr. OLMSTED] some information on the query that he puts to the chairman of the committee.

In the report of the First Assistant Postmaster-General, on page 11, the subject of detailing postal clerks and clerks connected with the Customs and Internal-Revenue Service for work on district civil service boards is referred to. It seems that of the number of postal clerks detailed on district civil service boards from the Post-Office Department, as there stated, has heretofore been twenty, with salaries aggregating $22,600.

The remainder, I take it, if there have been thirty-three, have been detailed from customs service, internal-revenue service, and other departments in the service of the Government. Of course, if they are to be provided for in the legislative bill, continued provision for them in this bill will do no harm to the service, because they will be required to give their entire time and attention to postal work, part of which under the present arrangement is occupied with these outside duties.

Mr. LIVINGSTON. Mr. Chairman, my recollection is that the Appropriation Committee left it to the Post-Office Committee to take care of these clerks that had been formerly detailed from the Post-Office Department to the Civil Service Commission. We did not provide for those left in the Interior Department, and therefore, when it went to the Senate, the Senate put them back on the legislative bill, for the reason that we had not provided for them in detail hither and thither where they belong. Now, if the Post-Office Department does not take care of the number, whether thirty-three or twenty-three in that bill, they will be left out in the cold.

Mr. OVERSTREET. If the gentleman from Georgia has grasped the question of the gentleman from Pennsylvania [Mr. OLMSTED] he will see that the gentleman from Pennsylvania is worrying for fear that we have taken care of somebody already taken care of by the Appropriation Committee. We are not leaving out in the cold any of these clerks.

Mr. LIVINGSTON. My answer is I do not recollect that we cared for one of them, but left it all for the Post-Office Committee.

Mr. OVERSTREET. I know that I called on the subcommittee, having charge of the legislative appropriation bill, to advise me what number of clerks heretofore carried on the post-office appropriation bill hereafter would be taken care of by the legislative bill. All of the clerks which they indicated had been taken care of I propose to take from this bill when the proper item shall be reached.

Mr. OLMSTED. I think, perhaps, my purpose in rising has been misunderstood. I have no fault to find with this bill. The sundry civil bill gave fifty-six new clerks to the Civil Service Commission, of which thirty-three were in the field service and twenty-three in rural free-delivery examinations. I raised a point of order against these provisions, and they went out. Subsequently I found that I was probably mistaken; as to the twenty-three clerks in the rural free delivery, I supposed they were clerks assigned from post-offices to hold examinations, but I find that they are clerks assigned from various Departments in Washington to perform services here in this city; and I am advised that the number of clerks in the other Departments have been, or will be, reduced accordingly, and the clerks now temporarily assigned will go permanently to the Civil Service Commission, without increasing the total of Government employees so far as the twenty-three are concerned. I am entirely in harmony and sympathy with the desire of the Civil Service Commission to have its own clerks; but in giving them to the Commission we of course must not unnecessarily increase the aggregate of clerks. In other words, we should not transfer them and then provide for just as many in the other Departments.

I find that the thirty-three new clerks provided for originally in the sundry civil bill for field service (not rural free delivery) and put back into that bill in the Senate are not clerks transferred from the Departments in Washington, but from various post-offices and custom-houses throughout the country. They have been giving their whole time to the Civil Service Commission. What I desired to ascertain was whether, if we adopt the amendment of the Senate to the sundry civil bill and give the Civil Service Commission these thirty-three clerks, we are not really adding thirty-three new clerks to the Government service unnecessarily.

I do not know that that need affect this bill at this time. The chairman of the committee states that they have not yet deducted any of these thirty-three clerks. It may be time to take that into consideration when, if at all, the amendment goes into effect upon the sundry civil bill. My purpose was to ascertain whether there was any deduction of the thirty-three clerks, and consequently, if we had them in the sundry civil bill for the Civil Service Commission, we should not be making thirty-three new places. I understand, or infer from the remarks of the gentleman in charge of this bill, that if they are finally added in the sundry civil bill a corresponding reduction will be made in this bill, and with that I am quite satisfied.

The Clerk, proceeding with the reading of the bill, read as follows:

Provided, That hereafter when any employees in the classes above designated are absent from duty for any cause, other than the fifteen days' annual leave with pay allowed by law, the Postmaster-General, under such regulations as he may prescribe, may authorize the employment of substitutes for such work and payment therefor from the lapsed salaries of such absent employees, which are hereby made available for such purpose.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment: Strike out the proviso and insert what I send to the Clerk's desk.

Mr. LIVINGSTON. Mr. Chairman, I reserve the point of order on the last paragraph.

The Clerk read as follows:

Strike out lines 7 to 14, both inclusive, on page 9, and insert in lieu thereof the following:

"That hereafter when any clerk in post-offices of the first or second class, or in the Railway Mail Service, or any letter carrier in the city free-delivery service is absent from duty for any cause other than the fifteen days' annual leave with pay allowed by law the Postmaster-General, under such regulations as he may prescribe, may authorize the employment of a substitute for such work and payment therefor from the lapsed salary of such absent clerk or letter carrier at a rate not to exceed the pay of the grade of work performed by such substitute."

Mr. OVERSTREET. Mr. Chairman, I confess the point of order, if it be insisted upon, would lie against this amendment, but I hope the gentleman from Georgia [Mr. LIVINGSTON] will hear an explanation of the provision.

Mr. LIVINGSTON. Does that provide for contingencies in the way of sicknesses and other providential causes?

Mr. OVERSTREET. The point is this: The practice under the law which has been operative for a number of years is that any clerk, either in the office, of the first and second class, or in the Railway Mail Service, or in the free-delivery service of the cities, is entitled to a fixed salary, and in addition to his salary he is granted fifteen days' leave on pay. The gentleman will appreciate that very frequently clerks, on account of sickness, on account of voluntary requests to be relieved from duty without pay, after they have received their fifteen days' pay, are absent from the service. There are many such cases. The clerk may be under suspension—pending an investigation, for instance.

This provides that when such an emergency exists the lapsed salary of any such clerk may be utilized rather than to be covered into the Treasury, and the service of the Government lost during the period of the absence of the clerk. The practice grew to be, under these emergencies, of allowing the substitute who took the place of such an absent clerk or carrier to sign the roll and draw the salary of the absent clerk or carrier. The Comptroller of the Treasury very properly held that that was in violation of law, because one clerk or employee can not sign a receipt for the salary or pay of another. Then the practice grew up of the clerk who was not discharging the duty signing the roll, but the substitute receiving the money. The Comptroller again very properly held that that was in violation of law; that one person could not receive money for which another executed the receipt.

Therefore the situation was this, that if an emergency arose whereby any one of these several employees, having obtained his leave of absence of fifteen days with pay, for any cause was absent from duty and had no way of performing the service, though the Government needed it, there was no fund from which to pay for that service of a substitute, and the lapsed salary of such absent employee would be covered into the Treasury. This proviso seeks to remedy that situation and provides that whenever any such clerk or employee is absent for any such cause other than his fifteen days' leave with pay whatever salary he is entitled to may be utilized for the substitute who actually performed the services.

Mr. LIVINGSTON. Does the gentleman's amendment cover fourth-class postmasters also, whenever they go out meddling with politics for ten or twelve days?

Mr. OVERSTREET. No. It is in the interest of the substitutes, who have heretofore been employed in the place of absent clerks and who have no way of receiving their pay.

Mr. LIVINGSTON. Then the substitute would get the pay under that provision?

Mr. OVERSTREET. He would get the pay for the work he actually performed.

The CHAIRMAN. Is the point of order withdrawn?

Mr. LIVINGSTON. Yes.

The CHAIRMAN. The point of order being withdrawn, the question is on agreeing to the amendment offered by the gentleman from Indiana.

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

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HENRY of Connecticut having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 17789. An act to amend an act entitled "An act to authorize W. Denny & Co. to bridge Dog River, in the State of Mississippi;"

H. R. 14626. An act to quiet titles to land in the city of Mobile, State of Alabama; and

H. R. 9758. An act for the relief of the heirs of George McGhehey for services rendered as mail contractor.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 17473) making appropriation for the support of the Army for the fiscal year ending June 30, 1906, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. SCOTT, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution and bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 72. Joint resolution relating to the printing of the Monthly Summary of Imports and Exports published by the Department of Commerce and Labor;

S. 6799. An act granting a pension to Ezra Walker Abbott;

S. 6337. An act for the establishment of subports of entry at Rouses Point and Malone, N. Y.;

S. 6184. An act to amend an act entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi;

S. 6183. An act to construct a tender for the engineer service of the twelfth light-house district;

S. 6182. An act to establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California;

S. 6181. An act to establish a light-house near Santa Barbara landing, California;

S. 5804. An act to authorize the construction of two steam vessels for the Revenue-Cutter Service for duty on Puget Sound, Washington;

S. 5337. An act for the relief of Jacob Lyon;

S. 4156. An act for the establishment of public convenience stations in the District of Columbia; and

S. 1258. An act to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For rent, light, and fuel for first, second, and third class post-offices, $2,700,000: *Provided*, That there shall not be allowed for the use of any third-class post-office for rent a sum in excess of $400, nor more than $80 for fuel and light, in any one year: *And provided further*, That the Postmaster-General may, in the disbursement of this appropriation, apply a part thereof to the purpose of leasing premises for the use of post-offices of the first, second, and third classes, at a reasonable annual rental, to be paid quarterly, for a term not exceeding ten years.

Mr. STEENERSON. Mr. Chairman, I offer the following amendment.

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

The Clerk read as follows:

Strike out the word "seven," in line 17, on page 10, and insert the word "eight" in lieu thereof.

Mr. STEENERSON. Mr. Chairman, this amendment increases the appropriation from $2,700,000 to 2,800,000, the latter amount being the amount estimated and recommended by the Post-Office Department.

Mr. OVERSTREET. Mr. Chairman, if the gentleman will permit me. If the gentleman will make that an increase of $50,000 we will agree to it without debate. Make it $50,000 in place of $100,000 increase.

Mr. STEENERSON. No; I think it is too little at the estimate.

Mr. OVERSTREET. I just wanted to suggest it, as I shall have to oppose the other, and I thought perhaps we might agree on $50,000 increase.

Mr. STEENERSON. I have given this matter careful consideration, and I find that in this part of the business the growth has been greater than elsewhere; that is to say, the post-offices that change from fourth-class offices to Presidential offices, thereby necessitating the payment for rent, light, and fuel, the increase is greater than any other branch of the service. It amounts to more than 12 per cent, whereas the actual increase estimated by the Department is based upon a 6½ per cent increase. There was a deficiency in the current year of $50,000, which is carried in another bill. Now, the only result of leaving this figure as it is in the bill recommended by the committee would be to cripple the service. The fact was testified to by the representatives of the Post-Office Department at the hearings, and I have a copy of the hearings here, and the same statement was made by the Postmaster-General in two letters, one to the chairman of the Committee on Post-Offices and Post-Roads, which I have here, and another letter to myself.

The statement made at the hearings before the committee was that the result of appropriating $100,000 less than the estimate would be that the service would be crippled and that the third-class postmasters would be the sufferers. They will be the ones to pay for this rent, light, and fuel out of their salaries. Those offices that are recently established as Presidential offices in the growing sections of the country will find that there is no money with which to pay for rent, light, and fuel; they will have to pay for it themselves.

Mr. GARDNER of New Jersey. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from New Jersey?

Mr. STEENERSON. Yes.

Mr. GARDNER of New Jersey. Before the gentleman takes his seat—if I understand you, the only amendment you offer is to change the word "seven" to the word "eight," in line 17?

Mr. STEENERSON. Yes.

Mr. GARDNER of New Jersey. Well, the real object which

you seek is to remedy the limitation in lines 19 and 20, which limitation is that no more than eighty dollars——

Mr. STEENERSON. Oh, no; not at all; the gentleman is entirely mistaken. I want to increase the total amount of appropriation, but I want to leave the limitation just exactly as it is, because what I seek to do is to avoid a contingency that has happened in the past, that a lot of new third-class or Presidential offices are established—that is, they are changed from fourth class to third class—and they find that there is no money with which to pay the allowance for rent, light, and fuel, and the postmasters will have to pay it out of their salaries.

