

Lieut. Col. George H. Roach, United States Army, retired, to be placed on the retired list of the Army with the rank of colonel from February 3, 1906.

WITHDRAWAL.

Executive nomination withdrawn February 6, 1906.

William C. Bristol, of Oregon, to be United States attorney for the district of Oregon.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 6, 1906.

GOVERNOR-GENERAL OF THE PHILIPPINES.

James F. Smith, of California, to be governor-general of the Philippine Islands.

DISTRICT ATTORNEYS.

Charles A. Boynton, of Texas, to be United States attorney for the western district of Texas.

George G. Covell, of Michigan, to be United States attorney for the western district of Michigan.

Charles J. Hamblett, of New Hampshire, to be United States attorney for the district of New Hampshire.

MARSHALS.

Edgar S. Wilson, of Mississippi, to be United States marshal for the southern district of Mississippi.

Eugene Nolte, of Texas, to be United States marshal for the western district of Texas.

William M. Hanson to be United States marshal for the southern district of Texas.

Grosvenor A. Porter, of Indian Territory, to be United States marshal for the southern district of Indian Territory.

PENSION AGENT.

Grosvenor A. Curtice, of Contoocook, N. H., to be pension agent at Concord, N. H.

POSTMASTERS.

DELAWARE.

David O. Moore to be postmaster at Laurel, in the county of Sussex and State of Delaware.

NEW YORK.

Fred M. Askins to be postmaster at Schaghticoke, in the county of Rensselaer and State of New York.

Charles W. Penny to be postmaster at Patterson, in the county of Putnam and State of New York.

OHIO.

Edward B. Roemer to be postmaster at Zanesville, in the county of Muskingum and State of Ohio.

PENNSYLVANIA.

E. Wesley Keeler to be postmaster at Doylestown, in the county of Bucks and State of Pennsylvania.

Eliza Kirkpatrick to be postmaster at Spangler, in the county of Cambria and State of Pennsylvania.

Daniel S. Knox to be postmaster at Tionesta, in the county of Forest and State of Pennsylvania.

David L. Laughery to be postmaster at Vanderbilt, in the county of Fayette and State of Pennsylvania.

Charles W. Zook to be postmaster at Roaring Spring, in the county of Blair and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 6, 1906.

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

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

The Journal of yesterday's proceedings was read and approved.

QUESTION OF PRIVILEGE.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. ADAMS of Pennsylvania. I have here a resolution purporting to be introduced in the House of Representatives January 27, by Mr. VAN DUZER. I have endeavored to obtain some information about this resolution, and the result of my inquiry is the ascertainment of the following facts: Mr. VAN DUZER asked leave of absence after the Christmas holidays. He has not been here since. He asked indefinite leave of absence, on account of sickness in his family. He has not been here since that day. The day the resolution purported to be introduced, January 27, he is recorded as absent and paired. This resolution, therefore, sir, in my judgment, is not properly before the House, and I send the following motion to the Clerk's desk.

Mr. WILLIAMS. Mr. Speaker, I do not know what the motion is, but before it is read I wish to say that Mr. VAN DUZER was caught in a wreck on a train on its way to Washington, was crippled in that wreck, and is now at home—I suppose at home—or elsewhere, at a hospital where the wreck occurred, one or the other. He is in Hazelton, Pa., I am told, now; and that accounts for his absence. Will the gentleman let me see the original resolution?

Mr. ADAMS of Pennsylvania. I desire to state that there is no desire on my part to pass the slightest reflection upon Mr. VAN DUZER. The object of this motion is this: The resolution has now become a privileged question, and it can be called up by anybody; and to-day we have the anomaly that a resolution that is not before this House under parliamentary rules has become a privileged question, and can be called up; and it is to cure that situation that I offer this motion.

The SPEAKER. It occurs to the Chair that the motion better be read.

Mr. WILLIAMS. Mr. Speaker, before the motion is read, I would like to state that my object in rising was to suggest to the gentleman from Pennsylvania, that whatever the motion may be, it would be better, as a matter of courtesy, and I think better all around, if he would wait until Mr. VAN DUZER returns.

Mr. ADAMS of Pennsylvania. In answer to that, I will state that it will give me great pleasure so to do. I have endeavored to find Mr. VAN DUZER, tried to find his clerk, addressed letters to his clerk, which have remained unanswered. I think my friend from Mississippi will see that here is a privileged resolution which can be called up by any Member of the House at any time, and that it is not properly before this House; it could not have been introduced by the gentleman from Nevada [Mr. VAN DUZER], for he was absent then, and has been absent ever since. It is a matter that is generally known, and this action casts no reflection upon the gentleman from Nevada whatever. The only intention is to cure the parliamentary status of this resolution, which, in my judgment, is necessary.

Mr. PAYNE. Mr. Speaker, I think if the resolution should be read, we might get at it more easily.

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor. It seems to the Chair that the proposed action to be moved by the gentleman from Pennsylvania ought to be reported to the House. It may or may not be privileged. The Clerk will read.

The Clerk read as follows:

Ordered, That the said resolution, No. 197, be canceled as a resolution of the House, and that the copies in the document room be removed and destroyed.

Mr. GROSVENOR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. I wish to ask what the resolution is that is sought to be repudiated?

Mr. WILLIAMS. I have the resolution here and I will read it.

Mr. ADAMS of Pennsylvania. I beg the pardon of the gentleman from Mississippi, but I have charge of the resolution.

Mr. WILLIAMS. Very well; I will ask the gentleman to read it.

Mr. PAYNE. Would it not meet the views of all parties to have the resolution and the motion lie over until the return of the gentleman from Nevada [Mr. VAN DUZER]?

Mr. WILLIAMS. That is just what I suggested to the gentleman from Pennsylvania, and I hope the suggestion of the gentleman from New York will go further with him than mine.

Mr. PAYNE. That was before the motion to cancel the original resolution was read.

Mr. ADAMS of Pennsylvania. If any guaranty will be given that no Member of the House will call up the resolution under the privilege, I have not the slightest objection to it. I do not desire to be discourteous to the gentleman from Nevada.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. If some Member should try to call up the original resolution, would not that also call up the motion offered by the gentleman from Pennsylvania in regard to it?

The SPEAKER. The Chair can not pass upon that question until it is presented. It would not necessarily do so, as it seems to the Chair, although if that question comes before the House, the Chair will rule upon it when it becomes necessary.

Mr. WILLIAMS. Now, if the gentleman from Pennsylvania will yield to me—

Mr. ADAMS of Pennsylvania. Certainly.

Mr. WILLIAMS. Mr. Speaker, the proposed action is predicated upon the assertion that at the time the original resolution was introduced the gentleman from Nevada [Mr. VAN DUZER]

was not in Washington. That, of course, depends upon evidence aliunde, which can not come before this House. I do not know whether it be true or not that the gentleman from Nevada was not here upon the day that this resolution was introduced. The gentleman says that there is no reflection cast upon Mr. VAN DUZER by his motion. There is a reflection cast upon somebody. Somehow or other this original resolution got here, and it bears the name of Mr. VAN DUZER. Somehow it got into the box. I know nothing about the matter, never saw the resolution until this morning, but I think it is nothing but fair and right that this matter should go over until the gentleman from Nevada can be present. I have told the gentleman from Pennsylvania and the Speaker of the House, and the Members of the House, what had happened to him and where he is. When we needed him here on the statehood vote a telegram came that he was caught in this wreck and was seriously hurt. He has not been able to attend the House since, and I insist that this matter ought not to be taken up for action now. I think we would save the time of the House if the gentleman from Pennsylvania were to withdraw the motion and let this entire business go over as unfinished business until the return of the gentleman from Nevada.

Mr. PAYNE. I think it should be understood that the original resolution offered by Mr. VAN DUZER is to go over with the resolution or motion of the gentleman from Pennsylvania.

Mr. WILLIAMS. Let the matter go over in its present status.

Mr. ADAMS of Pennsylvania. I am not attacking the gentleman from Nevada [Mr. VAN DUZER], but the gentleman from Mississippi admits the fact that he is not here, and has not been here, and could not have introduced this resolution. This is a matter to protect the House itself against unparliamentary procedure. If bills and resolutions bearing the name of a Member can be tossed into the basket in his absence, it is a very serious parliamentary situation.

Mr. WILLIAMS. The House has no evidence of such fact.

The SPEAKER. The Chair will suggest that this is a privileged question, there having been no point of order raised against the resolution. The gentleman from Pennsylvania rises in his place to a question of privilege and suggests that what purports to be a record of the House is not a record of the House, and states that the gentleman from Nevada was not present in Washington upon that day. The gentleman from Mississippi states that on the day before—the 26th—having been caught in a railroad wreck, he was not here. This seems to have been introduced on the 27th. Now, so far as the Chair is concerned, the Chair does not care, if it is for his information, to have an argument as to whether this question is privileged or not. The House can take such action as it sees proper to take.

Mr. WILLIAMS. Mr. Speaker, if the gentleman from Pennsylvania [Mr. ADAMS] will yield to me for a moment—

Mr. ADAMS of Pennsylvania. I yield.

Mr. WILLIAMS. The gentleman knows, and I hope the Speaker knows, that I am as little disposed to take up the time of the House unnecessarily as any Member upon the floor, but in the absence of the gentleman from Nevada [Mr. VAN DUZER] I could not permit this action to be taken unless it were taken with a quorum of the House and under all the guards that the rules extend. I know nothing about the matter. Now, I again repeat the request. I ask the gentleman from Pennsylvania [Mr. ADAMS] to let both of these matters go over without prejudice; let this matter in its present status go over until the return of the gentleman from Nevada [Mr. VAN DUZER].

Mr. ADAMS of Pennsylvania. Mr. Speaker, if the gentleman from Mississippi [Mr. WILLIAMS] can give me assurance that no Member will call this up under the House rule on privilege, that is agreeable to me.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Pennsylvania knows that if the gentleman from Mississippi were reckless enough to make that assurance the gentleman from Mississippi could not assure himself even that the assurance would be observed.

The SPEAKER. The Chair will suggest, with the permission of the gentleman from Pennsylvania and of the gentleman from Mississippi, if the House desires to do so, it seems to the Chair that unanimous consent might be given that the motion of the gentleman from Pennsylvania and the resolution purported to be offered or that was offered, as the case may be, by the gentleman from Nevada [Mr. VAN DUZER] shall go over until the further action of the House, and no action be taken upon the resolution until the House has acted further as to its consideration.

Mr. WILLIAMS. And without prejudice.

Mr. ADAMS of Pennsylvania. Then, Mr. Speaker, I make that request.

The SPEAKER. The Chair is of opinion that that amounts

to an agreement that a motion to discharge the committee should not be privileged pending the proceedings.

Mr. ADAMS of Pennsylvania. That is my only object in bringing this up at this time.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered.

RAILROAD RATE REGULATION.

Mr. HEPBURN. 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. 12987) for the regulation of railroad rates. Pending that I ask unanimous consent that all general debate upon this bill be closed on Wednesday, to-morrow, at 3 o'clock and 30 minutes p. m.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate shall be closed upon the bill H. R. 12987 on Wednesday, to-morrow, at 3.30 o'clock p. m. Is there objection?

Mr. ADAMSON. Mr. Speaker, reserving the right to object, when the gentleman from Iowa [Mr. HEPBURN] and I were discussing the termination of general debate and trying to end it on this afternoon, we saw we could not finish with the number of requests for time that we had, and my understanding, as I remember it, was that we would try to get through by 4.30 o'clock to-morrow afternoon, in order to begin the reading of the bill to-morrow afternoon. Will that be satisfactory to the gentleman?

Mr. HEPBURN. Yes, Mr. Speaker; that is satisfactory.

The SPEAKER. The gentleman modifies his request, fixing the hour of 4.30 p. m. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the motion of the gentleman from Iowa, 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. 12987—the railroad-rate bill.

The question was taken, and 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 bill H. R. 12987, with Mr. VREELAND in the chair.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, in the brief time allotted me for the discussion of this important measure I can not present it in the elaborate manner that I would like to do.

I congratulate this House and the country that is under the leadership of the strenuous gentleman who occupies the White House, the Republican party has at last been "able to sit up and take notice" and to hear the demand of the people for legislation along the line of this bill.

Unwillingly, it is true, have they listened to the muttering storm of indignation as it rose higher and higher, until, fearing the results of that indignation, their sudden conscience has at last been quickened to the necessity for action.

Now, with that peculiar facility of Republicans to claim the earth and the fullness thereof, they even claim the paternity of the infant, and the gentleman from Wisconsin [Mr. ESCH], in his eloquent non sequitur speech the other day, seemed to work himself up to the point of believing that he was partly the father of the bantling himself. But fair-minded gentlemen on the other side of the Chamber know that to the Democratic party belongs the honor of inaugurating the movement which is about to culminate in the passage of the pending measure.

When the doctrines of this bill were ten years ago being advocated by the leader of the Democracy it was denounced as socialism and anarchy. When the Democratic platform of 1896 made demand for this character of legislation it was called the enemy of progress and the foe of prosperity. At least two gentlemen on the Republican side of this Chamber have been fair enough to call it a Democratic measure, and to even try to frighten their friends from its support by this admission. The gentleman from Massachusetts [Mr. McCALL] said the other day: "He [Mr. Bryan] looked upon it as his own child, and not long ago as he was starting around the globe, in almost the last words he uttered upon American soil, with a paternal solicitude, he commanded the bantling to the tender care of the President." If the distinguished gentleman means by this that the Democratic party only took it up after the President in his message advocated it, he is mistaken.

Here are the platforms of the Democratic party for the last three Presidential elections. See how they read:

[Declaration from Democratic platform, 1896.]

The absorption of wealth by the few, the consolidation of our leading railroad systems, and the formation of trusts and pools require a strict control by the Federal Government of those arteries of commerce. We demand the enlargement of the powers of the Interstate Commerce

Commission, and such restriction and guaranties in the control of railroads as will protect the people from robbery and oppression.

[Declarations from Democratic platform, 1900.]