Mr. GARDNER of New Jersey. I had understood that the greatest hardship existing in this section, if there be any in this section, was in the fuel, rent, and light limitation, in the fact that the cost of coal is greater now than heretofore, and almost every town now with a Presidential post-office has an electric-light plant, and the people are demanding that the post-offices be lighted as well as other places; that it is the cost of light and fuel that has increased and makes the limitation a hardship.

Mr. STEENERSON. The gentleman from New Jersey has had a different experience and observation than myself. The trouble that I have observed has been that the Department has refused to make even a small allowance provided in the bill, because they will say they have exceeded their appropriation, and the postmaster has to pay it out of his salary; and that is repeated in both of these letters from the Postmaster-General, that if the appropriation is not made up to the estimate the result will be the third-class postmasters will have to pay the deficiency out of their salaries, and it is always the third-class postmasters that will have to suffer. I hope that the committee will allow this amendment. I could read these letters, but it would take too much time. I have given this special study because I hesitated to oppose the judgment of the committee in the matter.

Mr. OVERSTREET. Mr. Chairman, there is unquestionably some doubt about whether or not this total appropriation is enough to cover all of the expenses for rent, light, and fuel. Nevertheless, the committee feels that the increase which it makes, of approximately 6 per cent over the current appropriation, will prove sufficient for this purpose. The appropriation for this same item for the fiscal year 1904 was $2,550,000. The total expenditures for the fiscal year 1904 were $2,642,549.17, showing a deficiency in that year. But, Mr. Chairman, when the committee framed the appropriation bill for the fiscal year 1905 it was discovered that during the fiscal year 1904 the Department had paid out of this item of appropriation over $240,000 which should have been paid for out of the appropriation for clerks in first and second class offices.

Mr. STEENERSON. Does not the gentleman from Indiana [Mr. OVERSTREET] know that the Department was reimbursed by taking from another fund that was allowed by law?

Mr. OVERSTREET. I will explain it, I think, satisfactorily to the gentleman. The Department had been—I will not say illegally, but under construction of the law which the committee last year did not think ought to be followed—drawing upon the item for rent and fuel and for light to pay over $240,000, which should have been paid out of allowance for clerks in first and second class offices. The committee at that time raised the appropriation for clerks in first and second class offices in order that the Department might take care of those same clerks who had been paid out of the item which was chargeable to rent, fuel, and light. Therefore we made no increase last year, but appropriated $2,550,000 for the current year, a very heavy increase, being approximately $240,000 of increase over the preceding year. They asked for $200,000 more. Now, we have increased this item approximately 6 per cent. The gentleman from Minnesota [Mr. STEENERSON] offers an amendment increasing this $100,000 more, and he argues the burden upon the postmasters of the third-class. But, Mr. Chairman, the law to-day limits the allowance for rent to offices of the third-class to $400 a year, and if you increase this item by a million dollars it could not affect the limitation fixed by law for rent of third-class offices.

Mr. STEENERSON. The gentleman from Indiana [Mr. OVERSTREET] did not understand me to ask any increase in that? I am satisfied with that; but they do not get even that.

Mr. OVERSTREET. Well, if this increase were made by $100,000 more, there is no assurance that it would go to the third-class offices. Indeed, my own experience is, in my section of the country, that the complaint is more from the first-class offices for higher rent than from the third-class offices. Now, I say that I express the doubt, but I do not believe, Mr. Chairman, that the committee can wisely increase this item by $100,000, and I therefore ask a vote upon the amendment.

Mr. STEENERSON. Mr. Chairman, I would like to have permission to have this letter from the Post-Office Department on this subject read.

Mr. OVERSTREET. There is no question about the Post-Office Department recommending it.

The CHAIRMAN. Without objection, the communication will be read.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
DIVISION OF SALARIES AND ALLOWANCES,
Washington, D. C., January 9, 1905.

Hon. H. STEENERSON,
House of Representatives.

DEAR SIR: Referring to your personal inquiry in regard to the payment of compensation of clerks in charge of numbered stations out of the appropriation for rent, fuel, and light, I beg to state that this was done, to a certain extent, during the fiscal year ended June 30, 1904, in order to keep within the grades fixed by law in the segregated appropriation. During the present fiscal year, however, no clerks in charge have been, or will be, paid from the rent, fuel, and light appropriation, and the expenditures from this appropriation represent only the actual allowances for renting post-office buildings and buildings for stations, and the necessary cost of heating and lighting the same. During the last fiscal year the Department took advantage of the clause giving it the right to increase an appropriation 5 per cent by transfers from other appropriations. In this way the appropriation for rent, fuel, and light was increased $92,549.17.

On June 30, 1904, after transferring to the clerk hire appropriation from the rent, fuel, and light appropriation all clerks in charge formerly paid from the latter appropriation, the annual rate of expenditure was $2,509,262, leaving a surplus to provide for the new Presidential post-offices and the normal growth of the service of $40,738. Notwithstanding that we have exercised the most rigid economy in the matter of increases, and have declined to establish a number of important stations which the service demands, where large increases in rent, fuel, and light are involved, this increase has proven insufficient, and our expenditures are now in excess of the appropriation in the sum of $25,828.13.

We have asked for a deficiency appropriation of $50,000, which will barely meet the unavoidable increase during the rest of the fiscal year. If Congress reduces the appropriation for next year below the amount estimated—$2,800,000—it simply means that the Department will not be able to provide for the growth of the service, and the postmasters will be compelled to pay for additional accommodations out of their own funds or do without, to the detriment of the service.

Very respectfully,

J. J. HOWLEY,
Acting First Assistant Postmaster-General.

Mr. FINLEY. Mr. Chairman, it seems that there is no disagreement that this appropriation as fixed in the bill is too low. That seems to be conceded. The gentleman from Minnesota [Mr. STEENERSON] offers an amendment to increase it by $100,000. The chairman of the committee agrees that $50,000 would be proper. The Post-Office Department makes it clear and plain to all that the appropriation as fixed in the last post-office appropriation bill is too low; that the growth of the service and the good of the service demand that this item be increased. I know of my own knowledge that the cases where the greatest hardships exist are those of third-class offices. They approach the second class, and I know of my own knowledge one or more instances where the amount of money allowed by the Department is insufficient to rent a post-office building in the town, and as a result the people of those towns are called upon to make up and pay out of their pockets the deficiency.

Now, Mr. Chairman, I am not here to argue that in all cases where this is done it is not done for one purpose or another, and sometimes not for the good of the service. But, it is true, Mr. Chairman, that the amount fixed here is insufficient, if we are to be guided by the reports of the Department, by facts as we have them before us. I think that $100,000, as proposed by the gentleman from Minnesota [Mr. STEENERSON] is entirely reasonable. It is an amendment that is in the interest of the service and will benefit the service, and I hope will meet the approval of the committee.

Mr. DOUGLAS. Mr. Chairman, I would like to add my voice to the necessity of having this amount increased by $100,000, which is none too large. In New York City we are in urgent need of branch post-offices, and we have every hope that if this $100,000 embraced in this amendment goes in we may get a portion of it there. We require it; and I hope no niggardly policy will be adopted, but that $100,000 will be allowed by Congress as an absolute necessity.

Mr. OVERSTREET. Just a word I will add in connection with what the gentleman from New York, who has just taken his seat, has said as justifying the proposition which I made. This money will not, in my judgment, go as largely to the third-class offices as the gentleman from Minnesota and the gentleman from South Carolina believe. I think the demand is greater in the first-class offices, and I believe by this increase you will not accomplish what you seek to effect. I will ask for a vote on the amendment.

Mr. STEENERSON. We will run our chances on getting our share.

The question was taken on the amendment, and the Chairman announced that the noes appeared to have it.

Mr. STEENERSON and Mr. FINLEY. Division!

The committee divided; and there were—ayes 18, noes 33.

So the amendment was rejected.

Mr. FINLEY. Mr. Chairman, I ask to amend by adding after the word "hundred," in line 17, the words "and fifty."

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

The Clerk read as follows:

Page 10, line 17, after the word "hundred," insert the words "and fifty;" so that it will read: "2,750,000."

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

The Clerk read as follows:

For rental or purchase of canceling machines, including cost of power, motors, repairs to motors, and miscellaneous expenses of installation and operating, $225,000.

Mr. CROMER. I move to strike out the last word, for the purpose of asking the chairman of the committee if there has been any reduction in the amount appropriated for canceling machines since last year?

Mr. OVERSTREET. Mr. Chairman, this is a decrease on the estimate of $25,000 and an increase over the current law of $25,000. The $25,000 is taken from the item of miscellaneous-expense account and added to this to cover the expense of motors and power. Heretofore we have paid out of the expense and repairs account for the installation and repair of motors, and power for canceling machines. We have stricken that down by $25,000 and increased this item, inserting the item covering power and repairs.

The Clerk read as follows:

Exchange on drafts and necessary miscellaneous expenses of the money-order service, $10,000.

Mr. HITCHCOCK. I move to strike out the last word.

Mr. Chairman, I have offered this useless and pro forma amendment for the purpose of saying a few words on a useful amendment, which I am confident under the inscrutable rules of this House would be considered out of order. A day or two ago I made a speech on the subject of postal savings banks. This morning I received from a postmaster in a small town in the State of Texas the following letter, which I will read, suppressing the name of the town and the name of the postmaster:

DEAR SIR: I am very much interested in your proposed bill before the Congress, an account of which I have just read in the Postmaster's Advocate, of Washington, D. C., and as an argument for its adoption I offer you the following information. From January 1, 1904, to December 31, 1904, there have been deposited in my office by the farmers buying money orders payable to themselves $1,670. This office is of the fourth class. Our village has only about 500 population and we have only one bank, which is a private bank. These deposits would be many times larger were it not that the farmers had to pay the regular fee upon their deposits. Hoping that your bill will become law at this Congress, I am,

Yours truly, ——— ———.

Now, Mr. Chairman, what I desire to call the attention of the House to at this time is this: That while every other civilized and progressive nation of the world affords to its people an opportunity to desposit their savings in the post-office and allows upon those deposits a small interest, our country refuses to accept these deposits except upon the payment of a fee. During the year 1903, which is the last one for which I have a report, the receipts from fees at our money-order offices in this country almost amounted to $3,000,000, and the profit to the Government from that business was $1,900,000. It seems to me that this Congress ought at an early day to look into the question of establishing in all these post-offices savings offices in which the people could deposit their savings at interest; but as it is not possible to secure a report upon such a bill at this time, and as it would be objectionable to offer a complete bill by way of an amendment to the postal appropriations bill. I now have the honor to offer the amendment, which I will ask to have read, as an amendment to the paragraph that has just been read. The object of this amendment is to permit postmasters in this country to accept deposits and to issue money orders without any charge in those cases where the money orders are made payable to the persons taking out the orders and are merely savings deposits. That will be a first small step in the direction of postal savings banks. It will permit deposits without interest.

The CHAIRMAN. Does the Chair understand the gentleman to withdraw his pro forma amendment?

Mr. HITCHCOCK. I withdraw the pro forma amendment and offer this in its place.

The CHAIRMAN. The pro forma amendment is withdrawn, and the gentleman from Nebraska now offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 2, page 13, strike out "$10,000" and insert "$100,000: *Provided*, That after June 30, 1905, no charge shall be made for money orders issued payable to the person taking the same out as a savings deposit, in which case said money orders shall be marked 'not assignable.'"

Mr. OVERSTREET. I make the point of order against that amendment.

The CHAIRMAN. The gentleman from Indiana makes the point of order. Does the gentleman from Nebraska desire to be heard on the point of order?

Mr. HITCHCOCK. No.

Mr. BAKER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. BAKER. I do not.

The CHAIRMAN. The provision is so clearly a change of existing law, and so clearly in violation of Rule XXI, that the Chair sustains the point of order.

Mr. BAKER. Mr. Chairman, I move to strike out the last two words.

The letter which has just been read to this House by the gentleman from Nebraska [Mr. HITCHCOCK] gives but a faint indication of the extent of the desire of the people of this country for a postal savings bank system. The chairman of the Post-Office Committee raises the point of order against it that it is new legislation, and yet the chairman of that committee knows as well as any man in this House that legislation is constantly being enacted on this floor in the way of riders to appropriation bills that have not the remotest relation to those appropriation bills. Only last year an appropriation bill was passed here with a rider on it extending the Chinese-exclusion law. No one contended that it had anything to do with that appropriation bill.

Now, what does it mean? It simply means that the Republican party, which makes the rules of this House, will not permit any man who earnestly desires to test the temper of this House upon such a proposition as that advanced by the gentleman from Nebraska to secure a vote upon the proposition. Neither will it be permitted by the courtesy of the chairman of this committee or any other important committee. You are determined that the people of this country shall not see that you are opposed to that kind of legislation, opposed to any advance along that line, for the reason that you are determined to perpetuate the existing system of special privileges.

Now, Mr. Chairman, there is no more reason why this matter should not be accepted by the chairman of the committee, so that we may have a test vote on it; there can not be a tenth part of the reason why there should be an objection to this that there was to the putting on a rider to an appropriation bill last year legislating as to Chinese exclusion. Why are you not honest in these matters? Why do you not meet these questions fairly and squarely upon their own merits? If you wanted a Chinese-exclusion act, why did you not bring it in here and vote on it as a separate proposition instead of tying it onto an appropriation bill? And if you are honestly and legitimately opposed to a postal savings bank system why do you not permit the gentleman from Nebraska, voicing, as he does, the sentiment of an enormous number of people all over this country in favor of establishing such a system, to have an opportunity of honestly testing the sentiment of this House? A former Postmaster-General, John Wanamaker, once said that there were four insuperable reasons why a parcels-post system could not be established in the United States, why a law to create such a system would not be enacted. Those four reasons, he said, were the American Express Company, the Adams Express Company, the Wells-Fargo Express Company, and the United States Express Company.

I wish Mr. Wanamaker were a Member of this House and on the floor here to-day, so that I might ask him what are the reasons—doubtless as powerful as the express companies he named—which prevent not merely legislation as to a postal savings bank, but even any consideration of the bill of the gentleman from Nebraska [Mr. HITCHCOCK].

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

For mail messenger service, $1,300,000.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that I may have the privilege of recurring to that paragraph for the purpose of offering an amendment, after we have passed other portions of the bill.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that he may recur to the pending paragraph for the purpose of offering an amendment. Is there objection?

There was no objection.

The Clerk read as follows:

For inland transportation by railroad routes, of which a sum not exceeding $120,000 may be employed to pay freight on postal cards, stamped envelopes, and stamped paper, mail equipment, and other supplies from the manufactories and depositories to the post-offices and depots of distribution, $40,900,000: *Provided*, That hereafter, before making the readjustment of pay for the transportation of mails on railroad routes, the Postmaster-General shall have the mails on such routes weighed, and the average per day ascertained for a period of not less than three consecutive months.

Mr. MANN. I reserve the point of order on that until I hear an explanation.

Mr. OVERSTREET. I offer the following amendment, to strike out the proviso and insert what I send to the Clerk's desk.

The CHAIRMAN. The point of order is reserved on the paragraph, and the gentleman from Indiana, chairman of the committee, offers an amendment to the paragraph, which will be reported by the Clerk.

The Clerk read as follows:

Strike out the proviso beginning in line 17, page 14, and insert: "*Provided*, That hereafter, before making the readjustment of pay for transportation of mails on railroad routes, the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than ninety, and at such times after June 30, 1905, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Posmaster-General may direct."

Mr. OVERSTREET. In explanation of that proposition I will say that the language of the provision which I have just had read at the Clerk's desk is identical with the existing law except the word "ninety" is used in place of the word "thirty" as the term or period for weighing the mail. I used the same language of the law as it now is, and has been for many years, in order that there could be no question of the constructions that have been made of the law. The purpose of the provision is plain, which is to enable the weighing of the mail to extend over a period of ninety days instead of thirty days, in order to give a better average, by determining through that period of time the weight, than could be obtained, or has been obtained, under the thirty-day weighing.

Whichever way it works, whether against the Government or in favor of the Government, we can get a better average by testing it for ninety days than for thirty days.

Mr. MANN. Would not a better way be to weigh it all the time, and would they not do it except for the expense? Will the gentleman tell us the additional expense that this will carry?

Mr. OVERSTREET. This is recommended by the Second Assistant Postmaster-General. He has informed the committee at different times that the Department has underaken by different experiments to determine which is really the better season of the year to test the weight. They have tried all weights in the spring and all weights at other seasons. On one occasion it was proposed to make the weighing extend over the entire period of the year, but it has never been done. It has never been conclusively determined just what is the better method to pursue. He said that he felt if he could fix the period of ninety days rather than thirty days, perhaps the Department could by testing that ascertain the better basis for the pay.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

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

The Clerk read as follows:

For rent, light, fuel, telegraph, and miscellaneous office expenses, schedules of mail trains, telephone service, typewriting machines, and badges for railway postal clerks, $50,000.

Mr. OVERSTREET. Mr. Chairman, I move to strike out the words "fifty thousand" and insert the words "fifty-eight thousand five hundred."

The CHAIRMAN. The question is on agreeing to the amendment just offered by the gentleman from Indiana.

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

The Clerk read as follows:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. NORRIS. Mr. Chairman, I would like to inquire, before I make the motion, if this is the same appropriation that was discussed last year in regard to the special train from Washington south?

Mr. OVERSTREET. It is.

Mr. NORRIS. Mr. Chairman, I move that the paragraph commencing on line 6 and ending on line 12, page 18, be stricken out.

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

The Clerk read as follows:

On page 18, beginning with line 6, strike out all of lines 6, 7, 8, 9, 10, 11, and 12.

Mr. NORRIS. Mr. Chairman, I presume it is generally understood—and after the discussion last year was generally understood—that there was no particular reason for this appropriation; that we had been giving subsidies to this railroad company and to the one mentioned in the next paragraph for several years without anybody knowing exactly why.

Now, for the reasons which I think are well understood by us all, and which were fully discussed at that time, it seems to me that the paragraph ought to be stricken out. There is no reason that I know of why this railroad mentioned in this paragraph and the one mentioned in the next paragraph should receive this large sum of money, even though at one time there might have been some reason for it. I understand that a great many of those who represent districts through which these lines run feel an interest in maintaining this service, and that there is really nothing more than the combination between those interested in the matter that keeps it in the bill.

Now, as a matter of fact, if there is any good reason why it should remain in the bill, there are other localities where they would like to have some special postal facilities of this kind that have not been given the same consideration that has been afforded in these two particular instances.

As I remember the discussion last year, no one gave any reason why this should be in this appropriation bill. I recognize the fact that there is a proviso in each one of these paragraphs which says that it shall not be expended unless the Postmaster-General shall consider it necessary for the benefit of the service.

Mr. BAKER. And that fact was brought out last year; and it was also shown that the Postmaster-General did not ask for it, but takes the sense of this House as a direction.

Mr. NORRIS. Yes; I was just going to say that although the proviso would seem on its face to give discretion to the Postmaster-General not to use it, as the gentleman from New York says, last year it developed that as long as it was left in this way and was passed by the House the Postmaster-General although he considered it of no benefit, yet he would take it as the sense of the House that he should use the money, and consequently he did use it, and for no other reason.

Mr. BEALL of Texas. How long has that been in this appropriation bill?

Mr. NORRIS. I can not tell you that.

Mr. BEALL of Texas. Has it ever received the approval of the Postmaster-General?

Mr. NORRIS. Not that I know of.

Mr. BEALL of Texas. Or his recommendation?

Mr. NORRIS. Not that I know of. From the discussion last year, and that was the first time I was in the House, I learned that there had at least for several years been no excuse or reason for keeping this item in the bill; at least none was given here on the floor of the House, and there were many recommendations that it ought to be left out.

Mr. JAMES. The paragraph says that it shall not be expended unless the Postmaster-General believes it beneficial.

Mr. NORRIS. Yes.

Mr. JAMES. I agree with you that this appropriation should not be allowed, and am opposed to it; but what process of reasoning does the Postmaster-General resort to when he makes the expenditure because he concludes that the House directs he shall make it? How does he come to believe that it is for the good of the public service simply because the House appropriates it, when it does so with the limitation that he shall not expend it unless he does believe it to be beneficial?

Mr. NORRIS. I will say in answer to the gentleman from Kentucky that it was reported here from the Postmaster-General's office, practically giving the notice in advance, that if we left the paragraph in he was going to expend it, because it states on its face just what it is for. In short, it is a subsidy. We say he need not pay it out unless he wants to, but he takes our vote as the opinion and judgment of this House that it ought to be paid out. By what process of reasoning he arrives at that conclusion of course I can not tell, but we have notice in advance that it is going to be paid out if we leave it in this bill, and I think we should strike it out. There is no reason or justice in giving public money to these railroads where it is practically admitted that no service is rendered therefor.

Mr. MANN. Can the gentleman find any evidence in any other service of the Government where we leave an expenditure of an appropriation to the discretion of the executive officer that he takes that fact of the making of the appropriation to be a direction that he shall expend it?

Mr. NORRIS. I don't know of any.

Mr. MANN. Does not the very fact that he does expend it prove that he believes it is a necessary appropriation?

Mr. NORRIS. I understand not. From the statements made on the floor and the documents and letters from the Department that were read last year in this discussion I understand that the Postmaster-General did not consider it necessary or desirable, that the necessity for it had long passed away, but that if the House put it in the bill he would take it as the judgment of the House that the appropriation was desired, and would disregard the discretion given him.

Mr. MANN. It is a serious indictment of the Postmaster-General and the Post-Office Department, if the gentleman's statement is correct.

Mr. NORRIS. It is in no sense a reflection upon the Postmaster-General. It is only a notice given to us in advance of the construction that will be put upon the paragraph by the Department. That statement, in effect, was made here and stands practically undisputed and uncontradicted.

Mr. MANN. But the gentleman must not believe every statement he hears made even on the floor of the House any more than he should believe everything that he sees in print.

Mr. NORRIS. But I do believe statements I hear on the floor of the House unless I have some reason to disbelieve them. I think the RECORD of one year ago will bear me out in the statement that the evil and uselessness of this item was shown here in documentary form.

Mr. KLUTTZ. Mr. Chairman, that is what I want the gentleman to refer us to. Where, and in what document, and on what page of the RECORD, is there any such statement?

Mr. NORRIS. I presume the gentleman will find it in the CONGRESSIONAL RECORD.

Mr. KLUTTZ. The gentleman will search the RECORD in vain for any such statement by anybody.

Mr. NORRIS. The gentleman can find it all in the discussion on this appropriation bill of last year.

Mr. JAMES. The gentleman says that he has information now, sent to the House by the Postmaster-General, that he will expend it?

Mr. NORRIS. No; I have not any information, except what is shown in the RECORD of last year. I am basing my argument on what appeared here last year.

Mr. JAMES. Did not the gentleman say to the House that he had information that the Postmaster-General would expend this if it was left to his discretion?

Mr. NORRIS. I understood so from the discussion of last year, but I have no additional information. I have heard no reason given for the expenditure of this money. Shorn of its false garb it stands out as a gift of public funds to two or three railroads. In the interest of economy, fairness, and justice I sincerely hope that my motion to strike it out will prevail.

Mr. MOON of Tennessee. Mr. Chairman, I want to suggest to the gentleman, in deference to the course of the Postmaster-General upon this subsidy, that the Postmaster-General has insisted all along that the subsidy was a hindrance rather than a benefit to the service, and that inasmuch as the Department has not asked Congress to grant the subsidy and that Congress grants it without a request of the Department, the Department feels that it is mandatory upon it to expend the money granted by Congress, for the very plain and obvious reason that, making no recommendation or estimate for this appropriation, the Department has the right to assume that the Congress wants it appropriated, and it does it obeying a mandate rather than in the exercise of a discretion.

Mr. KLUTTZ. Will the gentleman from Tennessee pardon an interruption one moment? I want to read to him the language of the Second Assistant Postmaster-General.

Mr. MOON of Tennessee. I know the language is there and have read it.

Mr. KLUTTZ. Will the gentleman yield for just a moment?

Mr. MOON of Tennessee. I decline to yield for that purpose.

Mr. KLUTTZ. The gentleman tells us what he says, and I want to show from the record what he did say.

Mr. MOON of Tennessee. I want to say——

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

Mr. MOON of Tennessee. I have the floor.

Mr. NORRIS. I understand my time has expired. I yielded for a question, and the gentleman has used the balance of my time.