CORPORATE INTERFERENCE IN GOVERNMENT.

Corporations should be protected in all their rights and their legitimate interests should be respected, but any attempt by corporations to interfere with the public affairs of the people, or to control the sovereignty which creates them, should be forbidden under such penalties as will make such attempts impossible.

INTERSTATE COMMERCE COMMISSION.

We favor such an enlargement of the scope of the interstate-commerce law as will enable the Commission to protect individuals and communities from discriminations and the public from unjust and unfair transportation rates.

[Declarations from Democratic platform, 1904.]

TRUSTS AND UNLAWFUL COMBINES.

Individual equality of opportunity and free competition are essential to a healthy and permanent commercial prosperity, and any trust, combination, or monopoly tending to destroy these by controlling production, restricting competition, or fixing prices should be prohibited and punished by law. We especially denounce rebates and discrimination by transportation companies as the most potent agency in promoting and strengthening these unlawful conspiracies against trade.

For ten years the leader of Democracy has been proclaiming the doctrines of these platforms from the hilltops and amid the valleys, and back of him was the great Democratic party. Now, gentlemen, point to any platform of your party that has ever squinted at rate reform. Point to any President or great leader of your party that has ever advocated its principles till now.

Not till after the election under which your President was seated in the White House did he hint to the railroads or to the country that he would lead the crusade for rate reform. Not till after the election, and you ceased to need campaign contributions, did one of your great leaders in Congress or on the hustings declare for this legislation.

But now, when the voice of the people is heard demanding the passage of this bill you tumble over each other to get on the band wagon. But, gentlemen, we welcome you to our aid. I am not one of those who believes that no good thing can come out of Nazareth, and when we see you coming to us on the Philippine tariff, on rate legislation, and, I hope, on some other great questions, we well may say:

While the lamp holds out to burn,
The worst standpatter may return.

[Applause on Democratic side.]

Mr. Chairman, I have no desire to be unjust to the railroads or to railroad interests. I can do no better than to quote from a speech that I had the honor of delivering in this House one year ago on this same question. I said:

I regard them as one of the greatest harbingers of progress of any human agency, and I have no feelings of unkindness for them. In my district we need more of them. In some portions of the district they have made the country blossom as the rose. They have climbed the mountain tops, and along their wake splendid towns have sprung up like magic, and prosperous people greet the shriek of the locomotive. Some of the most fertile lands in these same counties need but the iron horse to make them fivefold more valuable than they are. In some of these counties a single railroad pays more than one-fourth of the entire taxes of the county.

Mr. Chairman, I have the honor of representing a rural people. Many of them and their children have not had the advantages of profound literary training. But they are an honest people; a people who fear God, revere justice, and uphold the law. They would not regard me as their faithful Representative were I on this floor to rave like a howling demagogue against railroads or other corporate interests or demand the destruction of these great adjuncts of development and progress. The effort has been made each time that I have been before the people for election to this House to array them against me because of my relation to railroads, but each time it failed, and the last time by a more emphatic majority than ever. Each time I have told them that whenever the interests of my people clashed with that of corporate power they would find me on the side of the people whose commission I bore. My people believed me, they trusted me, and now, as their Representative, I shall raise my voice and cast my vote for what I believe to be their best interest. They are not unjust or unreasonable in their demands. They do not ask a pound of flesh from next to the heart. They do not seek to confiscate or destroy the holdings of these great corporations, but they do ask, Mr. Chairman, that these corporations, to whom so much has been granted by the people, should be required to do that justice to these people which they demand for themselves.

For several years after the creation by Congress of the present Interstate Commerce Commission it was thought that it had the power to regulate freight rates. Railroads prospered then, and under the legislation proposed by both these bills they will continue to prosper. The Commission assumed to regulate rates until the Supreme Court of the United States held that they had no such power, and yet the restraining hand of the courts were always ready to see that no such rates should be fixed as were unreasonable or destructive of their property.

The power of review by the courts is ingrafted in this bill, and should the time ever come when a political commission, as described by the gentleman from Maine [Mr. LITTLEFIELD], should deal unjustly by the railroads, then, Mr. Chairman, the strong arm of our courts is ever ready to lend them aid. This power of regulation, not of rate making, as some assert, should be lodged somewhere.

Under section 8 of the Federal Constitution it can not be lodged with the States. That section says among other things:

The Congress shall have power to regulate commerce with foreign nations and with the Indian tribes.

Thus we see that the power to regulate interstate commerce is taken from the States, and we have the spectacle of sixteen States of the Union having commissioners to regulate rates on commerce within State borders, and yet, when its destination is a foot beyond State lines, the commission is impotent to give relief. Gentlemen tell us that the bill confers upon seven men the power of confiscating the property of the railroads, and that, if it should pass, it would be a deathblow to railroad expansion and enterprise. No such results as have been predicted will follow. Stringent laws of this kind have been in force in many States for years, and yet new railroads have been built and old ones extended in these States just as in others.

There are many reasons why there should be some regulation, and, as a sequence, why the power of regulation should rest in some tribunal. All corporations as well as all people should be amenable to law. Individuals throughout the land are restrained by the old common-law maxim, "So use your own as not to injure another's." Then is it unreasonable or unjust that this same great principle of law and benign safeguard of society should apply with equal vigor to corporations as well as individuals?

Railroads, of all other entities, ought to be willing to abide by this wholesome doctrine. They enjoy many concessions that are not made to ordinary individuals. Their very existence is ushered in by concessions that no private individual can exercise. In their very construction they have the right of eminent domain, by which they can raze to the ground the most valuable structures and appropriate the most fertile lands. These important concessions and valuable privileges are granted to them for the very reason that they are public utilities and operated for the public good. Congress itself has conferred upon them the right to appropriate a part of the public domain for rights of way and depot facilities, on compliance with certain easy formalities. To many of them have been granted vast areas of land to aid in their construction, and many homes that would have been settled by the poor of the land have passed into the hands of these great corporations. Then is it not right that as a partial compensation for such vast concessions they should be willing to exercise their functions in the interest of all the people as well as in the promotion of their own selfish aims?

The progress and development of the age necessitates their use. There is a kind of duress upon everyone living in civilized and progressive communities to use them. The very nature of these vast aggregations of wealth and power is essentially that of a monopoly, and such a monopoly as must be made to bow to law—not the law of confiscation, nor even of oppression, but a law which will say to corporations when they themselves are seeking to oppress, "Thus far shalt thou go, and no further."

This is all my people ask; this is all this bill proposes; and under its benign influence I expect to see the railroads prosper and the people prosper, and without friction or antagonism to move forward hand in hand till within a few years both will rise up to proclaim this Congress blessed for having given this benediction to the country. [Loud applause.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS. Mr. Chairman, the continued demand of the people of this country is about to be recognized. This fact is forcibly demonstrated by the action of the Committee on Interstate and Foreign Commerce in completely ignoring political lines for the time and reporting unanimously to this House a bill to regulate railroad rate charges.

The wonderful growth of the railroads in the United States is unprecedented in the history of the world. They have grown until they have reached in value the enormous sum of \$16,000,000,000. The many small and independent systems of railroads have almost disappeared, for the reason that from time to time they have been bought up and in different ways merged into larger systems, and these larger systems have been continually forming into still more gigantic ones until they have reached a position of organized and tremendous power for good or for evil.

These great and expanding corporations have learned that they must cultivate harmony among themselves; that they must work together in unison, for they know that for them to compete with each other would mean greatly decreased earnings, hence they have destroyed real competition among the roads and have made it a thing of the past, in consequence of which the most powerful compact or pool among the railroads of this country ever known in the history of the world has resulted. Now, with this gigantic and all-powerful combination of the transportation facilities of the country to contend with, what is to become of the people—the patrons of these roads? The

truth is, they are perfectly helpless and completely at the mercy of the railroads.

THE PEOPLE MUST BE PROTECTED.

The people must and will have protection. Then what is the remedy for this evil? There can be but one answer, one solution of the question, and that is to place all railroads under National Government control. Congress has the power to do this, and, in my opinion, the Hepburn bill now before the House, giving the Interstate Commerce or Railroad Commission the right to say what are reasonable and just rates and providing for an appeal to the Federal courts when the railroads are dissatisfied with the judgment of the Commission, very wisely compasses the solution of the problem.

Mr. Chairman, for the Government to regulate the railroads in their rate charges does not and should not mean to destroy or even to harm the railroads. No one could desire that. They represent too much capital, contribute too much to the support of the Government, and too much and too many are dependent upon them; and they are too great a factor in the growth and industrial development of this rapidly expanding country. But the rapid growth and the colossal wealth of the railroads, by their scheme of combinations and other devices, have conferred such power on them as to render them dangerous to an unprotected people. While we do not desire to destroy the railroads, we intend to see that the railroads shall not destroy the people.

MANY FAVORS EXTENDED RAILROADS IN PAST.

Many franchises have from time to time been given to the railroads by National and State governments and by the people at large, with the view and the implied agreement that fair and just treatment would in return be accorded by the roads, but that expectation has been broken to the hopes, and the people and the roads are daily drifting farther and farther apart, until the roads have ceased to consider the interests of the people and the public have come to regard the roads as selfish and a natural enemy to their welfare.

The railroads in their tremendous power, ever ready to invite litigation and commanding the best legal talent to be had, have continuously evaded and at times defied all laws enacted with reference to their regulation and the control of their management, rates, etc.

Prior to the enactment of the interstate-commerce act of 1887 the friends of remedial legislation had before them two plans: One advocated by a distinguished Representative from Texas, Mr. Reagan, proposing certain prohibitions and requirements and penalties that the carriers should be subjected to, but providing no additional methods for their enforcement and no new aids for the discovery of wrongdoing or for securing the punishment of the wrongdoers. The law proposed was to be administered by the judicial system then in existence. The other scheme, presented by a distinguished Senator from Illinois, Mr. CULLOM, contemplated the creation of the Interstate Commerce Commission as it now exists, with the duties and powers now imposed by law, with substantially the same prohibitions, requirements, and penalties to be imposed upon the carrier. The powers of the Commission enabled them to hear complaints, to investigate facts concerning them, to search for violations of the law, and to aid the courts, through their discoveries, in enforcing the law. This latter system was established by the act of 1887; was somewhat improved by the amendments of two years later, and is retained in the bill reported with the powers enlarged and made more definite.

The act known as the "Elkins Act" of 1903 gave additional strength to previous legislation through its more specific prohibitions relating to rebates, discriminations, and preferences. Yet the ingenuity of some of the carriers and shippers has resulted in avoiding the provisions of that act through the use of joint tariffs, involving, in some instances, a railroad and a mere switch owned by a shipper; through arrangements whereby excessive mileage was given to the shipper of products who owned his own cars; through the use of refrigerator cars; through the permission given to independent corporations to render some service incident to the shipment, as the furnishing of ice in the bunkers of the car; by what is known as the "midnight tariff," a method involving an arrangement with a shipper to assemble his freights, have them ready for shipment at a particular date, whereupon the carrier would give the necessary three days' notice of a reduction in the rate—competing carriers and shippers would know nothing about this arrangement—the freight would be shipped at the new lower rate, and then there would be a restoration of the old rate; and by other means and devices.

The railroads, in violation of all these laws, continued the practice of rebates, secret and preferential rates, and favoritism. By their unlawful conduct they have built up one section of country to the injury of another, have given certain favored cities advantageous rates over those of a less favored one.

They have bestowed on large shippers advantages in rates over the smaller ones; have helped the cities to the detriment of the towns, and, by their unfair treatment, have made the strong stronger and the weak poorer.

Railroads have added much to the wealth and strength of the commercial trusts of this country by such practices as secret rebates, joint tariffs, and other methods in violation of existing law.

Under such a deplorable condition of affairs as this, can there be any astonishment that the people should rise and demand that they be protected against such unfair and unlawful practices?

RAILROAD RATE REGULATION A DEMOCRATIC IDEA.

The President of the United States realized that the all-powerful railroad interests must be controlled by an impartial commission to the end that the people, the patrons of the roads, might have justice; hence he strongly urged upon Congress the absolute necessity at this session of such legislation in his annual message.

While it is true the Republican party has heeded the demand of the people, I am going to maintain that this is a Democratic victory, for that party has for years urged in its platforms the necessity for government of railroads, and it is to the credit of a distinguished Democrat and then a Representative from Texas, Mr. Reagan, that he suggested, first in 1887, a plan for Federal regulation and control of railroads.

Yes, this is a Democratic victory, and several distinguished gentlemen on the Republican side of this House have in their speeches suggested the correctness of this contention. However, I am glad to see a virtually united front of the entire House on this great question. In fact, to be successful in this undertaking fraught with so much good to the people politics for the time must be laid aside.

I am informed that the railroads have felt until lately safe from any legislation on this line, depending upon their great influence to stifle all effort, but they now are feeling some alarm, for they begin to realize that they have been overconfident.

Mr. Chairman, I now heartily congratulate the entire country on the splendid prospect of this bill being enacted into law. It augurs well for the people. It means that the time has come when the Government must and will regulate all of the powerful trusts and combines formed for the purpose of destroying competition and putting the consumers of the country—the people—under the merciless power of their avarice. The passage of this bill to regulate railroad rates will be the first firm and positive step in the direction of Federal regulation of interstate commerce, and the country may hopefully and happily look forward to further relief from monopolistic injustice and greed. As I have said before, no injury is intended by the bill to the railroads, and it does seem to me that every honest management of such corporations should approve of this legislation.

POWERS OF THE COMMISSION.

The Interstate Commerce Commission is to be composed of seven good and experienced men. While the Commission will not have the power to make rates for the railroads, it will have the authority to pass upon the rates as published by the railroads, and will have the right to say whether such rates are just and reasonable. When in the opinion of the Commission a given rate, against which complaint has been lodged with the Commission, is unjust and unreasonable, the Commission can then fix the maximum or highest rate that the railroads will be permitted to charge. If the railroad is dissatisfied with the ruling, an appeal can be taken to the Federal courts, the rate fixed by the Commission remaining in the meantime or pending the appeal the controlling rate until the court resorted to has passed upon the issue. While the bill does not go as far as I would like it, in that it does not confer as much power as it should on the Commission, yet it is drawn on conservative lines and should commend itself to the approval of everybody. Yet the railroads are opposing this fair legislation.