The CHAIRMAN. The time of the gentleman from Nebraska has expired, and the gentleman from Tennessee is recognized.

Mr. WILEY of Alabama. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WILEY of Alabama. The gentleman from Nebraska's time having expired, the gentleman from Tennessee is not entitled to the floor.

Mr. MOON of Tennessee. The gentleman from Tennessee desires to say he has the floor and he proposes to keep it for just a little while. [Applause.]

Mr. KLUTTZ. Will the gentleman now yield?

Mr. MOON of Tennessee. I will yield in a minute, when I have proceeded to say what I started out to say. Mr. Chairman, the statement I have made has been made frequently before the Post-Office Committee, and has been made before the House, and I have heard it from the lips of the Postmaster-General himself heretofore, but recently I have heard in the Post-Office Committee, in the investigation, a qualification of this statement, which the gentleman from North Carolina refers to, evidently. The Postmaster-General would not be authorized, whatever his views may have been, or those of his subordinates, in the expenditure of this money, to make the expenditure unless he felt, in view of the fact that the Department had not asked for it and that the House has thrust it upon the Department without a demand from the Department, that it was a mandate of Congress to them, although it were couched in the language "in the discretion of the Postmaster-General." Now, I yield to the gentleman from North Carolina.

Mr. KLUTTZ. I want to ask the gentleman if in the hearings before the Post-Office Committee on December 4, 1904, on page 199—if the chairman of the committee, in examining the Second Assistant Postmaster-General, did not say:

> May I ask what advantage, if any, the Government has received from this special appropriation; in other words, has the past operation of this appropriation been such as to bring any benefit to the service?
>
> Mr. SHALLENBERGER. It unqestionably has brought benefit to the service.

I ask the gentleman if he recollects that the Second Assistant Postmaster-General said that?

Mr. MOON of Tennessee. Certainly I recollect that, and I recollect what you said, and I did not believe it any more from you than from him.

Mr. KLUTTZ. I ask the gentleman from Tennessee if he did not assert just now that the Assistant Postmaster-General had said that it brought in no benefit?

Mr. MOON of Tennessee. I said it had been asserted time and again that it had been of no benefit and that a qualification had been made; that is what I said.

Mr. KLUTTZ. Then I ask the gentleman if this was not stated by General Shallenberger in answer to a question from Mr. MOON:

> Mr. MOON. You do not know why these roads should have these facilities any more than any other roads, do you?
>
> Mr. SHALLENBERGER. We do, when they permit us to deduct from their pay when they do not keep their schedules. We are making no such demands on any of the other roads.

Is that correct?

Mr. MOON of Tennessee. That is correct.

Mr. KLUTTZ. Then, how does the gentleman reconcile that with his other statement?

Mr. MOON of Tennessee. Oh, the gentleman will reconcile it very well. There is no inconsistency in the gentleman's statement. I stated to you before you made the inquiry the statement that had been heretofore made to that committee and the qualification by Mr. Shallenberger. The Second Assistant has qualified the statement in favor of that corporation, the very thing we are contending against.

Mr. KLUTTZ. I do not find anything of that kind in these hearings, sir. I hope the gentleman will point it out.

Mr. MOON of Tennessee. The very question you have asked is a qualification of the views previously expressed by the gentleman.

Mr. CRUMPACKER. Will the gentleman from Tennessee allow a suggestion?

Mr. MOON of Tennessee. Certainly.

Mr. CRUMPACKER. Three years ago I investigated the question and read with a great deal of care the statement of the Second Assistant Postmaster-General before the Committee on the Post-Office and Post-Roads, and I recollect distinctly that he said that the Postmaster-General had repeatedly recommended against this provision. He said that while it might do a little good, the good was not commensurate with the expenditures,

but in view of the fact that Congress persisted in making the appropriation against the recommendation of the Postmaster-General, they regarded that as imperative direction on the part of Congress to make the expenditure without regard to the opinion of that office. I remember distinctly that was the statement of the Second Assistant Postmaster-General three years ago. I hunted it up carefully and made a fight against this provision then and incorporated, I think, that part of his testimony in my remarks. I know that was the attitude of Mr. Shallenberger then, and he said that the Postmaster-General and the Second Assistant Postmaster-General preceding him had almost uniformly recommended against the retention of this subsidy.

Mr. MOON of Tennessee. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] asks for five minutes more. Is there objection?

There was no objection.

Mr. MOON of Tennessee. The statement made by the gentleman from Indiana [Mr. OVERSTREET] is unquestionably correct. It has been so understood by every man who has investigated this question up to this time.

Mr. OVERSTREET. Will the gentleman from Tennessee [Mr. MOON] yield for a question?

Mr. MOON of Tennessee. Yes; in just a moment. The gentleman from North Carolina [Mr. KLUTTZ] has fallen into trouble on this line. I understand his sincerity and honesty of purpose in this matter. He thinks that this subsidy is all right. I think it is all wrong. The Postmaster-General has said—and that is the statement upon which the Second Assistant Postmaster-General largely predicates his change of views, and I do not want to be unjust to him, as he is an honest man, too—that the Government was now dictating and controlling the schedules of the railroad companies. That has never been done, as I understand it, so thoroughly as it is now.

Mr. KLUTTZ. I beg the gentleman's pardon.

Mr. MOON of Tennessee. Kindly wait a moment.

Mr. KLUTTZ. The gentleman from Tennessee [Mr. MOON] does not wish to make a misstatement.

Mr. MOON of Tennessee. I am going to make a statement, and will yield in a moment. I understood the Assistant Postmaster-General to say that they had always controlled in a measure this schedule; but that they had now a definite control, a new schedule, and were running new cars, devoted entirely to the mail service.

Mr. COWHERD. Now, if the gentleman from Tennessee [Mr. MOON] will yield, I will ask the gentleman if it is not a fact that ever since this appropriation has been in the bill the Department has absolutely controlled the schedule, and has deducted the compensation for the entire trip if the train was five minutes behind at any division point? The arrangement made two or three years ago when a special train was put on to carry this mail, was that it was to be in charge of and under the control of the Department?

Mr. MOON of Tennessee. I do not so understand it. The gentleman may be correct. I understand that it had a general supervisory control of it, and that the reins of government were tightened upon this railway company, and the new cars were put on over a year ago. But, however that may be, Mr. Chairman, I do not care what control this Government has over this railroad company. There is no legitimate reason why this particular corporation, whether under the control of the Government or not, should have power and privileges granted to it by Congress that the other railroads of this country do not have. They do not make any faster time or better time than many roads that do not have the subsidy.

The gentlemen on the Democratic side of this House might as well understand now as hereafter that they can not make an exception in this case; they can not inveigh against subsidies and corruption in administration on the part of the Republican party and when they desire something that they regard as of especial benefit for themselves and their section stand by it and demand it. [Loud applause.] If you are Democrats, be national Democrats, and not Southern Railway subsidy Democrats. [Applause.]

This proposition, Mr. Chairman, is wrong in all of its essentials. I oppose it not because it comes from one section or goes to another. As a matter of fact, this road runs through the section, largely, in which I live. I oppose it because I believe the principle is wrong. I would oppose it in New York, Minnesota, or elsewhere. Subsidies are wrong, and subsidies ought not to be tolerated. We pay enough for this service—yes, I believe we pay more than it is worth. I know of no principle, no honest policy in government, that authorizes the Congress to give away the money of the people to particular corporations to the exclusion of all others, I care not what services they may have performed. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, this appropriation for fast mail service to the South is an old proposition that has been fought over by Congress for a great many years. And every year we come back to the question as to whether the payment for special facilities for mail service is a subsidy. If this is a subsidy, then the entire appropriation for better mail service throughout the coutry is a subsidy, and the gentlemen opposed to this clause in the bill should, to be consistent, defeat the entire post-office bill. [Applause.]

There is no proposition in this bill that carries special service to the people of the United States that is not a subsidy, if you accept as correct the definition of my friend from Tennessee as to what constitutes a subsidy.

Mr. MOON of Tennessee. What do you call a subsidy?

Mr. UNDERWOOD. A subsidy is something which is given by the Government to a private concern for the carrying on of a private business, or, to be more accurate, it is "pecuniary aid directly granted by government to an individual or commercial enterprise deemed productive of public benefit," and this is a public concern carrying on public business.

Mr. MOON of Tennessee. When the Government provides equal compensation for particular and exact service required of all corporations in carrying the mail, and then selects out some particular corporation and gives additional compensation to that corporation, what do you call that? "Special facilities," I reckon. I call it subsidy.

Mr. UNDERWOOD. If what the gentleman states was carried out, if it was a fact governing the regulations of the mail service, it would be paying for a special privilege in some portions of the country. The Government does not have any fixed, ironclad rule for its mail privileges in this country. In the first place, the rural free-delivery service that the gentleman votes for, and I vote for, is as much a subsidy as this. The gentleman knows that the rural free-delivery service does not pay for itself. The gentleman knows that the Government has to go into the post-office revenues and pay more than the service returns to the Government in order that the farmer may receive his mail at his door every day. It is a special privilege given to one portion of the country and to that portion it is special, and it is right that it should be given.

Mr. MACON. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. MACON. Does the gentleman mean to insinuate that if this subsidy was not given, the result would be that the Southern Railroad would not run the trains?

Mr. LAMB. Yes; it will not run these special trains.

Mr. MACON. The gentleman does not know.

Mr. LAMB. I do know.

Mr. UNDERWOOD. If the gentleman will allow me the floor, I will try to finish my remarks and try to reply to the gentleman's question.

Mr. MOON of Tennessee. Does the gentleman from Alabama seriously believe that the appropriation made for the rural free-delivery service, which carries this service everywhere that the Government may put it, is under any legitimate legal definition a subsidy?

Mr. UNDERWOOD. No; I do not; and I do not believe this is a subsidy.

Mr. MOON of Tennessee. How can you parallel that and put it on equality with service clear and exact and established throughout the country and a special amount given to a special railroad for the same service?

Mr. UNDERWOOD. I will answer the gentleman's question. When we first started out to establish the rural free-delivery service, as the gentleman knows, as every man in this House knows, we were then giving special advantages to special districts, and that it did not apply to the people generally. There were certain communities that were selected for the experiment that the Government was inaugurating, and it has only been in the last few years that the service has been extended generally to the people of the United States. Then it stood on all fours with this proposition. Again, you take the second-class mail matter. The gentleman knows that that is a special privilege, and is just as much a subsidy given to the newspapers as this service is.

I have regretted for many years that an attack has been made on this special appropriation by Democratic Members of Congress from the South on the ground that it was un-Democratic, because it was a subsidy paid to a railroad company for the benefit of the railroad, instead of placing their argument on the only fair ground that it can be debated upon, and that is whether or not the benefit derived by the people of the Southern

States from this fast mail is sufficient to warrant the additional amount paid to the railroads for running these extra trains at an unusually fast rate of speed.

As I stated a while ago, a subsidy is pecuniary aid directly granted by the Government to an individual or a corporation for the purposes of aiding the corporation or individual with the expectation that the public will derive indirect benefit therefrom. But this proposition is not granted to any particular railroad or to any railroad for the purpose of aiding the railroad. The appropriation is made to enable the people of the Southern States to obtain their mail more speedily than they could otherwise do so. The railroads going south are all single-track railroads. In comparison with the Northern States, the Southern States are sparsely settled. On account of the single track and of the fewer number of people, southern railroads can not ordinarily make as good time, and on their regular passenger trains are required to stop at all intermediate stations in order that they can secure enough passengers to bear the expense of running the trains. In the north, especially fast trains can be run with stops only at large cities, and local trains attend to the passenger business for the small towns. Again, on many northern railroads, where the amount of mail matter is very heavy, a special mail train can be run carrying ten or twelve cars. The Government, besides the regular amount paid for the transportation of mail, pays a large rental for the use of these mail cars, and when a train can be made up with ten or twelve mail cars on it, the rental for these cars is sufficient additional compensation to pay for running this special fast train. But on the fast mail service south two mail cars is all that is required to carry the mail.