There are now in operation in the United States 217,000 miles of railroad, representing a capital of \$16,000,000,000 in stocks and bonds. A political economist of distinction, one of the professors of Yale, who has given much study to the cost of railroad building, states that they can be built for \$35,000 per mile. If that be true, and certainly it is a reasonable proposition, the total cost of all the railroads in the United States would be \$10,000,000,000; then \$6,000,000,000 of the capital stock of all the railroads of the country must represent a fictitious value, or what is known as "watered stock," having no value and representing nothing. Now, is it not unjust to the people for the railroads to insist on a profit on \$16,000,000,000 capital when, in point of fact, the actual capital represents only \$10,000,000,000?

To state the proposition more clearly, the railroads are entitled and should have a fair and reasonable profit on \$10,000,000,000 actual capital, but never on \$16,000,000,000 capital, of which \$6,000,000,000 represents absolutely nothing but a speculative vision.

PUBLICITY.

The power of the Commission to compel railroads to make statements of their condition will go far toward effectively regulating this evil. Publicity is one of the strong features of the bill. In fact, there is no greater corrective and deterrent agency than publicity. It is said by those charged with the prevention of crime in New York City that six electric arc lights are worth more than a hundred armed custodians of the peace in the suppression of lawlessness.

The railroads and their defenders argue that by reason of the complications growing out of the relations of the different roads, the great mileage they cover, and the almost endless classifications of rates, the task and responsibility of regulating and adjusting such vast and intricate questions are too great to be confided to a commission composed of seven gentlemen. Such a contention is not well founded, when the fact is the rates for all the railroads in the United States are at present made by less than a dozen men.

THE PRIVATE CAR SYSTEM.

The private car system, including all refrigerating and icing privileges, is also placed under the supervision of the Interstate Commerce Commission. The growing fruit interests of my district, undoubtedly larger in acreage and production, relative to territory, than that of any other part of the South, will gladly welcome this legislation. While this service has lately been greatly improved over the past by these private car companies, still their service and rate charges have not at all times been satisfactory to the shippers; therefore the passage of this bill will mean better service and fairer rates, thereby encouraging and fostering the growth and prosperity of this great and valuable industry of the South.

THE WIDOWS AND ORPHANS.

The railroads and their advocates have endeavored to create sympathy for the interests they represent by claiming that a large amount of the capital stock of these corporations is held by the widows and orphans and have argued that any mode of Government control of rates would result in a decrease in the value of their property, and, consequently, in the amount of their income. The fact is, that class of stockholders is small—indeed, but a trifle—compared with the many wealthy owners of such stock. But, I repeat, the honest railroad management and the roads that are not overcapitalized can not be injured by the acts of a fair, honest, and intelligent Commission whose duty it will be to see that justice is meted out equally to the people and the roads.

RAILWAY EMPLOYEES.

Much has been said and many articles from numerous contributors written expressing the apprehension that Government interference with railroad rates would decrease the earnings of the employees of the roads. I presume many Members of Congress have received petitions from some of these employees protesting against any legislation on this line for that reason. Nevertheless, I take the position with the greatest confidence of its correctness that the employees of the railroads will in no wise suffer. Their salaries will not be decreased. Does the salary of the railroad employee rise and fall with the changing financial condition of the roads? I answer, no.

Mr. Chairman, let me call the attention of the House to the wild fluctuations in the market values of stocks and bonds of the railroads in the past two years. It is a fact that the common stock of many of the roads has increased in value over 100 per cent, while I doubt if there has been the least advance in the salaries of the employees during all this period of great prosperity enjoyed by the railway companies. In the meantime the cost of all food products and other necessities of life have steadily advanced in price.

Wage-earners are entitled to fair pay and should and will continue to receive it. The salaries of railway employees is now and will ever be based more on the amount of hauling or business the road does than on the prosperity of the road or the rate charges made by the roads, for so long as the roads have business they will be compelled to have employees. When the roads find themselves short of business, the result will be not the reduction of salaries, but the shortening of the hours of work.

Mr. Chairman, I am going to close my remarks feeling assured that this bill will pass the House and with a strong conviction that it will pass the Senate. We are told by the President in his own forceful words that he is extremely desirous of an op-

portunity to approve it. When the law is put in operation, forcing as it will the railroads clearly to understand that they must respect and consider the welfare of the people, I freely predict that the common carriers of the country will willingly give far greater consideration to the rights and the interest of the shipper and the public than ever in the past, and on the other hand that the people will place more confidence in the railroads, all contributing to the happy situation that the two forces heretofore estranged will be more reconciled in their relations with each other, thereby further stimulating and fostering the rapid growth and development of our beloved country. [Applause on the Democratic side.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. GUDGER].

Mr. GUDGER. Mr. Chairman, in obedience to the general demand of the masses, we are now engaged in the enactment of a law which embodies one of the cardinal principles of Democracy. We are all practically agreed that legislation is needed to prevent rebates and other discriminations in favor of one shipper as against another, and which will result in so regulating freight rates that justice may be done alike to the shipper and the consumer, and which will at the same time permit of a reasonable profit to the carrier. I congratulate my friends on the other side of the House upon the patriotism they are displaying in thus rallying to the support of this good old Democratic doctrine. [Applause.] I do not wish to be understood as attempting to minimize in the least the importance to the country of this great measure. I shall give it my most hearty support, and I am gratified at the prospect of its early enactment, notwithstanding the obstacles that are being thrown in the way of its passage by those who are profiting by its absence from the statute books. But I desire to call attention to another great question confronting the nation, which has not received that degree of consideration from Congress that its importance demands. It is even of greater consequence than the rate question, because it is wider in its scope and more far-reaching in its effect upon the general welfare of the country. I refer to the question of immigration. Rate legislation involves primarily the question of how much money should be charged for transportation, while the question of immigration involves considerations which in my judgment reach the very foundation of the Republic itself. [Applause.]

A review of the statistics of immigration discloses an increase in the number of foreigners annually coming to our shores, which is appalling when the character of the immigrants is considered. In the year 1820 they numbered only a little over 8,000. In 1860—forty years later—they numbered more than 133,000. In 1900—the end of another forty-year period—the number increased to nearly 450,000. During the fiscal year 1905, only five years later, there were more than a million of them. Think of it, gentlemen! At the rate they are now coming they would equal the population of North Carolina in less than two years, and a Congressional district as large as my own in a little more than two months. The annual immigration has more than doubled in the past five years. At the same ratio of increase it would require only a little over one hundred years for our country to reach the limit of the density of population. By that time we would have eight or nine hundred millions of people, or a territory as densely populated as the Empire of China. This of itself is enough to arouse us to a full realization of the importance of checking this swelling tide of immigration. But this is by no means the gravest phase of the question. I concede, of course, that a great many good citizens have come and will still come to us from other countries, but statistics show that in more recent years a very large part of our immigration comes from a strata of civilization far beneath our standard; that they are composed in a great degree of the vicious and ignorant elements of foreign countries; that they are lacking in comprehension of the principles of our form of government and have no sympathy with them, and that they do not possess the mental or moral qualifications which should be insisted upon as a prerequisite to clothing them with the rights and privileges of American citizenship. [Applause.] Moreover, the percentage of this class of immigration is now rapidly increasing. This is doubtless due in a large measure to the fact that the great steamship companies are sending their agents throughout foreign countries, where they gather up the indigent and illiterate, who are willing to come across the water as steerage passengers; and it is reputed that they are making millions of dollars out of this nefarious business. In our warfare to protect the public weal against trusts and combinations we might with profit devote some of our time to legislating so as to limit the operations of these companies.

As a result of our lax system of immigration laws, we are permitting our country to be flooded annually with a horde of

undesirable aliens, who come here to incite strikes and resistance to organized authority and to infuse into our body politic the spirit of socialism, communism, anarchy, and other evil influences which sap the lifeblood of a nation. [Applause.] If it is permitted to continue unchecked, it can hardly mean less in the end than a change of our nationality.

But putting aside for the moment the question of the effect of this immigration upon our Government and civilization, I desire to call attention to another phase of it. The Republican party seeks to pose as the champion of American labor, and points to its tariff legislation as an evidence of its desire to protect the industries and the laboring interests of this country from the products of the pauper labor of foreign countries. I shall not take time to discuss now the question as to the utility of such legislation to that end, but I challenge the consistency of their course in building a tariff wall around this country for the avowed purpose of keeping out the products of pauper labor when they, although having unhindered control of every branch of the Government for many years, have not lifted their hands to close the flood gates through which the pauper laborers themselves come in. [Applause.] Surely the importation of the products of pauper labor can not do as much harm to American labor as does the presence of the pauper laborers themselves. The competition is more direct and, necessarily, more disastrous. On the other hand, it is a benefit to the employers of laborers, because it enables them to obtain labor at a lower rate of wages. So that whatever benefit the American laborer might otherwise obtain as a result of the protective tariff, it is more than offset by the failure of the Republican party to enact effective legislation to keep out the pauper laborers themselves, and in the end the employers of laborers—the captains of industry—are the only ones who are benefited.

The Commissioner-General of Immigration in his last annual report calls attention to the fact that during the last decade the percentage of immigration arriving at the southern ports, as compared with those arriving at other ports, is increasing. This is said to be due, in part at least, to the concerted action of certain railroad interests with a view to diverting immigration to the South in the hope, of course, of ultimate profit to their business. This significant fact brings the question directly home to the Southern people. I have no sympathy with the views of some of my Southern friends, that we need more immigration there of the kind now coming to this country. The men who cultivate their hundreds and thousands of acres of cotton; the men who employ large numbers of laborers, may need them, but the small producer and the small business man does not. It might be better to have them if we considered the question solely from the standpoint of the present and of the men who desire to make money regardless of future consequences, but we are not legislating for the present alone. We are legislating for our children and our children's children. [Applause.] The South is growing richer every day. It is filled with resources yet undeveloped, and it is capable of developing them without entering upon the untried experiment of introducing aliens to assist in that development. It is filled with a God-fearing, law-abiding, patriotic people, and its standard of citizenship is equal to that of any other country or section of country in the world. [Applause.] It would be far better to let some of its mills and factories remain idle and some of its cotton plantations remain unproductive than to introduce this alien element into its population, which must ultimately lower its standard. Those engaged in the production of cotton are now directing their attention to the question of the reduction of acreage in order to maintain the price of that staple. What better method is there of reducing the acreage than that of curtailing the number of laborers available for employment?

Speaking for my own State, and more especially for the district I have the honor to represent, I say to you that we do not want any more immigrants from the low, vicious classes. I have in mind one of the counties of my district in which four large mill towns are located—Forest City, Caroleen, Henrietta, and Cliffside. They are all within range of the ringing of a single bell. The owners and employees are in perfect sympathy and accord. There are no foreigners there, who hold the law in contempt, and consequently no strikes. They have good schools and churches and are as good citizens as can be found anywhere in the State. I have been there on Sundays, and have seen them attending the Sunday schools, some of the employees acting as teachers and some of the employers as pupils. They are American citizens—American born and bred—and typical of the good citizenship now existing throughout the South. [Applause.] They do not want any foreigners to help them in their business. They are able to take care of it themselves. We are too prone in these days of prosperity to say,

"Let well enough alone." But we know from the history of the past that the hour of adversity must come, and when hard times come and depressions upon us and there is less demand for the employment of labor, capital will seek it where it can get it the cheapest. Then shall we see the folly of our inaction, and then the American laborer, whose interest it is our first duty to protect, will be the sufferer. I feel that I am voicing the predominant sentiment, not only of the Democracy of North Carolina, but of the entire South, and representing her best interests regardless of political considerations when I appeal to you, gentlemen, to join us in the enactment of some measure to meet this impending danger. [Applause.] I shall not stop to discuss the question as to what specific character of legislation would be most effective to that end. It might be done by a head tax or an educational test or in some of the other ways that have been suggested. Perhaps all of these restrictions could be applied with beneficial results.

What needs to be accomplished, however, is to arouse Congress and the country to a full consciousness of the fact that something should and must be done, and the remedy can easily be found. But that some remedy is needed, and needed immediately, can not be gainsaid. If we would keep our country in the place it has now fully earned—that of the foremost Republic, aye! the foremost nation of the earth—we must shield it from those baneful influences which have always operated to the detriment of other nations, and which sooner or later bring disaster to us. If we would have the mighty current of our national power move onward unchecked toward the fulfillment of its mission, we must preserve that standard of American citizenship from the contaminating influences that are now crowding in upon it. The majestic Anglo-Saxon character must be preserved; the Celtic and Teutonic blood that helped to make our splendid citizenship must not be mingled with that of the lower types of mankind. We can best accomplish this by standing firmly for the policy of "America for Americans." [Applause.] Let the balance of the world call this selfishness if it will; but, after all, national selfishness is the highest type of patriotism.

Mr. CHAIRMAN, in conclusion, I trust that the importance of this subject may be felt to that degree that we will give it the most careful and thoughtful consideration. Action is necessary to success. Restriction of foreign immigration must be had in order to protect our American wage-earner against the vicious, ignorant, criminal pauper labor that is now being permitted to enter our ports.

The demand is for a strong and effective law strictly enforced in order to maintain the high standard established by our American laborer. This right to such wages as to enable him to have a comfortable home, money to properly educate his children and maintain his dignity as an American citizen must be upheld. They are the men that produce the wealth, defend our country in time of war, and represent the good citizenship of this country. It is therefore our duty to protect them along these lines with such legislation as will preserve in the future America for Americans. [Great applause.]

Mr. MANN. Mr. Chairman, I yield to the gentleman from Illinois, my colleague [Mr. DICKSON], such time as he may desire.

Mr. DICKSON of Illinois. Mr. Chairman, I am convinced that it is impossible for me to add much of interest or information to the masterly expositions of distinguished Members in the matter of the proper regulation of rates as treated in the bill now pending before the House.