Therefore the roads hauling these two cars do not receive sufficient compensation as rent for the cars to warrant them in making a train up of two mail cars and running it south, and unless a special appropriation is made for that purpose they would be required to attach these mail cars to their regular passenger trains and stop them with the trains at intermediate stations. But by running a special train, carrying only mail cars and stopping only at junction points, they are enabled to reach Atlanta from New York six and one-half hours sooner than the regular passenger trains; reach Birmingham, Ala., at 6 o'clock in the morning instead of 12 o'clock noon, and reach New Orleans some fourteen hours faster than regular passenger trains. This enables the merchants throughout the South, both in the large cities and the small towns, for the mail is taken up and thrown off at the small towns without the train stopping, to come in closer and more speedy business contact with the East.

Now, it may be stated that this is unnecessary. But if it is unnecessary then we should go back to the proposition of agreeing that speed in the transaction of business is of no value to the people. Instead of paying large sums of money for the speedy transportation of the mail all through the United States we might have it hauled on freight trains at one-tenth of the present cost of transporting and distributing the mail en route. It costs about $45,000,000 for the Government to have its mail carried by the railroads under present conditions. Why do our friends stop at saving a few thousand dollars? Why don't they try to save forty millions, as they can do by having the mail carried on freight trains? But then it would take ten days or two weeks to transport a letter from New York to Birmingham instead of a little more than one day under the present arrangements.

The present proposition for this fast train going south is no more a subsidy than the money paid for the pneumatic underground service to transport the mail in New York City, or that paid to the underground railroad in Chicago to gather up the mail from the various stations throughout the city and the large business houses and carry it direct to the central post-office and railroad station. As I stated before, it is no more of a subsidy than it is a subsidy to have a carrier deliver the mail in the cities to the people of that community several times a day instead of requiring them to send to the post-office and get their mail. It is no more a subsidy than it is a subsidy to pay additional amounts to rural carriers to carry the mail to the farmers' houses instead of requiring them to drive a number of miles to the post-office and get the mail for themselves. All these appropriations are merely expenditures of Government money for the direct benefit of the people to pay for special facilities for the quick and rapid transportation of the mail of the country.

There are two direct subsidies embraced in this appropriation bill and every other post-office appropriation bill that has been passed by Congress for a great many years. The first starts out with the beginning of the Government, and that is the special rates allowed to second-class matter, by which the newspapers of the country are allowed to have their papers sent through the mails at the rate of 1 cent a pound all over the United States, when it costs the Government on an average 4 or 5 cents a pound to transport and deliver this mail. And besides that in the county in which the newspaper is published the Government carries and delivers the newspaper mail without any charge whatever. Now, this unquestionably is a direct subsidy granted to the newspapers of the country. It comes clearly within the definition of a subsidy—that is, pecuniary aid directly granted by the Government to an individual or commercial enterprise deemed productive of public benefit.

In the early history of the country the first establishment of the mail service gave this privilege to the newspapers, because the men who were then in Congress believed that it was a great benefit to the people of the United States to have the newspapers distributed throughout the country at a low rate of postage in order that they might educate and carry information to the people. This was a wise conclusion of those who inaugurated the system, and has been carried on in the governmental appropriations ever since.

I am not complaining about this discrimination in favor of the newspapers of the country, but I do say that our friends from the South in the Democratic party, who pretend to stand so firmly on Democratic principles, who fight the privilege of their friends and neighbors receiving the benefit of this fast mail because they claim it is a subsidy and opposed to Democratic ideas, if they desire to be consistent, should fight as vigorously the subsidy granted to the newspapers of the country whereby they are allowed 3 or 4 cents a pound advantage over other shippers in the transportation of mail. But in all the years that I have heard this opposition to the southern fast mail I have never heard one word said by the gentlemen who oppose it in opposition to the proposition to allow this special subsidy to the newspapers of the country.

Again, there is in our foreign mail service a special rate allowed to all the ships carrying the Government mail, which amounts to a large sum of money. The present bill carries an appropriation of over $1,000,000 for this foreign mail service, and yet I have not heard one word of complaint by our southern friends against this appropriation that carries the mail to foreign lands and the granting of special pay for this steamship service. They seem to be disposed to limit their opposition and their fight of this question to their friends and neighbors, and are perfectly willing to let all other appropriations go through without opposition. An illustration of the additional amount paid for foreign steamship mail service is well shown in the appropriation contained in this very bill for carryng the mail to Tahiti, an island some 4,212 miles distant from San Francisco, in the Pacific Ocean. The amount of mail carried to this island in 1893 was 423 pounds of letters and postal cards and 5,988 pounds of other mail matter, making a total of 6,411 pounds. The Government collected on this mail $1,155.84, and before 1903 paid $350 for the same to be carried in sailing ships; but in order to facilitate this mail, and thereby endeavor to build up foreign trade with this island, they concluded to pay special rates to the Oceanic Steamship Company for the carrying of this mail ten times each year by fast steamers. For this service they pay, in addition to the ordinary allowance for mail carried, $1 per mile for each outgoing mile that the ship travels, or, in other words, for the ten ships a year they pay $42,120, making it cost the Government $6.50 per pound for the transportation of this mail, whereas it formerly cost 6 cents a pound to carry it in sailing ships.

Now, this is an extreme illustration of the additional amount paid by the Government for special facilities for foreign mail service, but it shows that there is not nearly as much mail carried, and the Government is put to a far greater expense in granting special mail facilities for foreign service than it is for the amount it pays for the fast service to the South. And yet I can not understand why our own friends and neighbors in the South choose to assail their colleagues about this question and are unwilling to aid their own home people, but endeavor with all their might to strike down this appropriation, and yet year in and year out are willing to sit in silence and allow these appropriations for foreign mail service to go through. I believe that good mail service means good business conditions and develops the country, improves business, and is a great benefit to all classes of the people, whether they live in the towns or in the rural districts.

Again, I want to say that it is absurd to say that the amounts paid for carrying the mail should be exactly the same all over the country, and that the Government should only pay the same amount for service in all parts of the United States, or that the same class of service should only be granted uniformly throughout the United States. In the crowded city of New York it

is a great benefit for the people to have the underground pneumatic-tube service for the collection and rapid transportation of their mail, but to say that it would be necessary to put in this service in the other cities of the United States or small towns would simply be absurd. On the other hand, in the far West and on many of the star routes of the South very little mail is carried, and it costs the Government more than $1 a pound to carry the mail that is delivered to many of the rural post-offices, and even at that rate the Government underpays the star-route carriers, and they lose money in carrying the mail under their present contracts. On the other hand, the great Pennsylvania Railroad Company carries the mail from New York to Chicago at 5 cents a pound, and makes money in doing so, because of the enormous amount of mail matter that it carries.

It is unjust to say that the people of the rural districts should not receive any mail or mail only once or twice a year because the mail can be carried on the Pennsylvania Railroad for 5 cents a pound and it costs the Government $1 a pound in the rural districts. The object of the Government is to bring the mail service to the door of all of the people of the United States in order that they may be in direct communication with each other, and it is a physical impossibility for the Government to adopt the same rules and regulations and classifications as to the mail service throughout the country, or to say that it will only pay the same price for transporting mail in all sections of the United States. On account of the enormous amount of mail going over the eastern roads many of these roads can give fast mail service profitably without any special appropriation; but in sparsely settled protions of the South, where the larger towns are very far apart and the amount of mail matter is small, it would be impossible to give adequate mail service without paying additional amounts therefor. And that is all there is in the question. Are the people receiving a fair return for the money expended by the Government in their behalf in granting this fast mail service? I will refer to the Second Assistant Postmaster-General's statements as to whether the service has been benefited by these appropriations or not. In the hearings before the Post-Office Committee on December 12, 1904, on this bill, Mr. Shallenberger made the following statements:

The chairman of the committee said:

The next item is what is known as the "special-facility appropriation," and you make no recommendation for the service.

Mr. SHALLENBERGER. I leave it just where it has been for several years.

The CHAIRMAN. May I ask what advantage, if any, the Government is receiving from this special appropriation? In other words, has the past operation of this appropriation been such as to bring about any benefit to the service?

Mr. SHALLENBERGER. It unquestionably has brought benefit to the service.

The CHAIRMAN. How much of the appropriation has been expended for the year 1904?

Mr. SHALLENBERGER. I thought, Mr. Chairman, I had the table showing the deductions we have made from the amount available, which is $167,175. I will say that the service has been continued under the same regulations and conditions as formerly regarding the schedule of time and requiring that that schedule of time as published shall be maintained at the intermediate and terminal points to within five minutes of the schedule framed, otherwise the entire facility pay for that day is deducted.

The CHAIRMAN. And that has been carried out?

Mr. SHALLENBERGER. In all cases.

These statements of General Shallenberger clearly show that the mail service has been benefited by this appropriation and that the people have received the benefit, and that the railroads have been required to live up to the fast schedule fixed and controlled by the Post-Office Department, and when they failed to do so by missing their schedule time so much as five minutes at the intermediate and terminal points their whole day's pay has been deducted. But some gentlemen say that if this special appropriation was not made for carrying this mail at the present fast schedule the railroads would carry the mail at the same schedule anyhow. It seems to me that this argument is simply ridiculous. Why should the railroads make up a special train, run a special engine, pay an extra engineer, fireman, conductor, and flagman to run a train carrying two mail cars, side-track all other trains to give this particular train the right of way, if they did not receive special pay for it? They would receive their regular pay for carrying the mail simply by attaching these two cars to their regular passenger trains and bringing the mail into Birmingham and Atlanta six hours slower than it comes now, and into New Orleans fourteen hours slower than now. The railroads are not particularly benefited by this mail reaching the points along their routes faster than it would by their regular passenger service, and the whole benefit derived from the appropriation is clearly for the people who receive the service. We are only asking for the South what is granted to the people of many other sections of this country in many different ways, to facilitate the transportation of their mail, and notwithstanding the objection of our southern Members I hope that the House will do justice by the South in this matter and pass this appropriation.

APPENDIX.

The following is the clause contained in the post-office appropriation bill carrying the appropriation for the southern fast mail:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I ask for ten minutes more.

Mr. OVERSTREET. If the gentleman from Alabama requests ten minutes more, I shall move that the committee do now rise, because others want to speak, and if the gentleman takes ten minutes it will throw us very late.

Mr. UNDERWOOD. I will ask the gentleman if he will consent to my getting the ten minutes now, and I close my remarks in the morning, and he can move that the committee rise now?

Mr. OVERSTREET. That will have to be determined by others. We are running now contrary to the rules.

Mr. UNDERWOOD. I am willing that the committee do now rise, and I will ask the gentleman to allow me to conclude my remarks in the morning.

Mr. OVERSTREET. I will say this, Mr. Chairman, if a general understanding can be had to run for ten or fifteen minutes longer and then take a vote, I am perfectly willing; but if the debate is going to run on, I will ask that the committee rise.

Mr. UNDERWOOD. I will ask the Chairman to recognize me to-morrow to conclude my remarks.

Mr. MOON of Tennessee. I want to say that there are a number of gentlemen on both sides of the House who really desire to discuss this matter. I had not intended to say anything myself, and regret that I have taken any time, but I was drawn into it. I hope we may go on with the discussion to-morrow, so that gentlemen who desire to discuss the matter may have an opportunity, and I trust we shall be able to come to some definite understanding that we may have thirty minutes for discussion.

Mr. OVERSTREET. I do not wish to be misunderstood. I am not in control of the time. We have been running largely by unanimous consent. I think there will be no difficulty about limiting time for debate to-morrow, as it will be running too late this afternoon to discuss it and then expect to take a vote to-night.

Mr. UNDERWOOD. I will not resist the motion which the gentleman desires to make.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17865) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 3619. An act for the relief of David V. Howell;

H. R. 17784. An act to authorize the construction of a bridge across the Arkansas River at or near Vanburen, Ark.;

H. R. 17646. An act to extend certain provisions of the Revised Statutes of the United States to the Philippine Islands;

H. R. 15895. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes; and

H. R. 7607. An act granting a pension to Joel W. Nye.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 96. Joint resolution authorizing temporary use of certain vacant houses in square 686 in the city of Washington, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5337. An act for the relief of Jacob Lyon—to the Committee on the Public Lands.

S. 5804. An act to authorize the construction of two steam vessels for the Revenue-Cutter Service for duty on Puget Sound,

Washington—to the Committee on Interstate and Foreign Commerce.

S. 6337. An act for the establishment of subports of entry at Rouses Point and Malone, N. Y.—to the Committee on Ways and Means.