I feel, however, that coming from one of the largest districts in the great State of Illinois, traversed by many miles of railroads, between whose right of ways there thrives the varied industries of shop and field; a district populated by almost 300,000 honest, loyal citizens, it might seem meet and proper that their voice, through their Representative, be recorded in this council.

I can not hope to enter the realm of discussion touching the intricate ramifications of this bill, nor shall I presume to expound the constitutional questions involved, but rather view it as it appeals to one who has at heart the welfare of his people and the idea of a "square deal" to all interests.

In my judgment, the pending measure is an honest effort to correct the discrimination, rebates, and other abuses that at the present time exist in our railroad traffic.

This bill is just to all, in providing that charges for transportation of passengers and freight shall be reasonable, all unjust and unreasonable charges being prohibited.

It affords publicity—that implacable foe of indirection and dubious method—by providing that every common carrier shall print and keep posted for the inspection of the public schedules, showing rates, fares, and charges; all classification of freight;

all "icing charges," and charges for that most potent agency of evasion, the "private car line" and the "terminal."

Every carrier is compelled to file with the Interstate Commerce Commission copies of all schedules, promptly notifying the Commission of any changes therein, and filing all joint tariffs between connecting lines. For the purpose of compelling compliance it provides that any carrier refusing to file a schedule as provided, may be mandamus and punished for contempt and enjoined from transporting property until such time as they may be prepared to obey the law.

It is provided that common carriers shall each year make a complete exhibit of their financial operations.

The Commission may require carriers to keep a uniform system of accounts, prescribing the manner in which they must be kept, the Commission having at all times access to all records of every kind belonging to the carrier.

This bill stands for a "square deal," in providing that the Commission must, when shown that a rate is unjust, or a practice unjustly discriminatory, preferential, or prejudicial, prescribe instead, a fair, reasonable, and justly remunerative maximum rate, following this with an order that the carrier shall not collect any rate in excess of the one prescribed. Such rate, when prescribed, to become effective within thirty days.

This bill not only furnishes redress for existing wrongs, but provides a penalty for the violation of administered remedy, in that any carrier neglecting or refusing to obey the lawful order made by the Commission shall forfeit for each day's refusal \$5,000, and further provides effective procedure for the collection of such penalty.

These, together with the many other features of the bill touching the matter of "secret rebates," "discriminations," further details of publicity, the increase of the membership of the Interstate Commerce Commission from five to seven (remedial features that have been so fully explained on this floor) will by their operation overcome many existing transportation evils.

I can not subscribe to that doctrine heard on the floor during this debate, that the railroads of the country are wholly culpable and their officers and managers go "about the earth seeking whom they may devour."

I do not forget that there have been no corporations in this country which have done more to increase the wealth, happiness, and prosperity of our people than the railroads.

They have entered unexplored and arid areas and made possible their population by an earnest, industrious citizenship. In the main, they have exhibited rare foresight and great judgment in promulgating measures for the general benefit of our country and its people, yet it is equally true that they have oftentimes lost sight of the welfare of the communities and ignored the rights of individuals.

We know that when they have found it necessary or expedient from a view-point of business to favor certain localities or certain shippers with discriminatory rates, they have not hesitated so to do.

Large shippers dictate the price at which their product shall be carried. This unrighteous dictation has for its most striking example that fungous growth—the private car lines—which, at first encouraged and nurtured by the railroads, has so grown and thrived that the railroads themselves are to-day bound, gagged, and helpless in their grasp.

Mr. John L. Pickering, of Illinois, one of the most capable newspaper men of the West, spent a great amount of time and energy in compiling facts and figures for publication in connection with the recent investigation of this matter by the Illinois railroad and warehouse commission. In speaking of the evils of the "private car system," Mr. Pickering says:

Eight railroads, including the principal systems doing business in Illinois, for the year ending June 30, 1904, make affidavit, through their general officers, that they paid to the owners of private car lines for the preceding twelve months the enormous sum of \$2,000,000. This vast sum was charged to operating expenses in some cases.

The private car "graft" is a companion of that other evil, "rebates returned to favored shippers."

Instead of buying cars in which to transport the freight that is offered to them, the railroads pay a rental to a corporation not organized as a common carrier, but owning private freight cars. This rental is based on the number of miles the car travels over each line, and the price varies with the influence of the corporation owning the cars and the anxiety of the railroad to secure the business controlled by the car lines.

PRIVATE CAR GRAFT.

For example, the Chicago and Eastern Illinois presented the Armour car lines with only \$4,553 in the year ending June 30, 1904, while the Chicago, Burlington and Quincy handed them \$101,990. But the Burlington gave the Swift lines \$64,573, Cudahy a total of \$35,209, and Morris \$14,427.

The Illinois Central paid Armour \$89,421, Swift \$27,802, Cudahy \$8,952, and Morris \$5,807. The Big Four divided about even between the two kings, giving Armour \$14,590 and Swift \$13,817. With the Chicago and Northwestern Armour and Cudahy were the favorites, the first receiving a total of \$50,820 and the latter \$50,110, while Swift

got only \$25,987. The Rock Island's donation to the Armour lines was \$89,443 and to the Swift lines \$43,018.

The Union Tank Line, a branch of the Standard Oil Company, received enormous sums from all lines for the use of its cars, the Burlington paying it over \$33,000 and the Illinois Central nearly \$23,000, while the Northwestern contributed \$17,000, the Rock Island \$15,700, and the Santa Fe nearly \$21,000.

I have not included in the Swift summary the amounts paid to the Continental Fruit Express, which is popularly supposed to be owned by the Swift Company. The Continental Fruit Express Company received from the Illinois Central \$5,085, from the Northwestern \$15,000, and from the Rock Island \$27,425.

BEEF TRUST OWNS 90 PER CENT.

These private car lines—I refer particularly to the lines owned or controlled by the great beef trust—are called "the greatest trust in the world" in a series of interesting papers now appearing in Everybody's Magazine. It is estimated that there are 54,000 refrigerator cars in the country and that Armour owns 25 per cent of the total. Ninety per cent of the total are owned by the beef trust.

The products shipped by railroads in cars owned by other corporations include fruit, live stock, provisions, oil, beer, molasses, coffee, furniture, asphalt, stone, coal, agricultural implements, soap, dairy products, poultry, and meats.

The immense sums paid annually by Illinois railroads to these private car lines are worthy the attention of the State authorities. It must not be forgotten that the thousands of cars owned by this class of corporations pay no taxes to the State of Illinois. The State board of equalization made an attempt one year, I believe, to reach them, but did not succeed, because the effort was not serious or earnest.

The capital stock of one or two stable car lines is mentioned in the reports of the board, but not real assessment is made against them. The stable car lines are included in the above total, and receive their share of the railroads' surplus. Some of the amounts paid to them for the last year are given herewith:

Mather Stable Car Line: Chicago and Eastern Illinois, \$26,187; Illinois Central, \$11,009; Rock Island, \$3,489.

STREET'S CAR LINE.

Street's Stable Car Line: Atchison, Topeka and Santa Fe, \$39,907; Chicago and Alton, \$13,612; Burlington, \$16,799; Illinois Central, \$35,191; Big Four, \$12,468; Northwestern, \$26,535; Rock Island, \$27,969.

In treating this subject I have only considered eight Illinois roads. I have no present means of obtaining the statements of all the roads in Illinois.

Eight Illinois systems paid \$2,000,000 for private car service in one year.

What did all the Illinois roads pay?

Probably \$8,000,000 or \$10,000,000.

The net earnings of the lines are reduced just that much, and the burdens upon the small shipper and country merchant are thereby increased.

Let me summarize three elements that have entered into the cost of transporting freight during the past ten years in this State—elements that are ignored by the railroads themselves in estimating for the public the cost of transportation.

THREE COSTLY LUXURIES.

First. Overcharges returned to shippers—illegal rebates.

Second. Bounties to private car lines, which ought not to be tolerated for a day. If the common carrier authorized by law to transport commodities is short of equipment, it should be compelled to purchase sufficient cars to handle the traffic that is offered.

Third. Special classifications, commodity rates, and ruinously low tolls to favored shippers or communities.

Here are three elements of dead expense in transporting freight in Illinois. And every one of them increases the tonnage and decreases the average amount received per ton per mile.

These are important features in Illinois railroading. They have been entirely overlooked in discussing the question, so far as I have been able to learn. There is some palliation for neglecting them, however, for no one suspected that the rebate evil had grown to such proportions. The private car evil has been notorious for the past three years, yet it would astound a man outside the railroad circle to show him that \$8,000,000 or \$10,000,000 had been paid by Illinois roads in one year for a service that should be performed by the common carriers themselves.

While the owners of the private car lines and other large shippers are favored by lower rates, the small shipper, the man who can not ship by train-load lots, or even in car lots, or who lives at noncompetitive points, has been compelled to pay whatever was demanded by the carrier, in order that the great reduction or rebate given to the larger shipper might be recouped and no loss to the railroad result therefrom.

A rebate under the form of "icing charges," "damages to shipment," or in whatever guise it may be, is a form of unjust discrimination, and has for its result bankruptcy to individuals, stagnation to communities, and destruction to healthful competition.

Mr. Chairman, I am not one who believes in arraying class against class. I do not subscribe to that creed which tends to set friend against friend, or brother against brother. I do not condemn legitimate wealth, but the existence of those mammoth fortunes, secured by unfair competition and by unjust practices and favors; fortunes which in their accumulation have piled upon the scarred shoulders and bowed heads of the common people, burdens beyond their power to bear.

I maintain that we are now confronted with the duty of depriving the favored few who have waxed fat at the expense of the labor of the common people, of the power longer so to do; giving to each citizen of the land a "square deal;" affording to each an equal opportunity in the race of life; recognizing in legislation not only the rights and interests of the railroad magnate and capitalist, but the rights of the farmer, the

laborer, the everyday honest, earnest citizen, they who form the bone and sinew of the nation; safeguarding by this legislation the interests of the man who, throughout the struggle of life, has been made to realize that—

The path which leads to a loaf of bread
Winds through the swamps of toil.

[Applause.]

It is the duty of this membership to go on record in favor of this bill, declaring the doctrine that no combination of corporate interest may ever become so powerful that they may disregard the law of the land; that the most humble citizen shall be entitled to and receive like treatment under like conditions at the hand of the common carriers, to the end that none may be discriminated against or oppressed.

Mr. Chairman, many speeches have been made upon this bill by Members distinguished both for service and ability. Some have pointed out alleged grave defects and insisted upon amendment to render the bill more effective. I take it that the bill under discussion is not so perfect in detail that it will afford a remedy for all the evils incident to the subject-matter. It is impossible to believe the bill meets all the demands. It would be almost a miracle were it so complete and perfect as to cover every present situation or future contingency; but, do the gentlemen contend that this membership could justify itself in rejecting it because, perchance, it may not be perfect in every part?

Upon the canvas of the centuries is a grand picture, framed and painted by the master artists of the world. For one hundred and thirty years, stroke by stroke, the warm and the beautiful colors have been laid thereon, until to-day we behold a nation's progress such as has never before been dreamed of men, or seen in all this time-scarred earth. Here some gnat has crawled across it, here and there some artist has daubed it, and again, at a different point, some political sign writer has used it as an advertising medium. What shall we do with the world's masterpiece? Destroy it? Run the brush of black paint over it to express despair? Paint it over with red as symbolizing our hatred? Ah, no! Where the gnats have defiled it; where the dauber has defaced it; where the political sign writer has marred its harmony and spoiled its outlines, we will draw the brush of obliteration over those parts alone, and in their stead, in brighter colors, with dexter fingers, and broader conceptions of the good, the beautiful, and true, represent the spirit and genius of America and her institutions. [Applause.]

And, so, Mr. Chairman, let us adopt the pending measure, which is a step in the right direction, going far toward providing an equitable solution of the transportation problem confronting us; and, as time moves on and experience teaches, we will not destroy, but in wisdom and fairness draw the brush of obliteration through discovered imperfections, correcting and perfecting this measure until we shall have given both the railroads and the people a just and adequate law, which will at once amply protect all interests and give to every man, rich or poor, powerful or weak, to the fullest extent a "square deal." [Loud applause.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Chairman, some Members who have arisen to speak on this question have been careful to express their fears that this bill goes too far. I desire to express my fear that this bill does not go far enough. [Applause on the Democratic side.]

I wish to call attention just for a few moments to the non-competitive condition of interstate railway traffic that makes this legislation necessary. There are two ways in which to regulate rates—one is through the manner undertaken in this bill and the other is by the natural competition that ought to exist between the common carriers of the country. I do not hesitate to say, Mr. Chairman, that if we had competition it would be the most effective and the best remedy that we could offer to the people of this country. I do not hesitate to say this: That if this legislation is to have the effect of putting our people to sleep and say to them that they can find a full remedy in this legislation and they may let competition be destroyed, it will be an evil day for this country when this bill becomes a law. We are told here that we should fear socialism, anarchy, and all of those evils. I wish to state this: That the men who insist upon turning the destinies of this country over to the so-called "captains of industry" that are responsible for the great railroad combinations and the destruction of competition, are the advance agents of socialism. They are bringing about a condition in this country that makes possible Government control and ownership; that makes possible all that we fear from socialism, and I agree that that condition is un-American and that if we ever do embark upon that sea it will mean a revolution. But, I repeat, the men who say that these claimed "cap-

tains of industry" ought to be allowed to control the commercial conditions of this country, that they ought to be unrestrained in bringing about these noncompetitive conditions, are the advanced agents of socialism, because they are making a condition that makes honest and patriotic men stand and think. What shall we do if we are forced to the choice between public ownership, where those in control, at least, have patriotic intentions—though inefficiency in public control may be conceded—if we are to choose between this public control and private control, where the prompting or the motive is personal greed, how will the American people settle the question? Our people are going to tear from their throats the hand of private monopoly. They can't do otherwise and retain a decent claim to being free American citizens.

Now, what is the situation in this country? To my mind this illustrates it: It is just like walking into many of the towns of this country where the State laws prohibit gambling, prohibit prostitution, and the violation of the Sunday law; and yet when you walk into that town you find it wide open—the law openly and notoriously violated. You go up to the prosecuting attorney, and what does he say to you? "Well, do you know anything personally?" You say, "Why, no; I see the things all around me; I know that this condition exists, and I want you to put into operation the machinery of the law in order to destroy this evil in this community." The prosecuting officer would wheel around in his chair and reply contemptuously: "Don't come to me without the proof." You go into a clothing store and talk with the merchant about it, and what is his reply? It is, "I sell clothes to these fellows. It is business; let it alone." Go into a furniture store and they say, "These are good buyers. They buy fine furniture. Let them alone." And also you soon find out that corrupt politics is responsible.

That reflects a condition in this nation to-day with regard to these illegal combinations. Every man in this House that I have talked to on this subject knows that this condition exists; that these illegal combinations right under the shadow of the Capitol are carrying on their work of destroying competition between the common carriers of this country. We all know it. When you suggest putting into motion the machinery of the law, what are you met with? "Party!" "My party will be injured." Mr. Chairman, in all the corruption revealed lately in bossism and insurance scandal, what do you see? The politician and captain of industry locked in each other's arms—both drunk; one on ambition for place in the financial world; the other for place in the political world. They say, "Look here, you will injure the prospects of our party; you will destroy business; you will unsettle business conditions. Let us alone."

Why, look at the reports sent in here yesterday evening by the President from the Interstate Commerce Commission. It clearly reveals the necessity for instant action on the part of the Government. I will here insert the report. I say it is an insult for those in control of the power of this great Government to allow these things to continue without putting into motion the machinery at their command in the interest of competition and for the purpose of destroying these enemies of the American people.

I will incorporate as a part of my remarks the facts that I believe would be revealed if this House were to offer a thorough investigation of that condition of affairs in this country.

1. That the railroads carrying bituminous coal to the Atlantic ports of the Pennsylvania Railroad, New York Central and Hudson River Railroad, the Baltimore and Ohio Railroad, Chesapeake and Ohio Railroad, Norfolk and Western Railway Company, and the Philadelphia and Reading Railroad.

2. That the board of directors of the Chesapeake and Ohio Railroad Company is composed of a majority of persons who are directors or officers or both of the Pennsylvania Railroad Company and the New York Central Railroad Company.

3. That the majority of the board of directors of the Baltimore and Ohio Railroad Company are persons in the interest of or under the control of the Pennsylvania Railroad Company.

4. That a majority of the board of directors of the Norfolk and Western Railway Company is composed of persons who are officers or directors or both of the Pennsylvania Railroad Company.

5. That a very large part of the stock of the Philadelphia and Reading Railroad Company, and sufficient to practically control that company, is owned by the Baltimore and Ohio Railroad Company and by the Lake Shore and Michigan Southern Railroad Company, which in turn is owned by the New York Central and Hudson River Railroad Company.

6. That a very large part of the stock of the Chesapeake and Ohio Railroad Company, and sufficient, with that owned by affiliated interests, to control the company, is owned by the Pennsylvania Railroad Company or its subsidiary company or companies in which it is interested or controls, and by the New

York Central and Hudson River Railroad Company, and it is believed that investigation will develop some understanding, agreement, or arrangement between the Pennsylvania Railroad Company and the New York Central and Hudson River Railroad Company for the control of the Chesapeake and Ohio Railroad Company.

7. It is believed that an investigation will show that a very large proportion of the capital stock, and sufficient to practically control, if not, in fact, a majority of the stock, of the Norfolk and Western Railway Company is held by the Pennsylvania Railroad Company or its subsidiary companies, or companies, railroad or otherwise, in which it is interested or controls.

8. It is believed that investigation will show that a majority of the stock, or at least an interest operating to control the management, of the Baltimore and Ohio Railroad is owned by the Pennsylvania Railroad Company or its subsidiary companies, or companies, railroad or otherwise, which it is interested in or controls.

9. It is believed that investigation will show that the above-mentioned common control of the bituminous-coal-carrying roads has resulted in the allotment to each coal-carrying road of certain territory to be served by it with bituminous coal, and that the railroads carrying bituminous coal are prevented from allowing the above coal-carrying roads to compete with each other in the markets by means of rate adjustments, agreements, and combinations.

10. It is believed that such investigation will show that the Pennsylvania Railroad Company and the New York Central Railroad Company, by means of their influence through their stock ownership aforesaid and representation upon the several boards of the other railroad companies, have prevented coal from the Norfolk and Western Railway and Chesapeake and Ohio Railroad from being offered in the markets of Washington and New York, or anywhere on the Atlantic coast above the Virginia capes, except in New England, and thus competition between railroads carrying bituminous coal to Atlantic shores has been destroyed.

11. It is believed that it will further develop that the Pennsylvania Railroad Company has the power to curtail shipments at any time from the territory served by the Baltimore and Ohio and Chesapeake and Ohio Railroad Company and the Norfolk and Western Railway Company, and thus destroy competition between the coals from the bituminous fields of Pennsylvania and the coals from the bituminous fields of West Virginia.

12. It is believed that upon investigation it will be shown that the Baltimore and Ohio Railroad Company, through stock ownership or otherwise, is interested in or owns a majority of the coal carried over its line from points in West Virginia, and that the officers of said company, or those in the employ of said company and charged with the distribution of cars or furnishing facilities to shippers, are interested in coal companies or coal operations along the line of the Baltimore and Ohio Railroad, and that the Baltimore and Ohio Railroad, by reason of its interest or the interest of its officers or agents in preventing competition with coal companies in which it is interested, or in the product of which the Baltimore and Ohio Railroad Company or its agents or officers are interested, declines to allot fair proportion of cars or give to independent shippers, and declines to allow any new company or person (independent of the companies in which it or its officers are interested) to open up new mines and to become shippers over the line of the Baltimore and Ohio Railroad Company, and thereby destroys competition.

13. It is believed that investigation would show that the line of the Pennsylvania Railroad Company and officers of such company are interested in coal companies mining and shipping coal over the line of said railroad, and that coal mines in which the officers or agents of the company are interested are furnished cars and facilities for shipment far in excess of what they are entitled to upon any fair and equitable distribution.

14. Almost all of the coal traffic aforesaid is interstate traffic. Those of you who fear governmental control, if you are honest in it you will favor this investigation; if you are not honest in it, you will not only oppose the legislation seeking Federal control but you will oppose any legislation seeking to get at the facts for the purpose of breaking up and destroying the non-competitive condition of the interstate commerce of this country.

What are they doing? Turn your eyes toward the coal fields. The gentleman from Ohio [Mr. GROSVENOR] told the House in his speech here yesterday what the conditions are as to coal in Ohio; but go to West Virginia, go to Pennsylvania, go to the coal regions and find what high-handed schemes these plunderers have resorted to, and how they are holding up the great American consumers of this necessary article, coal. They have even laid out the territory. One of these captains of industry can

go up to a certain line; down to that line another captain comes. They are fixing the prices. They are destroying the independent coal miners, and these people are organizing and seeking relief from the powers that be.

It is not a party question, but it is the question of all questions. No honest man can lay it to the principles of the party founded by Abraham Lincoln and the statesmen of his day; nor can it be attributed to the principles of the Democracy of this nation. God knows you can not mention Democracy and this unlawful combination in the same breath. But corrupt politics is responsible. What are they doing? Not only the coal industry is under their grasp, but the steel industry.

Now, we want to buy rails to build a railroad across the Isthmus of Panama. What would we pay for them? Here is Mr. Ramsey's statement before the Senate investigating committee, where he says:

Why, Europe will lay us down steel rails at American ports of entry for \$20 a ton, but the tariff of \$8 a ton makes us pay \$28; and if we buy right at the factory rails for use in Canada, we get those rails at the same place for \$20 or \$21 a ton, and yet when we buy these identical rails to build a railroad in America we have got to pay \$28.

Now, it is revealed that the Government is paying this steel trust \$26.45 a ton. It is true that is less by the difference between that and \$28 than the home consumer of that product would be required to pay, but yet it is \$6.45 more the Government of the United States is paying to this enormous trust—\$6.45 more for the identical product than the very concern will sell to a foreign purchaser.

That is the condition; and yet when this great problem of rate legislation is up in this House and a remedy far too mild, in my opinion, is being discussed—too mild because I do not believe the provisions of this bill are coextensive with the evil it undertakes to handle—I believe the Commission ought to have power conferred to handle what is called the "relation of rates" over the differential. Why is not that power included in this bill? Why, the bill appears upon its face to give that power, but the report from the committee says the bill on its face is a misstatement, that the power is not conferred in the bill. Yet, Mr. Chairman, when this mild remedy is up, the railroads leading to the great Atlantic States have whispered this: "You eastern fellows better look out; the South and West are trying to rob you." The southern railroads have come to us with the identical proposition, only they state: "You of the South look out; these easterners are going to rob you." We hear this suspicion, which is injected into this problem by the railroads themselves, expressed by Members on this floor: "Look out! Watch out! The fellow down South is trying to destroy your industries—trying to ruin your country." We of the South are told, "Look out! The men from the East are trying to rob your country." Is not that the argument made before the committees by the presidents and officers of these different railroad systems? And yet that damnable, cowardly fear or suspicion is reflected upon the floor of this House to that extent that men are absolutely afraid to put that power in this bill that ought to be here for the purpose of doing exact and entire justice toward this entire country. [Loud applause.]

The gentleman from Maine [Mr. LITTLEFIELD], if his speech is properly reported in the Washington Post this morning, says this: "Within two weeks gentlemen favoring the pending bill had told him they hoped, through the control of the differential given in the bill, to destroy the cotton industries of New England in favor of those industries located nearer to the raw material." If a Member from the South made that suggestion, he himself, in my opinion, is an enemy of the legislation, and he was trying to create this devilish suspicion in the mind of this Easterner. I can speak for the people of my district. They are not enemies of railroads; they are patriotic, loyal citizens of this country, and they do not want to destroy the business of New England, but they have the common instincts of self-preservation that belong to every man. They know that their interests would be safer; that more justice would be dealt out to them from the hands of a tribunal, put there and sworn—intelligent men—with no personal interest in the outcome, but standing there to do justice. That is all that my people want, and they ought to have that. [Loud applause.]

Mr. ADAMSON. Mr. Chairman, I now yield to the gentleman from Mississippi [Mr. BOWERS].

Mr. BOWERS. Mr. Chairman, the pending measure is beyond question the most important that will be considered by the Fifty-ninth Congress. Whether it be viewed in the light of the public interest that it has evoked, the great and almost universal demand for some remedial legislation along its lines, or the important and far-reaching effects which must certainly follow its passage and fair administration, it is without doubt the one supreme and overshadowing issue of the hour. The transportation question is the greatest industrial problem confronting the

people of America or any other country. Transportation is the life of commerce, and the utilities by which it is carried on are the arteries through which the lifeblood of traffic and business flows. Just in the same proportion that transportation is developed, facilities multiplied, and highways bettered and increased, the general business and prosperity of the whole country advances. The existence of safe, convenient, and economical means of carriage will rapidly develop any section or industry, while the denial of these conveniences, or the imposition of charges unjust, unreasonable, or greater than the traffic can bear, will, of necessity and inexorably, destroy those who suffer under them.

Modern transportation has practically resolved itself into two methods and two alone—rail and water. Because of the fact that a great part of the country is interior and is not penetrated by navigable rivers or other streams, the railroads furnish the only means of carriage to this great area, and as to inland transportation generally, they are largely the greatest and most important factor. I shall waste no time here on the proposition that railroads are from their very nature monopolies. The public is of necessity restricted in the matter of patronage to those lines which have been established, and which, in the nature of things, are restricted in number. That they are public highways is too firmly embedded in the jurisprudence of this country to admit of doubt. It is only necessary to refer for a moment to their origin to understand how and why, early in their history, they were so denominated by law. The original railway was simply a track or roadbed with rails, over which any person had the right of passage, with their vehicles of carriage suited to its style and character, upon the payment of reasonable tolls for the use thereof. It was open to all the public and each had an equal right to use it upon the payment to the owner of a reasonable toll. None could be excluded, and the charges, as well as all other charges for the use of all public utilities, were, by common law, required to be just and reasonable. In the evolution of this important and greatest factor in the transportation problem, the owners of the highways extended their ownership not only to the highways, but to the vehicles of carriage, by providing their own vans, cars, and motive power, until it culminated in the modern system in which not only the roadbed, track, and rails, but also all of the equipment and motive power necessary and incidental to its use are owned by the carrier.

In this evolution from the primitive to the modern railway we must not lose sight of the fact that with the coming of the ownership and control of the cars and the equipment by the carrier, there came with it an incidental right to the exclusive use of its roadbed and tracks, and the right to exclude any and every other person therefrom. As a necessary incident to this change and to this right of exclusion, it follows that not only the roadbed, track, and rails, but also all of the conveniences and paraphernalia used in connection with the carriage over this public highway, of which the owner possessed a monopoly, were also impressed with the public use, and the character of a public highway became stamped not only upon the road itself, but upon all the utilities incident to it.

Nor will I more than pause upon the proposition that all public highways, and for that matter all public utilities of every character, have been from time immemorial, because of their quasi public nature and of the fact that they were to a great extent monopolies, the subject of governmental regulation and control. As above indicated, their charges have always been by law required to be reasonable, and anything in excess of reasonable tolls and compensation has been by law extortion. While this is true, it is also true that, until the passage of the railroad supervision acts in the various States and by Congress, the carrier had, or at least exercised, an unlimited right to fix his charge, the only remedy of the shipper and the public being an appeal to the courts for redress against the payment of any given charge on the ground that the same was excessive and extortionate. Many years ago it became manifest that this remedy was insufficient and did not meet the requirements of the increased and rapidly multiplying trade, and because of that fact and of the need for a better and more satisfactory method, and in response to a great public demand, the various States of the Union began to adopt laws providing for the supervision and regulation, by commission and otherwise, of the charges and practices of common carriers, and finally, in 1887, the interstate-commerce law was passed. Nearly twenty years' experience with that act has demonstrated that while great good has been accomplished by and under it, and while it has done much, not only to regulate the tolls and usages of the carriers and to bring about a better agreement and understanding as to rates by both the public and the roads, it is still insufficient, and the points on which it fails to present a cure, for evils which all concede exist, are well known and understood. It is to meet

these conceded insufficiencies of the present law, and in response to a demand, greater and more universal perhaps than was ever made upon this body by the public on any one proposition in the history of our Government, that this measure has been presented, and in considering the questions involved in its passage it may be well to resort to the method laid down by law books for construing statutes, viz., to examine the old law, the mischief, and the remedy.