S. 6181. An act to establish a light-house near Santa Barbara landing, California—to the Committee on Interstate and Foreign Commerce.

S. 6182. An act to establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California—to the Committee on Interstate and Foreign Commerce.

S. 6183. An act to construct a tender for the engineer service of the twelfth light-house district—to the Committee on Interstate and Foreign Commerce.

S. 6184. An act to amend an act entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi—to the Committee on Interstate and Foreign Commerce.

S. R. 72. Joint resolution relating to the printing of the Monthly Summary of Imports and Exports published by the Department of Commerce and Labor—to the Committee on Printing.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 5383. An act granting an increase of pension to Samuel Shafer;

H. R. 5822. An act granting an increase of pension to Eveline V. Ferguson;

H. R. 5884. An act granting an increase of pension to Samuel K. White;

H. R. 5951. An act granting an increase of pension to Joseph M. White;

H. R. 5997. An act granting an increase of pension to James Hammonds;

H. R. 6310. An act granting an increase of pension to Robert Clarke;

H. R. 6354. An act granting an increase of pension to George M. Simmons;

H. R. 7000. An act granting an increase of pension to John White;

H. R. 7074. An act granting an increase of pension to Jesse Sims;

H. R. 7987. An act granting an increase of pension to Francis Scott;

H. R. 8049. An act granting an increase of pension to John S. Parker;

H. R. 8708. An act granting an increase of pension to David C. Posey;

H. R. 8859. An act granting an increase of pension to Charles J. Esty;

H. R. 8917. An act granting an increase of pension to Michael Marx;

H. R. 9552. An act granting an increase of pension to Peter Williams;

H. R. 9553. An act granting an increase of pension to Hattie L. Rich;

H. R. 9621. An act granting an increase of pension to William Lance;

H. R. 9696. An act granting an increase of pension to Henry S. Austin;

H. R. 9774. An act granting an increase of pension to James M. Prince;

H. R. 9860. An act granting an increase of pension to Augustus Colvin;

H. R. 9906. An act granting an increase of pension to Thomas P. Dunn;

H. R. 9939. An act granting an increase of pension to Martha Higgins;

H. R. 10360. An act granting an increase of pension to Mary Flynn;

H. R. 10680. An act granting an increase of pension to Samuel B. Coe;

H. R. 11015. An act granting an increase of pension to Joseph Wardle;

H. R. 11016. An act granting an increase of pension to Samuel P. Short;

H. R. 11090. An act granting an increase of pension to Joseph Reese;

H. R. 11492. An act granting an increase of pension to Samuel B. Bartley;

H. R. 12254. An act granting an increase of pension to Matthew H. Bevan;

H. R. 13082. An act granting an increase of pension to William E. Wheeler;

H. R. 13170. An act granting an increase of pension to Ruth M. Shepley, now Haskell;

H. R. 13241. An act granting an increase of pension to David Deardourff;

H. R. 13620. An act granting an increase of pension to Silas W. Squires;

H. R. 13658. An act granting an increase of pension to Henry Smith;

H. R. 14140. An act granting an increase of pension to William Y. Clinton;

H. R. 14489. An act granting an increase of pension to John M. Porter;

H. R. 14635. An act granting an increase of pension to Alexander Moore;

H. R. 14662. An act granting an increase of pension to Aaron Fanshaw;

H. R. 14799. An act granting an increase of pension to Napoleon B. Wing;

H. R. 14889. An act granting an increase of pension to Alfred W. Dearborn;

H. R. 130. An act granting an increase of pension to Washington I. Cook;

H. R. 132. An act granting an increase of pension to James P. Griffith;

H. R. 606. An act granting an increase of pension to Vincent M. Cartwright;

H. R. 666. An act granting an increase of pension to Eva M. Kingsbury;

H. R. 723. An act granting an increase of pension to Thomas Smart;

H. R. 963. An act granting an increase of pension to Ava D. Benjamin.

H. R. 968. An act granting an increase of pension to Charles W. Young;

H. R. 1286. An act granting an increase of pension to John Brasch;

H. R. 1324. An act granting an increase of pension to Thomas Skidmore;

H. R. 1445. An act granting an increase of pension to John Ellis;

H. R. 1491. An act granting an increase of pension to Martin L. Pembleton;

H. R. 1573. An act granting an increase of pension to Cyrus Hurd;

H. R. 1901. An act granting an increase of pension to Warren F. Barnes;

H. R. 2046. An act granting an increase of pension to Peter W. Kreeger;

H. R. 2191. An act granting an increase of pension to William C. Pollard;

H. R. 2469. An act granting an increase of pension to William Stone;

H. R. 2476. An act granting an increase of pension to Sampson T. Grove;

H. R. 2781. An act granting an increase of pension to Alta Mira Parsons;

H. R. 2946. An act granting an increase of pension to Albert Webb;

H. R. 2993. An act granting an increase of pension to Lewis Townsend;

H. R. 3002. An act granting an increase of pension to Samuel Tillinghast;

H. R. 3286. An act granting an increase of pension to Jacob F. French;

H. R. 3373. An act granting an increase of pension to Jacob Cochran;

H. R. 3831. An act granting an increase of pension to John W. Hartley;

H. R. 4169. An act granting an increase of pension to Thomas J. Brooks;

H. R. 4242. An act granting an increase of pension to Annie M. Wallace;

H. R. 4322. An act granting an increase of pension to Francis M. Hay;

H. R. 4552. An act granting an increase of pension to Orin P. Stoffer;

H. R. 4595. An act granting an increase of pension to Charles D. Fortney;

H. R. 4676. An act granting an increase of pension to James B. Judson;

H. R. 4873. An act granting an increase of pension to John McKenzie;

H. R. 4900. An act granting an increase of pension to Sarah Hodgson;
H. R. 4927. An act granting an increase of pension to Eugene P. Tewksbury;
H. R. 4942. An act granting an increase of pension to Adam Hand;
H. R. 5123. An act granting an increase of pension to Maria Eldred, formerly Maria Olmstead;
H. R. 5153. An act granting an increase of pension to Jonathan Stewart;
H. R. 5243. An act granting an increase of pension to Hiram Qualk;
H. R. 5286. An act granting an increase of pension to Obadiah J. Merrill;
H. R. 16263. An act granting an increase of pension to Llewellyn Niles;
H. R. 16303. An act granting an increase of pension to Joseph W. Tyler;
H. R. 16348. An act granting an increase of pension to Johnson Anderson;
H. R. 16387. An act granting an increase of pension to Sarah F. Mathison;
H. R. 16442. An act granting an increase of pension to Catherine E. Ray;
H. R. 16480. An act granting an increase of pension to Preston Glover;
H. R. 16481. An act granting an increase of pension to Frederick M. Halbritter;
H. R. 16483. An act granting an increase of pension to James H. Silcott;
H. R. 16506. An act granting an increase of pension to Samuel B. Gray;
H. R. 16594. An act granting an increase of pension to Jacob A. Kryer;
H. R. 16666. An act granting an increase of pension to Alfreda B. Coburn;
H. R. 16704. An act granting an increase of pension to Michael Lewis;
H. R. 16807. An act granting an increase of pension to Elmer C. Jordan;
H. R. 16809. An act granting an increase of pension to Patrick Cotter;
H. R. 16894. An act granting an increase of pension to Jeremiah Conner, alias James Boone;
H. R. 16945. An act granting an increase of pension to Alvin B. Franklin;
H. R. 17093. An act granting an increase of pension to Felix Monaghan;
H. R. 17241. An act granting an increase of pension to David A. Miller;
H. R. 3799. An act granting a pension to Emma Cortright;
H. R. 4194. An act granting a pension to Elizabeth Neilan;
H. R. 4627. An act granting a pension to Annie Young;
H. R. 5821. An act granting a pension to Mary A. Johns;
H. R. 9824. An act granting a pension to William Hayes;
H. R. 10712. An act granting a pension to Henrietta Weidner;
H. R. 12818. An act granting a pension to Nichols M. Brockway;
H. R. 13910. An act granting a pension to Henry E. Wright;
H. R. 14919. An act granting a pension to Kearney May;
H. R. 15864. An act granting a pension to Margaret La Parle;
H. R. 16109. An act granting a pension to Alice W. T. Groesbeck;
H. R. 16715. An act granting a pension to Helen Calvert;
H. R. 16683. An act granting a pension to Jesse Peters;
H. R. 16904. An act granting a pension to Louis Sherard;
H. R. 8460. An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture;
H. R. 14936. An act granting an increase of pension to James T. Wolverton;
H. R. 15030. An act granting an increase of pension to David Rothschell;
H. R. 15190. An act granting an increase of pension to James M. Paul;
H. R. 15197. An act granting an increase of pension to Calvin C. Griffith;
H. R. 15244. An act granting an increase of pension to Rebecca V. Mackenzie;
H. R. 15308. An act granting an increase of pension to Francis M. Prewett;
H. R. 15344. An act granting an increase of pension to William B. Atwater;
H. R. 15660. An act granting an increase of pension to Jacob R. Sharretts;
H. R. 15686. An act granting an increase of pension to Anna A. Dunn;
H. R. 15722. An act granting an increase of pension to David Guthrie;
H. R. 15732. An act granting an increase of pension to Edwin O. Pierce;
H. R. 15733. An act granting an increase of pension to Peter Horth;
H. R. 15760. An act granting an increase of pension to John W. Strayer;
H. R. 15762. An act granting an increase of pension to James L. Olmsted;
H. R. 15781. An act granting an increase of pension to Granville F. Plummer;
H. R. 15782. An act granting an increase of pension to Charles H. Warner;
H. R. 15783. An act granting an increase of pension to Charles J. Richards;
H. R. 15784. An act granting an increase of pension to Joseph Wingate;
H. R. 15786. An act granting an increase of pension to Horatio W. Longa;
H. R. 15850. An act granting an increase of pension to Samuel Shadman;
H. R. 15855. An act granting an increase of pension to Loren Austin;
H. R. 15871. An act granting an increase of pension to John Leonard;
H. R. 15872. An act granting an increase of pension to Marvin Welton;
H. R. 15892. An act granting an increase of pension to Martha F. Field;
H. R. 15893. An act granting an increase of pension to James A. McClung;
H. R. 15930. An act granting an increase of pension to William H. Cray;
H. R. 16053. An act granting an increase of pension to Florence Emery Blake;
H. R. 16077. An act granting an increase of pension to Andrew J. Clark;
H. R. 16087. An act granting an increase of pension to Harriet H. Brady;
H. R. 16108. An act granting an increase of pension to Andrew S. Ray;
H. R. 16124. An act granting an increase of pension to John Morgan;
H. R. 16125. An act granting an increase of pension to Eugene C. Moger;
H. R. 16141. An act granting an increase of pension to John Parks;
H. R. 16157. An act granting an increase of pension to Charles W. Martin;
H. R. 16171. An act granting an increase of pension to Sarah D. Tarver;
H. R. 16172. An act granting an increase of pension to Georgia A. Warren;
H. R. 16173. An act granting an increase of pension to Allen Riggs;
H. R. 16194. An act granting an increase of pension to James Gwyn;
H. R. 16199. An act granting an increase of pension to Joseph McGuckian;
H. R. 16259. An act granting an increase of pension to John Walz;
H. R. 16260. An act granting an increase of pension to Frederick Hark;
H. J. Res. 181. Joint resolution authorizing the Secretary of War to transfer to the militia cavalry organization at Chattanooga, Tenn., a certain unused portion of the national cemetery reservation at Chattanooga, Tenn.;
H. J. Res. 164. Joint resolution for the printing of a compilation of the laws of the United States relating to the improvement of rivers and harbors;
H. R. 11370. An act to relieve the Italian-Swiss Agricultural Colony from the internal-revenue tax on certain spirits destroyed by fire;
H. R. 3950. An act for the relief of W. R. Akers, of Alliance, Nebr.;
H. R. 6375. An act for the relief of the executors of the estate of Henry Lee, deceased;
H. R. 16790. An act making Norwalk, Conn., a subport of entry;
H. R. 16311. An act granting an increase of pension to Morris Del Dowane; and

H. R. 17333. An act to authorize the construction of a bridge across Red River at Shreveport, La.

VIEWS OF MINORITY ON RAILROAD RATES.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent to be allowed to make a correction in the views of the minority in connection with the bill reported by the majority of the Interstate and Foreign Commerce Committee on the subject of creating the rate-making power. The mistake occurred in this way, that in preparing this report I made a quotation from what had been said by the President of the United States. The printer extended that quotation beyond what the President had said, and therefore it puts in his mouth something that he never said, and which was said by the minority of the Interstate and Foreign Commerce Committee. Therefore, I desire to have that corrected, and to be allowed to withdraw the report and have it reprinted. I ask, further than that, Mr. Speaker, this being done, that I be allowed to offer certain amendments to the bill which we offer as a substitute to the majority bill.