Briefly stated, the law of 1887, as amended by the act of 1889, declared who were common carriers and what common carriers should be subject to the jurisdiction of the Commission; provided that all persons should be treated alike and served upon the same conditions and for the same price; prohibited discriminations and rebates; required that all schedules or tariffs of fares and charges should be made public and open to the inspection of all; prohibited any changes in the said schedules, except upon ten days' notice in case of an advance and three days' notice in case of a reduction; forbade poolings and combinations, and provided for a review by the Commission created by the act, upon a complaint made to it, of any rate, charge, or tariff made by a carrier, and of any practice, regulation, or custom in the transaction of its business. These are, succinctly stated, the salient features of the present interstate-commerce law. I have not essayed to do more than to state them in the most concise terms possible, because the scope and effect of the act is well known, not only to this body but to the public at large.

It will be noted that I have stated that the Commission possesses the right to review any rate fixed and to make an order requiring the carrier to desist from charging the said rate, or to desist from pursuing the practice complained of, but I would not leave this subject without further remarking in passing that for many years after the formation of the Commission that body claimed, and indeed exercised, and the public generally understood that it possessed, the right not only to declare that a given rate was unjust and unreasonable, but in the same order to prescribe what rate was reasonable for a given service, and to require that the carrier should in future conform himself thereto to the extent of not exceeding the charge found by the Commission to be reasonable. The existence of that power in the Commission was finally denied by the Supreme Court of the United States, and it is, in my judgment, because of this denial, and because of the fact that by it the Commission has been practically emasculated of authority over rates, that the present and universal demand for an enlargement and perfection of its powers has grown up.

Having stated the present condition of the law, let us for a moment dwell upon the existing evils and mischiefs which we are called upon to remedy. As just stated, the lack of power in the Commission to declare a just and reasonable rate is the one most complained of. In the present condition of things the shipper makes his complaint to the Commission that a given rate, charge, or practice is unjust, excessive, extortionate, or unreasonable. The matter is inquired into, and at the end of an elaborate, exhaustive, and expensive hearing, the Commission finds that the complaint is well founded and the rate or practice excessive and unreasonable. The complainant has had his day in court and has won his case, but has accomplished nothing by his victory. An order is made to the carrier requiring him to desist from charging the rate assailed, but that order is of no effect except as an admonition to the offender. He is not bound to obey it if he is willing to take the risk of a lawsuit, and as I shall proceed further in this discussion to show, that risk, while theoretically dangerous, is, in practical operation, nil.

The Commission possesses no powers to enforce its decrees by any process whatever, and if the carrier remains obdurate or contumacious the only remedy is by a suit instituted in the circuit court of the United States by the Commission to enforce its orders, and the complainant must try over again, at great expense and delay, the case which he has already fully thrashed out before the tribunal specially constituted to try and determine the question at issue. In the meantime he is being subjected to the excessive charge, and when the judgment finally comes, if, indeed, it is ever reached, it in all probability finds him either dead, bankrupt, or out of business.

But let us suppose, on the other hand, that the carrier is not willing to risk litigation with the Commission and at the same time is not willing to yield substantial compliance with the order and put in a reasonable rate. In that case it is only necessary for him to reduce the rate which has been condemned by the smallest fraction, thereby obeying the letter but not the spirit of the order, and promulgate a new rate an infinitesimal fraction smaller than the rate prohibited, and the shipper, if he desires any substantial relief, is compelled to go again to the Commission with a complaint that the new rate, while a shade smaller, is really as unreasonable as the old, and try his case

over and over again ad infinitum, or as often as the carrier may by these transparent but perfectly competent tactics delay him of his redress and his rights.

But, again, let us assume that the carrier has refused to obey the order and the Commission has instituted its suit and prosecuted it to a decree, the court upholding the order of the Commission and declaring the rate assailed to be unreasonable and excessive, and reiterating the Commission's order that the carrier should desist any longer from charging or collecting it, the court, under the present law, is as powerless as the Commission to say what rate the carrier shall in future charge, and nothing substantial has been gained except that the old rate has been stopped. The carrier may obey and put in a new rate, one-eighth, one-tenth, or one-hundredth part of a cent lower than the one enjoined by the courts, and absolutely no relief can be had, as there is nothing to be done except to begin anew before the Interstate Commerce Commission. Let me stress this point and make it clear beyond misunderstanding. Under the law as it now stands there is no power anywhere except to enjoin a given rate, and after that is done the carrier may comply with the order by the slightest and most insignificant reduction in his tariffs, leaving the party injured utterly without redress and with only a barren and fruitless victory. Manifestly the present law, in so far as it seeks to remedy the evil of excessive rates, only "keeps the word of promise to our ear, and breaks it to our hope."

That there are many excessive rates and evil practices of this character which ought to be remedied is admitted. I have heard no gentleman who has addressed the committee on this subject on either side of the debate deny the existence of these evils. The only point at issue in all of this discussion seems to be the remedy.

It is apparent that the common-law remedy of a suit to recover the excess paid over a reasonable rate is entirely inadequate and insufficient. A sufficient answer to any suggestion of the adequacy of the common law is the fact that while it is conceded that millions of cases of excessive charges exist, it is practically impossible to find a single case of a recovery. The truth is that a suit for such overcharge is too tedious and fraught with too much expense, delay, and uncertainty to be regarded for a moment as a practical or practicable remedy.

The provisions of the act of 1887 I have shown, or attempted to show, are insufficient to meet the case, and the only remedy that remains or that is worthy of consideration is to vest in some body or commission the power to fix a rate beyond which the carrier may not go, but within which he may fix his charges to suit himself.

I am aware of all the objections that are urged to this method of supervision, but none of them seem to me to be sufficient to prevail over the urgent necessity for legislation and the crying need for relief. It is insisted that it would be unwise to make the railroad commission the general freight agents for all the railroads in the country, and with this idea I am in full accord, but the manifest reply to that complaint is that this bill does not provide, and it has never been seriously insisted, at least in this body, that the Commission should be given the initiative in rate making or the power to initiate freight schedules for any or all the roads. It is not contemplated that this Commission shall, upon the passage of this act, take up the rate schedules of the railroads for revision and promulgate new schedules in their stead. The bill under consideration does not give the Commission jurisdiction, of its own motion, to revise generally the schedules and tariffs of the carriers. Its scope on that point is merely to authorize the Interstate Commerce Commission, in cases where complaint has been made before it and where after a full and fair hearing it is determined that a rate charged is unreasonable or more than it ought to be, to vitalize the order which it makes to require the carrier to desist from charging the unlawful rate by providing a reasonable rate, beyond which the carrier may not in the future, or until the further order of the Commission, go.

It is to be observed that this right exists only in cases where complaint has been lodged before the Commission and where the Commission has, after acting upon the complaint, found the charge to be excessive and commanded its discontinuance. It is manifest that this power, and nothing short of this power, will cure the evils to which we have before alluded and remedy the deficiencies in the present law.

But it is objected that the Commission while perfectly competent to say that a certain rate is unreasonable is not competent to say what charge is reasonable. This, to my mind, is nonsense and fallacy too apparent to be answered. If a body is competent to say that a given rate is too high, it is of necessity competent to determine what is the highest rate that would be reasonable and permissible. The finding that a given rate is too high of necessity comprehends a decision that it is

above the point at which reason ceases and extortion begins, and in order to find what is unreasonable we must first find what is reasonable, and then that the given figure exceeds that point. In other words, the finding that a rate is unreasonable can not be made until the body which makes the decision has found what is a reasonable rate. The same mental operation which ascertains the fact that a given rate is unreasonable ascertains and fixes, at least in the mind, what is reasonable and proper for the service.

Again it is contended that the power to revise rates and determine what is a reasonable or unreasonable rate ought not to be lodged in the Commission, but in some other body. I submit that this is equally unreasonable and fallacious. The power must be lodged somewhere. It is apparent, nay conceded, that there must be some restraining, supervising hand to shape and direct the charges of these public agencies so that they may not become unreasonable. It is useless to argue that these things will regulate themselves; that like other matters of commerce and trade they will adjust themselves, as it were, automatically, by the law of competition and the commendable strife and emulation for success. The fact that competition in railroading has practically disappeared, that consolidations are daily occurring, and that the vastly greater part of the railroad interests in this country are in the hands of a comparatively few, disposes of all idea of regulation by competition and brings us sharply face to face with the proposition that as all regulation by competition is passing the demand, nay, the absolute necessity, for governmental regulation for these now relative monopolies, which are fast becoming absolute, is imperative, both for the protection of the people and of the monopolies themselves. I say for the monopolies themselves because I believe that unless some wise, adequate, and effective provision for the supervision of common carriers is enacted into law, and into a law which will prove effective and satisfactory in its administration, the demand for governmental ownership of these utilities will be so great it will be impossible for this Government to resist it. If I had no other reason for the support of this bill, and I have them in abundance, this fear of Government ownership of railroads, to my mind a calamity too great to be contemplated, would be sufficient to compel me to give it the weight of my voice, my influence, and my vote.

What governing body can be more safely trusted to pass upon a reasonable rate after a fair, full, and complete hearing than a commission of high-class men, selected not only because of their knowledge of the law, but also because of their fitness for this particular work, and whose sole duty it is to deal with these questions of transportation and with them alone? And the fact that the Commission is to be an absolutely non-partisan body, divided almost equally between the two great political parties, that their terms are long, that the salaries provided by the pending bill is sufficient to attract the service of the best men in the country are additional guaranties of the wisdom, conservatism, and patriotism that ought to, and we believe will, characterize their findings and decisions.

The rate-fixing power has been possessed and exercised by nearly every State railroad commission in the country in a much broader measure than here conferred. I know of no State where the exercise of this power has seriously damaged the railroads, and I have heard no intimation at any time during this debate that such is the case. In my own State this jurisdiction has existed and been exercised for over twenty years, and yet our greatest era of railroad building and progress has been since 1884. Surely this should answer all objections along this line.

Difficulty in the administration of a law does not furnish a sufficient reason against its passage. It may be persuasive to a certain extent where the necessity for remedial legislation is not, as in this case, great and overwhelming. The human factor must enter into every equation where law is concerned, and all laws of every sort must be administered by human beings. So long as beings are human some mistakes, inaccuracies, and, mayhap, injustices will arise in their administration. This however, furnishes no reason why we should abandon law. We can do nothing except by the interposition of human agencies, and because humanity has not been brought to the point of perfection does not excuse us from adopting legislation that is needed. This matter can not be committed to any agency except man, and I respectfully submit that the provisions of this bill offer every guaranty that can be conceived to secure an able, honest, and efficient body.

The second evil which I will notice—and it is akin to the one which I have just discussed—is that of private car lines, a subject that has been so much in the public eye for the past several years, so thoroughly discussed in all the prints of the country, and so thoroughly ventilated in the hearings before the House and Senate Committees on Interstate and Foreign Commerce

that I deem it unnecessary to do more than mention it in passing. Everyone knows how they grew up and the history of their development, and everyone equally knows how their pernicious practices have outraged not only the shippers, but the carriers themselves. They deny that under the present law they are subject to the jurisdiction of the Commission and can be regulated by it, and it is apparent that something should be done, and that vigorously and effectually, to prevent their further encroachments.

Not the least objectionable feature of these instrumentalities of commerce as they are at present administered—and it is with their administration rather than their existence that I deal—is the fruitful source and opportunity which they offer for rebates and unlawful concessions, favoring one shipper at the expense of the other, the most pernicious and inexcusable of all the evils that now surround the question of transportation. They should and must be corrected.

Terminals and switch tracks are also convenient devices under which to conceal rebates, and they, too, are, and should be, made the subject of legislation and regulation.

I turn now to the present bill and will try to point out where it remedies the evils existing under the present law, as I see and conceive them.

Section 1 amends the corresponding section of the existing interstate-commerce act so as to include within the term "railroad," as used in the act, and subject to the supervision of the Commission and to all the provisions of law, "all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property," and "all freight depots, yards, and grounds used or necessary, etc., and all "cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto."

To my mind this effectually includes the private car lines, switch tracks, and terminals, affords a fair guaranty for their supervision and proper regulation, and, in a great measure, if not entirely, provides for existing evils so far as they are concerned. It strikes a blow at rebating in that it puts their charges under the supervision of the Commission, provides for publicity, and gives that body an opportunity to correct any inequalities and improper practices.

Section 2 of the pending bill amends section 6 of the present law so as to require all classifications to contain, in addition to all transportation and terminal charges, all icing and other charges incident to the manipulation of private cars, and, in fine, all other charges of every nature whatever which the Commission may see fit to require to be published. This is a further guaranty against oppression, abuse, and rebates by private car lines and similar agencies.

The section is further amended by providing that no change whatever, either by way of increase or decrease, shall be made except upon thirty days' notice. The same provisions are made with reference to joint rates as are specified as to single tariffs.

These changes are manifestly aimed not only at excessive charges, but also at the practice of giving rebates under various guises. It is well known that a practice has grown up by which certain carriers have by secret arrangements granted special concessions to certain of their shippers in the shape of agreements that they would at a given time make and promulgate a reduction in their rates, which reduction was to exist only for a short time, but long enough to enable the favored shipper to move such of his freight as he desired under the reduced rate.

The fact that the rate was changed was to be known and was actually known to but few. It is true that the Commission was notified, but practically at the same time it was notified of the reduction it was advised that the rate would be raised at a given date, and this was in reality a special rate given only to the favored one or few who were notified in advance, in order that they might assemble their freight and take advantage of the reduction. Only three days' notice of a reduction is required by the existing law, and in this way the consummation of the unlawful scheme was perfectly easy. The present bill requiring thirty days' notice will render any such practices impossible.

Section 4 amends section 15 so as to give the Interstate Commerce Commission the power in any case where, after a hearing upon a complaint filed, it has been found that the rate complained of is unjust, unreasonable, unjustly discrimi-

natory or unduly preferential or prejudicial, or otherwise in violation of this act, not only to declare that the said rate is unlawful and direct the carrier to desist therefrom, but also to fix a rate or practice which is fair, just, and reasonable under the circumstances of the case, which rate shall not thereafter be exceeded by the carrier. Or if it be a regulation which is the subject of the order, the regulation as prescribed by the Commission shall be conformed to by the carrier. These orders shall go into effect thirty days after notice, and shall remain in force and be observed by the carrier until or unless suspended or set aside by the Commission, or suspended or set aside by a court of competent jurisdiction. In cases of joint rates, where the carriers can not agree among themselves, the Commission is authorized to fix divisions between them.

The Commission is authorized to create through lines of carriage and through routes upon complaint and after hearing wherever, in their discretion, they are necessary. This section specifically provides that if an owner of any property transported shall himself perform any service toward its transportation or carriage the charge therefor shall be no more than a fair compensation for the service or a fair proportion of the whole rate.

By section 6 the orders of the Commission are put into effect within thirty days, and provision is made for the institution of suit by the carrier to set aside or suspend such order, and severe penalties for any violation of the orders of the Commission are provided.

It is unnecessary for me to discuss the effect of these provisions at any great length. I have heretofore shown that some legislation of this character is necessary and how and why such provisions would meet the evils which confessedly exist at this time. The bill as presented by the committee is, on this point at least, full and complete; indeed, it may be said it is in some respects drastic, but it is believed, and I concur in the belief, that it will meet the exigencies of the case and remedy many of the evil practices which have grown up and flourished under the law as it now is.

In order to meet the increased labor which has been placed upon the Commission by this measure, the number of the members is increased from five to seven and the salaries to \$10,000 each. The wisdom of these provisions will be apparent. As the Commission often sits in several places at the same time, they will be enabled by the increase in their numbers to cover more territory and to perform this duty more satisfactorily. Men who are called upon to deal with the intricate questions which will arise in the investigation and determination of controversies between carriers and the people should possess the highest ability and receive the most liberal compensation.

The bill reported is the product of much study, investigation, and consideration by the Committee on Interstate and Foreign Commerce. During the last session of Congress exhaustive hearings were held and the Senate committee took evidence long into the vacation. This measure is the product of the best ability and judgment of our committee and is reported unanimously by that body. It goes without saying it would be very difficult, if not practically impossible, for anybody to agree upon a bill that would suit the varying ideas of each Member of this House. I can not say that if I, following my own ideas as to the way to reach the evils which I have endeavored to point out, were drawing a bill that I would draw one exactly along the lines of that presented here. There are some lines along which I believe I would go farther and some perhaps in which I would not desire to be so drastic. I confess that I believe I would have extended the right of resort to the courts and that the bill carries some penalties which seem to me to be severe, and perhaps harsh, but in the consideration of that matter I am reminded that penalties may always be escaped by an obedience to the law and by refraining from doing the thing upon which the penalty is visited.

Again, in the matter of rebates I would have restored the former law punishing such practices by imprisonment. So long as the only risk taken by the shipper is the payment of a money penalty, which in many instances would be less than the amount received by him in the shape of a rebate, and so long as the carrier may bid for business by secret and dishonest competition at the expense of his fairer neighbor who is seeking to obey the law, risking only the loss of a sum of money which may or may not be equal in amount to that which he has gained by the unlawful act, it will be found that both will be willing to take the chance, because as a rule it will be found that after deducting the penalty they have only disgorged a portion of their ill-gotten gains. If, however, in addition to this they risk incarceration for a suitable term and the contract is made void in the sense that a rebate so unlawfully paid may be recovered in a suit by the carrier who paid it, or in case he fails within a

reasonable time to sue for it, by the Government in a suit instituted in its name by the district attorney, the shipper as well as the carrier will pause before he takes the risk of a violation of the law.

It is especially fitting that the money so unlawfully paid should be recovered by the Government. It is well known that many who control large shipments practically put their business up for sale, declaring that they will give it to him who pays the highest rake-off or rebate. The railroad manager, who is but the servant of his corporate employer and who must get business, achieve success, and show results or lose his position, seeing or feeling that those around him and who are his competitors are getting business which is offered him for the granting of a rebate and which he can not obtain except by conforming to such unlawful demand, is, to my mind, much less to blame if he yields to the coercion of the shipper in order to get a portion of the business for his line than the man who, owning the tonnage, invites a violation of the law and announces practically that no one can obtain his patronage except at the price of becoming a law breaker and engaging in an unlawful practice for his benefit and advantage.

I think this bill could be materially strengthened by such provisions as I have suggested by requiring the imprisonment of the offender in every case of rebating and by directing, as a part of the penalty against him who sought and obtained the rebate and in addition to the other penalties fixed by law, that the ill-gotten gains should be paid over to the court for the benefit of the Government. Such a provision would, in my judgment, go farther toward stopping these practices than anything that I have heard suggested either upon this floor or elsewhere.

The honest shipper who seeks to obey the law and who is not looking for an unfair advantage over his competitor is first to be considered in this matter of rebates. If his neighbor has an advantage over him in freight rates, by rebate or otherwise, he can undersell him in the market, and mayhap drive him out of business and to ruin. Let the conditions between the two be equalized by taking from the violator of law, not only the penalty for the broken statute, but also the fruits of the unlawful adventure.

This is a great and important question and should be approached in a spirit not only of conservatism and patriotism, but of justice to the railroads as well as to the public. No other factor has contributed so much to the development of America as have the railroads. The great West, with all its boundless resources and wealth, could never have been connected with the balance of the United States except through the medium of these swift-winged messengers of commerce and carriage. My own State, and particularly the district which I have the honor to represent upon this floor, owes much in the matter of the development of its resources to the railroads and the recent railroad building in my own section, making marketable the vast wealth of timber and the great agricultural resources of that part of the State; and the consequent cheapening and increasing of the means of carriage, not only of the products out but of the necessities in, have more than any other factor contributed to the splendid prosperity, now high in its zenith, which now blesses my own people.

He who approaches this problem with the idea that the carriers are all thieves and plunderers, bent only upon drawing from the territory which they serve the last available penny and the last available ounce of substance, will fall as far short of comprehending the true merits of the question as he who treats the just demands of the public for legislation along the lines that I have pointed out as the cry of the socialist and demagogue. The situation as it exists, and which I deplore, is the result in many cases of environment, of conditions and surroundings, and in others of the natural tendencies of human nature striving for supremacy in business, which the experience of all the ages demonstrates should be restrained and regulated by the supervising hand of government.

As was well remarked by the eloquent gentleman from Ohio [Mr. BURTON], we of America have been much inclined to enthrone success and to magnify and glorify him who outstrips his fellows in the commendable strife for the lead. The dominant spirit of Americanism and the desire to excel has done much to bring about the conditions which now exist, and in addition to all this there always has been and always will be a disposition in human nature to seek the shortest route to success and to profit, if necessary, at the expense of others, which must and can only be defeated by suitable and sufficient provisions of law. In my judgment the measure now under discussion will prove suitable and sufficient. As a whole it meets my approval. I regard it as a step, a considerable and effective

step, in the matter of a very much needed reform in railway-rate legislation, and because it will, in my judgment, accomplish much if fairly and properly administered, and because it is the only bill on that subject that I will have an opportunity to vote for or against, I shall cast my vote for it and cheerfully accord it my support. [Applause.]

Mr. ADAMSON. Mr. Chairman, I now yield to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Chairman, much has been said of the danger of the proposed railroad legislation. Gentlemen, in their dread of the direful results that are to follow from what they call this novel departure, have allowed themselves at times to be carried literally off their feet by the hysteria of eloquence or fright. Is it true that this is a novel departure? Is it true that in proposing to regulate the rates charged by a common carrier or the tolls upon a public highway we are for the first time wandering off in the devious ways of populism and anarchy?

Why, Mr. Chairman, the doctrine of this bill is as old as the common law itself. For centuries the right of the legislature, and the right of the courts, to place restrictions upon those who operate a public highway has been acknowledged and enforced. A railroad is inherently and in every sense a public highway—nothing more and nothing less. It is a common carrier; it is a public servant, and because it happens to be worth in all of its ramifications \$16,000,000,000, it is none too big still to be a public servant of the American people. [Applause.] It is governed by the law that governs the public servant and the public highway. From time immemorial the courts and legislatures have taken jurisdiction of tolls charged upon highways or exacted by ferries, where the other side of the question was presented and the carrier discharged a public function. There is no difference in law, there is no difference in morals, between the legislature of a State saying to a man operating a ferry upon a river half a mile wide, "You shall charge no more than a certain sum for carriage of persons and teams across that stream," and saying to a man who operates a locomotive along a few miles of steel rails, "You shall only charge so much and no more for transportation of passengers and freight."

"A railroad established and existing under an act or charter of incorporation, like a turnpike or a plank road, is a public highway, but only to be used in a different mode." (Angel on Highways, p. 13.)

A great jurist of Massachusetts has thus stated this elementary principle:

"We think that a turnpike road is a public highway, established by public authority for public use, and is to be regarded as public easement. The only difference between this and a common highway is, instead of being made at the public expense at the first instance, it is authorized and laid out by public authority and made at the expense of individuals at the first instance; and the cost of construction and maintenance is reimbursed by a toll levied by public authority for the purpose. Every traveler has the same right to use it, paying the toll established by law, as he would have to do to use any other public highway." (Commonwealth v. Wilkinson, 16 Pick., p. 175.)

If it was necessary for the protection of the public that the old turnpike road and the frail boat propelled by oars should be under the wise supervision of the law, a jurisdiction unquestioned for centuries, in order that one individual should not be preferred to another, and that all, upon the payment of a just and reasonable compensation therefor, should receive fair and absolutely impartial treatment, with how much more force does the reasoning and the rule apply where the highway, by virtue of its vast extent, and the carrier, by reason of its colossal wealth and power, are necessarily vested with a practical monopoly, and with infinite capacity for mischief if it betrays or perverts its manifest duty to the thousands of helpless shippers along its right of way, as said in *Tiff v. Southern Rwy. Co.* (123 Fed. Rep., 789-791):

It has been from time immemorial the basic obligation of a common carrier to receive and transport all goods offered, upon receiving reasonable compensation * * * having undertaken that duty, it was settled by the common law that the common carrier must carry for all to the extent of its capacity, without unjust or unreasonable discrimination, either in charges or in the facilities for actual transportation.

And, further:

If this was true at common law, how much stronger is the obligation upon those vast public corporations of modern times, which, in consideration of valuable franchises granted by the public, are engaged in the stupendous business of transporting freight and passengers? So universal is the reliance of the public upon these instrumentalities of modern commerce that their operation is indispensable to the very existence of our modern social life.

Jeremiah Black, twenty years ago, in the greatest effort of his life, completely exploded the time-worn sophistry that a cor-

poration can exercise an absolute and unrestricted control over a public highway simply because it may own the means by which that highway is operated. He declared in an address, delivered before the judiciary committee of the Pennsylvania legislature in 1883, that—

On the other hand, the corporations deny that they owe any responsibility to the State more than individuals engaged in private business. They assert that the management of the railroads being a mere speculation of their own, these thoroughfares of trade and travel must be run for their interests, without regard to public right. If they take advantage of the power to oppress the labor and overtax the land of the State; if they crush the industry of one man or place to build up the prosperity of another; if they plunder the rich by extortion, or deepen the distress of the poor by discriminating against them, they justify themselves by showing that all this was in the way of business; that their interest required them to do it; that if they had done otherwise their fortunes would not have been so great as they are; that it was the prudent, proper, and successful method of managing their own affairs. This is their universal answer to all complaints. Their protests against legislative intervention to protect the public always take this shape, with more or less distinctness of outline. In whatever language they clothe their argument it is the same in substance as that with which Demetrius, the silversmith, defended the sanctity of the temple for which he made shrines: "Sirs, ye know that by this craft we have our wealth."

I aver that a man or corporation appointed to do a public duty must perform it with an eye single to the public interest. If he perverts his authority to purposes of private gain, he is guilty of corruption, and all who aid and abet him are his accomplices in crime. He defiles himself if he mingle his own business with that intrusted to him by the Government, and uses one to promote the other. If a judge excuse himself for a false decision by saying that he sold his judgment for the highest price he could get, you cover his character with infamy. A ministerial officer, like a sheriff, for instance, who extorts from a defendant, or even from a convict in his custody, what the law does not allow him to collect, and puts the surplus in his pocket, is a knave upon whom you have no mercy. You send county commissioners to the penitentiary for consulting their own financial advantage to the injury of the general weal. When the officers of a city corporation make a business of running it to enrich themselves at the expense of the public, you can see at a glance that they are the basest of criminals. Why, then, can you not see that the officers of a railway corporation are equally guilty when they pervert the authority with which they are clothed to purposes purely selfish? A railroad corporation is a part of the civil government as much as a city corporation. The officers of the former, as much as the latter, are agents and trustees of the public, and the public has an interest precisely similar in the fidelity of both. Why, then, should partiality or extortion be condemned as criminal in one if it be tolerated as fair business when practiced by the other.

I am propounding no new and untried theory. The legislatures of nearly every State in this Union have, in fact, long assumed jurisdiction and exercised a control of railroads operating entirely within their boundaries and have, in fact, named a maximum rate for the carriage of passengers and freight.