The SPEAKER. The Chair does not quite understand what the gentleman asks for. The gentleman first asked leave to withdraw the minority report?

Mr. RICHARDSON of Alabama. To withdraw the minority report.

The SPEAKER. For the purpose of correcting a mistake made at the Printing Office in quoting what the President said, which is not quoted correctly?

Mr. RICHARDSON of Alabama. Yes.

The SPEAKER. Now, what is the other request of the gentleman?

Mr. RICHARDSON of Alabama. The other proposition is, inasmuch as the report is to be printed over again, that we be allowed to suggest certain amendments to the bill that we offer as a substitute.

The SPEAKER. That is, to change the report in that respect?

Mr. RICHARDSON of Alabama. It is our own bill, the minority bill. It has nothing to do with the majority bill at all.

The SPEAKER. In other words, the proposition is, in withdrawing the report, to correct it in the respect that the gentleman mentions, to amend the report otherwise.

Mr. RICHARDSON of Alabama. Yes; and the bill, and let it all be done at once.

The SPEAKER. There can be no bill; but it may be—the Chair has not examined the document—that the gentleman refers to a proposed bill which is quoted in the minority report.

Mr. MANN. The draft of a bill.

The SPEAKER. The draft of a bill.

Mr. RICHARDSON of Alabama. Yes; the draft of a bill which we offer as a substitute.

The SPEAKER. The Chair supposes that what the gentleman desires to request is to withdraw the views of the minority, with leave to file an additional minority report covering the matters he refers to.

Mr. RICHARDSON of Alabama. That is correct.

Mr. SHACKLEFORD. Mr. Speaker, I am a member of that committee, and I understand that some of the other members of the committee, in connection with our minority leader, have amended the bill reported by my colleague [Mr. RICHARDSON of Alabama] and some others by incorporating in their bill some sections taken from one that the gentleman from Florida [Mr. LAMAR] and myself had the honor to report. I do not know whether I am correctly informed. I have not had an opportunity to see it; but if that be true, as I am informed, I should like to confer with the gentleman from Mississippi [Mr. WILLIAMS] and other members of the committee, with a view to concurring with them, if they have really incorporated our measure.

Mr. RICHARDSON of Alabama. If the amendment we propose to suggest accords with your ideas, what objection can you have to it?

Mr. SHACKLEFORD. I want to see it and see if I can not concur in the whole thing, to see if we can not unite in one minority report. So I object for the present.

The SPEAKER. The gentleman objects for the present.

Mr. RICHARDSON of Alabama. Mr. Speaker, one moment. I do not understand the gentleman to object to my request to change what is quoted as coming from the President which does not come from him.

Mr. SHACKLEFORD. No; he may change that part of it, but my objection is to the other.

Mr. MANN. Mr. Speaker, I take it that it is the duty of the Printing Office, having made the mistake, to correctly print the report actually made by the minority committee. The error in the quotation was in the Printing Office and not in the report, and the gentleman should call on the Printing Office to do that.

Mr. RICHARDSON of Alabama. Yes; and then I ask that I may do something in addition to that.

Mr. SHACKLEFORD. And to that I object.

Mr. RICHARDSON of Alabama. The gentleman will not object if he understands it. I hope the gentleman from Missouri will withdraw his objection.

Mr. SHACKLEFORD. Not until I have had an opportunity to confer with our leader and other minority members of the committee.

Mr. RICHARDSON of Alabama. They have already been conferred with.

Mr. SHACKLEFORD. I have not.

REGISTRATION OF TRADE-MARKS.

The SPEAKER laid before the House the bill H. R. 16560, an act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, with Senate amendments.

Mr. BONYNGE. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. CURRIER, Mr. BONYNGE, and Mr. WEBB.

MARTIN T. CROSS.

The SPEAKER laid before the House the bill S. 6351, an act granting an increase of pension to Martin T. Cross, with a House amendment disagreed to by the Senate.

Mr. CALDERHEAD. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. CALDERHEAD, Mr. FULLER, and Mr. MIERS of Indiana.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from further consideration of the bill (S. 3044) granting an increase of pension to Lucy McE. Andrews, and the same was referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. DRAPER was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 16729, Fifty-seventh Congress, no adverse report having been made thereon.

Mr. SHEPPARD was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of Sarah A. Lewis (H. R. 18415), Fifty-eighth Congress, no adverse report having been made thereon.

And then, on motion of Mr. OVERSTREET (at 5 o'clock and 8 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

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 Secretary of War, recommending an appropriation in aid of the Philippine exhibitors at the Louisiana Purchase Exposition—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for land adjoining Fort Wadsworth, N. Y.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for target ranges—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey and estimate of cost of road into Mount Rainier Forest Reserve Park—to the Committee on Appropriations, 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. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 18360) to amend

section 3679 of the Revised Statutes of the United States, relating to expenditures and contracts in excess of appropriations, reported the same without amendment, accompanied by a report (No. 4134); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the Senate joint resolution (S. R. 92) authorizing the President to extend to the International Prison Congress an invitation to hold the Eighth International Prison Congress in the United States, reported the same without amendment, accompanied by a report (No. 4135); which said joint resolution and report were referred to the House Calendar.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 17098) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage, reported the same without amendment, accompanied by a report (No. 4136); which said bill and report were referred to the House Calendar.

Mr. RODEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10433) authorizing the Commissioner of the General Land Office to quitclaim the title conveyed to the United States for land in forest reservations, under certain conditions, reported the same without amendment, accompanied by a report (No. 4137); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16986) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, reported the same with amendment, accompanied by a report (No. 4138); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 18037) requiring all corporations engaged in interstate commerce to make returns, and for other purposes, reported the same with amendment, accompanied by a report (No. 4140); which said bill and report were referred to the House Calendar.

Mr. LITTLE, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 18280) to extend the western boundary line of the State of Arkansas, reported the same without amendment, accompanied by a report (No. 4141); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIS of Minnesota, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 15970) to amend section 1141 of the "Act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the act of June 30, 1902, reported the same with amendment, accompanied by a report (No. 4142); which said bill and report were referred to the House Calendar.

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. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17737) granting an increase of pension to John F. Bonnell, reported the same with amendment, accompanied by a report (No. 4101); 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. 17819) granting an increase of pension to Robert W. Callahan, reported the same without amendment, accompanied by a report (No. 4102); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17668) granting an increase of pension to Rosina Tyler, reported the same with amendment, accompanied by a report (No. 4103); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17514) granting an increase of pension to John Hey Williams, reported the same with amendment, accompanied by a report (No. 4104); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2487) granting an increase of pension to John M. Rutherford, reported the same with amendment, accompanied by a report (No. 4105); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14034) granting an increase of pension to Edward C. Sanders, reported the same with amendment, accompanied by a report (No. 4106); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3914) granting a pension to James M. Redick, reported the same with amendment, accompanied by a report (No. 4107); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16412) granting an increase of pension to Henry C. Steadman, reported the same with amendment, accompanied by a report (No. 4108); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11833) granting a pension to Jennie Blackburn Johnston, reported the same with amendment, accompanied by a report (No. 4109); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9772) granting an increase of pension to Z. T. Miller, reported the same without amendment, accompanied by a report (No. 4110); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14594) granting an increase of pension to Mary E. Williams, reported the same without amendment, accompanied by a report (No. 4111); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10487) granting an increase of pension to Almira Carico, reported the same with amendment, accompanied by a report (No. 4112); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16222) granting an increase of pension to Elias W. Ticknor, reported the same with amendment, accompanied by a report (No. 4113); 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. 13881) granting a pension to Nancy Gabriel, reported the same with amendment, accompanied by a report (No. 4114); 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. 16773) granting a pension to John Mather, reported the same without amendment, accompanied by a report (No. 4115); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17306) granting an increase of pension to George Dallison, reported the same with amendment, accompanied by a report (No. 4116); 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. 17922) granting a pension to Ann E. Snyder, reported the same with amendment, accompanied by a report (No. 4117); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16878) granting an increase of pension to William Spriggs, reported the same with amendment, accompanied by a report (No. 4118); 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. 18090) granting a pension to John Clougherty, reported the same with amendment, accompanied by a report (No. 4119); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13905) granting an increase of pension to Moses Jones, reported the same without amendment, accompanied by a report (No. 4120); 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. 18239) granting an increase of pension to George W. Farmer, reported the same with amendment, ac-

companied by a report (No. 4121); 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. 6992) granting an increase of pension to Isaac B. Vandevanter, reported the same with amendment, accompanied by a report (No. 4122); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16686) granting an increase of pension to B. T. Martin, reported the same with amendment, accompanied by a report (No. 4123); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9244) granting a pension to Enoch Voyles, reported the same with amendment, accompanied by a report (No. 4124); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4721) granting an increase of pension to Thomas Hutchinson, reported the same with amendment, accompanied by a report (No. 4125); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 928) granting an increase of pension to Mark S. Clay, reported the same with amendment, accompanied by a report (No. 4126); 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. 18264) granting an increase of pension to Frank Schumer, reported the same with amendment, accompanied by a report (No. 4127); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15096) granting an increase of pension to Isaah S. Winters, reported the same with amendment, accompanied by a report (No. 4128); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18271) granting an increase of pension to Bernard Bowers, reported the same with amendment, accompanied by a report (No. 4129); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17304) granting an increase of pension to William Dustin, reported the same with amendment, accompanied by a report (No. 4130); which said bill and report was referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15705) granting an increase of pension to James M. Champe, reported the same with amendment, accompanied by a report (No. 4131); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7443) granting an increase of pension to William Henry Lewis, reported the same without amendment, accompanied by a report (No. 4132); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3175) granting an increase of pension to James H. Pemberton, reported the same with amendment, accompanied by a report (No. 4133); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7255) to correct the military record of Henry W. Hardman, reported the same adversely, accompained by a report (No. 4143); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 17812) to remove the charge of desertion from the military record of Samuel D. Myers, reported the same adversely, accompanied by a report (No. 4144); which said bill and report were ordered laid on the table.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 592) for the relief of John Reed, alias Michael Flannigan, reported the same adversely, accompanied by a report (No. 4145); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 15279) to remove the charge of desertion against J. J. Fisher, reported the same adversely, accompanied by a report (No. 4146); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 1076) to correct the military record of Samuel T. Baker, reported the same adversely, accompanied by a report (No. 4147); which said bill and report were ordered laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 18524) authorizing the construction upon the military reservation at Fort Morgan, Ala., of a suitable building for the use and accommodation of the customs service—Committee on Military Affairs discharged, and referred to the Committee on Public Buildings and Grounds.

A bill (H. R. 18611) granting an honorable discharge to John B. Tredenick—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. JENKINS: A bill (H. R. 18633) providing for the payment of expenses of judges in certain cases—to the Committee on the Judiciary.

By Mr. FOSS: A bill (H. R. 18634) to reorganize and increase the efficiency of the personnel of the fleet of the United States—to the Committee on Naval Affairs.

Also, a bill (H. R. 18635) providing for the award of medals of honor to officers and men of the Navy and Marine Corps who may, by special acts of valor or by conspicuous gallantry or merit, deserve such recognition—to the Committee on Naval Affairs.

Also, a bill (H. R. 18636) to extend the time for the completion of the Alaska Central Railway, and for other purposes—to the Committee on the Public Lands.

By Mr. ALEXANDER: A bill (H. R. 18637) to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River and to erect and maintain an inlet pier therefrom for the purpose of supplying the city of Buffalo with pure water—to the Committee on Rivers and Harbors.

By Mr. COWHERD: A bill (H. R. 18638) authorizing the consolidation of actions for libel and evidence therein—to the Committee on the District of Columbia.

By Mr. ALLEN: A bill (H. R. 18639) to authorize the Washington Railway and Electric Company to operate automobile lines within the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. FRENCH: A bill (H. R. 18640) to authorize the Spokane International Railway Company to construct and maintain bridges across the Pend d'Oreille River and the Kootenai River, in the county of Kootenai, State of Idaho—to the Committee on Interstate and Foreign Commerce.

By Mr. KALANIANAOLE: A bill (H. R. 18641) to amend section 80 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900—to the Committee on the Territories.

By Mr. SHOBER: A bill (H. R. 18642) to prohibit officers of the United States from aiding, encouraging, or countenancing corporation monopolies—to the Committee on the Judiciary.

Also, a bill (H. R. 18643) to prohibit corporations from making money contributions in connection with political elections—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SHEPPARD: A bill (H. R. 18644) to provide for the improvement of Sulphur River by the construction of levees along both its banks from its mouth to Sulphur Station, in Cass County, Tex.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18645) for a preliminary examination to determine the advisability of constructing a canal between Red River and Sulphur River, Texas, by way of Texarkana, Tex.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18646) to provide for the improvement of Red River by the construction of a levee on the south bank thereof from Fulton, Ark., to a point opposite the mouth of the Kiamichi River—to the Committee on Rivers and Harbors.

By Mr. LITTLE: A bill (H. R. 18647) to provide for levees and improvement of the Red River from the Louisiana line to Fulton, Ark.—to the Committee on Rivers and Harbors.

By Mr. CALDERHEAD: A bill (H. R. 18648) fixing the rate of pension for persons eligible under the act of June 27, 1890, and acts amendatory thereof—to the Committee on Invlid Pensions.

By Mr. FRENCH: A bill (H. R. 18649) extending the provisions of the act allowing leaves of absence to homestead settlers—to the Committee on the Public Lands.

By Mr. BABCOCK: A bill (H. R. 18650) to provide for the appointment of probation officers in the District of Columbia—to the Committee on the District of Columbia.

By Mr. POWERS of Massachusetts: A joint resolution (H. J. Res. 212) to extend the time for construction of the Akron, Sterling and Northern Railroad in Alaska—to the Committee on the Territories.

By Mr. ALLEN: A joint resolution (H. J. Res. 214) for extension of time of Washington and Gettysburg Railroad Company, of Maryland—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A resolution (H. Res. 480) directing the Secretary of the Interior to make an examination of the financial and fiscal affairs of the Choctaw and Chickasaw nations of Indians—to the Committee on Indian Affairs.

By Mr. SPALDING: A resolution (H. Res. 481) requesting the Secretary of the Treasury to make a report to the House—to the Committee on Ways and Means.

By the SPEAKER: Memorial from the legislature of Arizona, protesting against annexation of any portion of the Territory of Arizona by the State of Utah—to the Committee on the Territories.

Also, memorial from the legislature of Arizona, asking that Congress increase the number of judges and judicial districts in Arizona—to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 18651) for the relief of the legal representatives of Anderson Abercrombie, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18652) for the relief of the legal representatives of Edward Haile, deceased—to the Committee on War Claims.

By Mr. CAPRON: A bill (H. H. 18653) granting an increase of pension to Minerva K. Perrin—to the Conimittee on Invalid Pensions.

By Mr. CASTOR: A bill (H. R. 18654) to correct the naval record of Jeremiah Bosworth—to the Committee on Naval Affairs.

By Mr. CLARK: A bill (H. R. 18655) granting an increase of pension to Eliza Ann Bradbury—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 18656) to remove the charge of desertion from the military record of James Lewis—to the Committee on Military Affairs.

Also, a bill (H. R. 18657) to remove the charge of desertion from the record of Robert G. Wand—to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 18658) granting an increase of pension to Benjamin R. Rickets—to the Committee on Invalid Pensions.

By Mr. GILLETT of California: A bill (H. R. 18659) granting an increase of pension to Joseph Martin—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 18660) granting a pension to Jane Crisp—to the Committee on Pensions.

Also, a bill (H. R. 18661) granting an increase of pension to Margaret J. Sawyer—to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 18662) granting an increase of pension to Isabella A. Hobgood—to the Committee on Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 18663) for the relief of William Winter—to the Committee on Claims.

By Mr. LAMB: A bill (H. R. 18664) for the relief of Capt. George E. Pickett, paymaster, United States Army—to the Committee on Claims.

By Mr. LEWIS: A bill (H. R. 18665) granting an increase of pension to John M. Pearson—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 18666) granting an increase of pension to Oscar Souders—to the Committee on Invalid Pensions.

By Mr. PATTERSON of North Carolina: A bill (H. R. 18667) for the relief of Annie Jackson—to the Committee on Naval Affairs.

By Mr. RAINEY: A bill (H. R. 18668) granting an increase of pension to William H. Pitchford—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 18669) for the relief of the estate of Dewitt Slawson, deceased—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 18670) granting an increase of pension to Orton D. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18671) granting a pension to Angie A. Marvin—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: A bill (H. R. 18672) granting an increase of pension to Robert S. Williams—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 18673) granting an increase of pension to Marcus D. Teuney—to the Committee on Invalid Pensions.

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 the SPEAKER: Petition of the legislative assembly of the Territory of Arizona, praying for the authorization of an additional judge in the Territory—to the Committee on the Judiciary.

Also, petition of the supreme court of Arizona, favoring authorization of an additional judge in the Territory—to the Committee on the Judiciary.

By Mr. ALLEN: Resolution of the State of Maine, senate and house, favoring legislation to remedy evils of present mail classification—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of citizens of the State of Maine, against any change in the Grout law—to the Committee on Agriculture.

By Mr. CAPRON: Petition of Providence (R. I.) Lodge, No. 66, Brotherhood of Railway Firemen, favoring bill H. R. 4072—to the Committee on the Judiciary.

Also, petition of Conference of Commisioners on Uniformity of Legislation, favoring a law providing for appointment from the District of Columbia of commissioners on uniformity of legislation—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Garrals Leighton—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: Petition of Brownville Lodge, No. 650, Brotherhood of Locomotive Firemen, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. CURRIER: Petition of N. W. Tyler et al., of Boston, favoring bill S. 2327, for the purchase of a national forest reserve in the White Mountains—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of G. W. Perkins, against reduction of tariff on cigars and tobacco from the Philippines—to the Committee on Ways and Means.

By Mr. FRENCH: Petition of Mountain Gem Lodge, Brotherhood of Locomotive Firemen, No. 637, of Glenns Ferry, Idaho, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. GIBSON: Paper to accompany bill for relief of Benjamin R. Ricketts, of Tennessee—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Resolutions of the South Bronx Property Owners' Association, regarding Federal building in the Bronx—to the Committee on Public Buildings and Grounds.

By Mr. GUDGER: Paper to accompany bill for relief of Karrut C. Livingston, wife of Joseph Livingston, deceased—to the Committee on War Claims.

By Mr. HAMLIN: Paper to accompany bill for relief of Isabella A. Hobgood—to the Committee on Pensions.

By Mr. HEARST: Petition of Stockholm (N. Y.) Grange, No. 538, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Richmond Retail Merchants' Association, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Buffalo Anti-Trust League, favoring passage of the Hearst interstate-commerce bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HEDGE: Petition of merchants and manufacturers of Iowa, favoring bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of merchants and manufacturers of Iowa, favoring bill H. R. 9302—to the Committee on Ways and Means.

By Mr. LEWIS: Paper to accompany bill for relief of John M. Pearson, of Montezuma, Ga.—to the Committee on Pensions.

By Mr. LUCKING: Petition of citizens of the First Congressional district of Michigan, favoring a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition of citizens of Watsonville, Cal., against tariff reduction on sugar from the Philippines—to the Committee on Ways and Means.

By Mr. PORTER: Petition of the Sheridan Woman's Christian Temperance Union, favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Mrs. E. P. Martin, against repeal of bill H. R. 4072—to the Committee on the Judiciary.

Also, petition of Mrs. E. P. Martin, against repeal of the canteen law—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Bellevue, against repeal of the canteen law—to the Committee on Military Affairs.

Also, petition of the Brotherhood of Locomotive Engineers, L. S. Brown Division, No. 370, of Pittsburg, Pa., favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of Mrs. M. A. Irwin et al., favoring bill H. R. 4072—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of A. H. Perfect & Co., of Fort Wayne, Ind., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. L. Kuhlman, of Auburn, Ind., favoring bill H. R. 1656—to the Commitee on Military Affairs.

By Mr. SULLIVAN of Massachusetts: Petition of the executive council of the Massachusetts State Board of Trade, indorsing the Lovering customs-drawback bill and favoring its passage by the present Congress—to the Committee on Ways and Means.

By Mr. TAWNEY: Paper to accompany bill for relief of Orton D. Ford—to the Committee on Invalid Pensions.

By Mr. WEBBER: Petition of J. H. Houghton et al., of Oberlin, Ohio, favoring bill H. R. 4072—to the Committee on the Judiciary.

By Mr. WEISSE: Joint resolution of the legislature of Wisconsin, favoring such legislation relative to the powers of the Interstate Commerce Commission as shall comply in letter and spirit with the recommendations in the President's message—to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *February 2, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

MEAT SUPPLY FOR ARMY IN THE PHILIPPINES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to the resolution of the 28th ultimo, a letter from General Weston, Commissary-General, giving facts in regard to the meat supply of the army in the Philippine Islands; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 14710) authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law.

The message also announced that the House had passed a joint resolution (H. J. Res. 213) for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers; in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its amendment to the bill (S. 6351) granting an increase of pension to Martin T. Cross, 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. CALDERHEAD, Mr. FULLER, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16560) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURRIER, Mr. BONYNGE, and Mr. WEBB managers at the conference on the part of the House.

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 certain amendments of the Senate to the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, insists upon its disagreement to the amendment of the Senate numbered 3, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LITTAUER, Mr. MARSH, and Mr. TAYLOR managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

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

H. R. 3619. An act for the relief of David V. Howell;

H. R. 7607. An act granting a pension to Joel W. Nye;

H. R. 15895. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes;

H. R. 17646. An act to extend certain provisions of the Revised Statutes of the United States to the Philippine Islands;

H. R. 17784. An act to authorize the construction of a bridge across the Arkansas River at or near Vanburen, Ark.; and

S. R. 96. Joint resolution authorizing temporary use of certain vacant houses in square 686 in the city of Washington, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented petitions of Washington Camp, No. 93, Patriotic Order Sons of America, of Philadelphia; of Washington Camp, No. 435, Patriotic Order Sons of America, of Philadelphia; of Washington Camp, No. 136, Patriotic Order Sons of America, of Sinnamahoning; of sundry citizens of Davidsburg and of Washington Camp, No. 85, Patriotic Order Sons of America, of Weishample, all in the State of Pennsylvania, praying for the enactment of legislation providing more stringent laws and regulations governing immigration; which were referred to the Committee on Immigration.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Diego, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Humboldt Chamber of Commerce, of Eureka, Cal., praying for the passage of the so-called "good-roads bill;" which was ordered to lie on the table.

He also presented a petition of the Sequoia Division, No. 412, Order of Railway Conductors, of Fresno, Cal., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry growers of sugar beets in Gilroy, Sargent, and San Juan, all in the State of California, remonstrating against any reduction of the duty on sugar imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a memorial of the Humboldt Chamber of Commerce, of Eureka, Cal., remonstrating against the enactment of legislation to divest the State of California of its title to the Yosemite Valley and Mariposa Big Tree Grove Reservation, in that State; which was referred to the Committee on Public Lands.

Mr. MARTIN presented a memorial of sundry citizens of Albemarle County, Va., relative to an investigation into the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. KITTREDGE presented the petition of Belle L. Pettigrew and 10 other members of the Woman's Christian Temperance Union of Sioux Falls, S. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to Indians in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

Mr. FULTON presented a petition of sundry citizens of Russellville and Quinton, Ind. T., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to Indians in the Indian Territory according to the treaties made with the Five Civilized Tribes; which was ordered to lie on the table.

Mr. BEVERIDGE presented a memorial of Local Union No. 215, Cigar Makers' International Union of America, of Logansport, Ind., remonstrating against any reduction of the duty on tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented petitions of the Packard Company, of Fort