There is one and only one reason why the various State legislatures have never exercised any control over interstate carriers. By the terms of the Constitution all power over interstate and foreign commerce was expressly delegated to Congress. Now it has been repeatedly decided that Congress has complete and exclusive control of interstate carriers. The various States did not lose or abandon any part of their power or jurisdiction. They simply delegated it. They did not and could not invest the Federal Congress with any greater or less authority than that which they originally exercised.

Then Congress is to the common carriers doing an interstate business exactly what the legislatures of the various States are to railroads operating entirely within the several States.

Why, the railroads of this country in their effort to escape every character of State supervision have defined, enlarged, and elucidated this position with a learning and skill I can never hope to emulate. They are the people who have preached to every legislature, into the ears of every State court, into the ears of every complainant, that they were the especial wards of the Federal Government and answerable only to the Federal Congress. [Applause.] For fifty years they have proclaimed the doctrine that they could always take refuge behind theegis of the Constitution. I say to the common carriers of this country, who are kicking and squirming at the prospect of obedience to the provisions of this bill, you have appealed to Cesar, and to Cesar you must go. [Applause.]

Now, strange to say, the Federal Legislature has refused to exercise this authority, and the States can not, and during several decades the railroads have been practically immune from any restraint, State or national, and they are the only common carriers in the whole world which are now or ever have been free from any control or supervision, State or national, absolutely free to charge what they please, where they please, whom they please, and when they please.

Now, have the common carriers of this country abused this power? It has been anomalous; it has been unique; it has been tremendous. They have been left to work out their own salvation without any restraint, for it will be remembered that the wrongs they committed are "mala prohibita," and not "mala in se," and without the aid of statutory enactment the common law

as interpreted by the Federal courts was helpless to restrain them. Let us see. With their 200,000 miles of railroad, with their sixteen billions of dollars of capital, they come before the bar of this House. Do they come with a record that they themselves claim is clean and honest? Do they come with a story of fair dealing between man and man or between carrier and carrier? Why, gentlemen, your very defense of the railroads, the men who themselves most loudly protest against the exercise of the authority conferred by this bill are the men who admit that they have been continually guilty of secret rebates, discriminations, and of private-car abuses, and more than one of them have said that such offenses should be punished by imprisonment and a felon's stripes. And the roads admit they have done these things; admit they are guilty of the offenses which their own defenders claim should be a felony. Oh, the railroads say, "You should give us the right to charge such rates as we please and you should not interfere or fix a maximum freight rate. We gave secret rebates, it is true, but the reason why the private-car abuse has grown throughout the country is that we were forced to do it; we were afraid of the packing companies." God help the corporation or the man whose integrity is not proof against his cupidity and his fear! [Applause.]

Mr. Chairman, let us take for instance the story of these private-car evils.

About thirty years ago a shrewd Connecticut Yankee conceived this idea: Meats and berries and perishable fruits can be preserved indefinitely in almost all climates, under almost all atmospheric conditions, if you will give them an even temperature. All you have to do is to get a good refrigerator and you can keep for any length of time almost anywhere in this country your meats and your berries and your fruits. The idea was sublime in its severe simplicity, as all great conceptions are, and he determined to put a refrigerator on wheels. That was all. He went to these wise railroads whom you say know so much more than all the judges and all the courts and commissions and congresses since the day of Adam, and he proposed that they should build such cars. These wise men laughed him to scorn. Then Mr. Swift said to them—for he was this Yankee and at that time poor as a church mouse: "I will raise the few hundred dollars and build a car myself, if you will haul it." They said they would haul it.

From that humble beginning, from the genius of a Chicago butcher shipping a few thousand pounds of dressed meat in a car of which he was in part the inventor and entirely the promoter, within a few years this car system grew, this simple method of transporting fruit and vegetables in a moving refrigerator, until at the present day one gigantic trust owns 80,000 cars. The effect of this new means of transporting perishable products was electrical upon all fruit and vegetable producing sections of the country. Georgia melons were hawked in the streets of New York, and North Carolina furnished strawberries to the markets of Montreal.

The profits from this novel invention far outstripped the phenomenal growth of the business, till at last these 80,000 cars, costing only about \$700 apiece on an average, were actually clearing \$324 per annum each in mileage alone to the men who operate them.

In order to keep their contents at a given temperature, these fruit cars are provided with "bunkers," which are filled with ice by the carriers at stations established at fixed points along their lines, at which quantities of ice are stored for that purpose. The cost of renewing the ice in these cars is found to be about \$2 a ton. The private car companies found in this so-called "icing charge," first, an opportunity for wholesale graft, and then they employed it as the means of absorbing the entire profit from this great industry. Mr. J. W. Midgley in his testimony before the Interstate and Foreign Commerce Committee (hearings, p. 258), in order to illustrate by a special instance—this concealed method of wholesale larceny—

He referred to the fact that Armour, Swift, and other big packers had of late gone into the fruit and produce business, and he gave abundant instances from his personal experience to show that the packers rapidly were securing absolute control of the commission business of the country; that they were able by illegal methods to stifle competition, and that private car lines had an improper and unholy alliance with railroad companies.

Out of his personal experience the witness showed that in 1900 the price for icing a car of peaches from Michigan to Boston was \$20. Then, the Armour Company secured an exclusive contract for doing all the icing on the Pere Marquette Railroad. The Armours immediately put the price up to \$33 and finally to \$70. According to the witness, Armour & Co. proceeded to buy up practically all the peaches in Michigan at their own figures, because they found it convenient to refuse cars to other shippers or to be unable to ice anything along the line of the Pere Marquette Railroad until after the fruit had rotted, thus forcing all competitors out of the field entirely.

I desire to call the attention of this committee to an instance cited by Mr. E. M. Furgeson, one of the greatest commission merchants in the United States. On February 4, 1905 (hearings,

page 21), he gave to the Committee on Interstate and Foreign Commerce a still more striking proof of the manner in which these commercial brigands divide their plunder secretly, wrung from a long suffering and victimized public. Says Mr. Furgeson:

In the following year, 1903, the Grand Rapids and Indiana and Grand Trunk were won over and taken into the secret compact. Then and there ended the commercial freedom of the Grand Rapids fruit industry, and all shippers but one at that point are now yielding up tribute to the system. One shipper there, who happened to own 30 refrigerator cars that he had operated for years on the mileage basis alone, was at first denied the privilege of using his own cars in making shipments, but in order that this shipper might not become troublesome, as his protests indicated he might, this shipper was privileged to use his own cars in making shipments to his customers on one condition only, to wit, that he become a party to the secret compact and agree to charge his customers the Armour rate, which the railway companies kindly offered to bill as advance charges against all shipments so made, collect from the consignee at the destination, and rebate to this shipper the difference between the Armour charges collected and the actual cost of ice, based upon the total amount used at the rate of \$2 per ton in the bunkers. And it will be noted in this case that the railway company undertook to do the icing itself, or rather arranged for its being done by the connecting lines over which the shipments might travel.

It will be remembered that these same refrigerator cars, costing as I have said about \$700 apiece, each clear on an average \$324 per annum in mileage alone to their owners. The icing charges are more remunerative in the fruit cars than the mileage. The railroads are forced to make all necessary repairs, so you have each of these cars practically paying for itself in a year.

When we consider the effect of this private-car abuse upon the vast cattle interests of this country, and the cold conscienceless plunder of eighty million of people who have been forced to pay tribute to these bandits upon every pound of meat consumed, the wonder is not that there is to-day a demand for relief from ocean to ocean, but that a long suffering and patient people have endured this outrage so long.

Six gigantic packing houses—Armour & Co., Swift & Co., Morris & Co., the National Packing Company, Schwarzschild & Sulzberger, and the Cudahy Packing Company—to-day fix the price of every steer, every hog, every sheep slaughtered in the United States, and then they hold an iron monopoly upon every pound of beef and mutton and pork consumed by the American people.

From a total of less than 7,000,000 cattle slaughtered in 1903, 5,521,697 passed through the hands of this all-controlling combine, commonly known as the "Big Six," and the following statement, prepared by an able and conservative expert, tells the sad story of multiplied millions, wrung from the hungry mouth of helpless toil.

Mr. Cuthbert Powell, of Kansas City, * * * makes the following estimate, based on one year's records in great western packing houses:

Native steers on the hoof average 1,205 pounds, and dressing 58 per cent in killing make, each, 700 pounds of clear meat. They sell in the Kansas City markets for 41 cents a pound, at which the live weight cost is \$57.23.

Beef, 700 pounds, at 7½ cents	\$52.50
Hides (average value)	7.32
Fats (average value)	5.56
Offal (average value)	2.26
	\$67.64
Deduct live-weight cost	57.23
Cost of killing	.50
General expenses of plant	2.50
	60.23
Profit	7.41

Mr. Powell says:

Applying the average profit of \$7.41 on cattle, 20 cents on hogs, 50 cents on sheep, and 50 cents on calves, to the total number of head killed in a year by the "combine" packing houses, gives a total profit of \$47,727,412. Figuring upon the total capitalization, undoubtedly heavily watered, of \$110,500,000, we have 43 per cent profit on the stock. (*The Greatest Trust in the World*, by Chas. Edward Russell, pp. 161-162.)

A few years ago and the great Northwest, with its vast plains and mountain ranges, extending from the Mississippi to the Pacific Ocean, was one illimitable cattle ranch. The prosperity and happiness of multiplied millions of sturdy farmers and ranchmen was absolutely dependent upon this great industry. To-day this broad empire has been literally enveloped in the tentacular coils of a remorseless octopus and strangled to death. In three years, ending January 1, 1905, the value of beef cattle in the United States declined \$163,000,000. The ranchman of the West, at the mercy of the beef trust, like the tobacco planter of Kentucky and Tennessee under the domination of the American Tobacco Company, found but one purchaser for his product; all competition was destroyed and cattle were sold year after year at less than the cost of production. As is always the case, the farmer, rendered destitute, like a blind Samson in the temple, brought the whole superstructure down

upon his head; every other business felt in its very vitals the effect of the ruin which had been visited upon the tiller of the soil.

In Iowa alone, in the years 1903-4 there were 32 bank failures involving the loss of millions to depositors. The banks had loaned to the cattle raisers and they had been devoured by the beef trust. Conditions in Iowa are but illustrative of the wholesale disaster which was thus visited upon that whole country.

Mr. Charles Edward Russell, who has given this subject the most exhaustive investigation, thus describes the scope of this monster monopoly, which has sprung up almost in a night and now threatens the peace and prosperity of a nation:

Of some of the most important industries of this country it has an absolute, iron-clad, infrangible monopoly; of others it has a control that for practical purposes of profit not less complete. It fixes at its own will the price of every pound of flesh, salted, smoked, or preserved meat prepared and sold in the United States. It fixes the price of every ham, every pound of bacon, every pound of lard, every can of prepared soup. It has an absolute monopoly of our enormous meat exports, dressed and preserved. It has an absolute monopoly of the American trade in fertilizers, hides, bristles, horn and bone products. It owns or controls or dominates every slaughterhouse except a few that have inconsiderable local or special trade. It owns steam and electric railroads, it owns the entire trolley car systems in several cities, and is acquiring the like property elsewhere. It owns factories, shops, stock yards, mills, land and land companies, plants, warehouses, politicians, legislators, and Congressmen.

It defies Wall Street and all that therein is. It terrorizes great railroad corporations long used to terrorizing others. It takes toll from big and little, it gouges millions from railroad companies, and cent pieces from obscure shippers. To-day it is compelling a lordly railroad to dismiss its general manager, to-morrow it is black listing and ruining some little commission merchant. It is remorseless, tireless, greedy, insatiable, and it plans achievements so much greater than any so far recorded in the history of commerce that the imagination flags in trying to follow its future possibilities. (*The Greatest Trust in the World*, p. 2.)

It is not to be expected that any such an opportunity for exploitation and plunder was to be overlooked by that international outlaw, the Standard Oil Company. Like the Beef Trust and the Fruit Transportation companies, it made all its shipments of oil in its own private cars.

Now these great concerns formed a daring design which has no peer or parallel either in the annals of business or larceny. They determined not only to fleece the public, but to hold up the railroad companies themselves. With their 80,000 private cars, like the tank lines of the Standard Oil Company, they determined to use this vast quantity of freight as a huge club to beat the transportation companies into submission to their inordinate demands, notwithstanding the fact that the carriers controlled and operated over 200,000 miles of railway, aggregating in value over \$16,000,000,000.

"The combine" had the routeing of these cars absolutely at their own disposal. They could say over just what road they would ship the whole or any part of them. They first demanded that there should be no charge for hauling their empty cars; then the system of secret rebates—the deadly hidden power to destroy all competition—then more mileage, till at last the roads were forced to pay for the privilege of hauling these private cars loaded or empty, three-quarters of a cent a mile on each car from all points east of Chicago; one cent a mile west of Chicago as far as El Paso, Albuquerque, and Ogden, and three-quarters of a cent the rest of the westward haul.

The roads protested. Then came the threat, "All our business goes to a rival line;" "Meet these terms or you haul not a car or a pound of this immense traffic." And in every case the roads surrendered. Then they demanded that the roads should keep the cars in repair, and forced the concession. At last came that crowning iniquity, the "icing charge," by which the road furnished ice at \$2 a ton, and the combine made such charges for that same ice as their cupidity dictated, demanding the last dime which could be wrung from the plundered shipper. Then the final crowning infamy, that these charges should be concealed as part of the freight charge, and where the shipper refused to be plundered to be collected in advance or further shipments would be refused, thus blackmailing their hapless victims into compliance.

Thus they played upon the cupidity of the most eager and greedy organizations in all the world. They said, "Watch the hangman hang," and they arrayed railroad against railroad, robber against robber. Thus were the betrayers of the public in turn themselves betrayed. They said to one railroad, "You must give us this advantage or you get none of the traffic." In their eagerness to secure the carriage of these 80,000 cars the railroads themselves basely surrendered to the owners of these private car companies, basely agreed to conceal the robbery they were perpetrating upon the American people, basely agreed that their waybills should become the foul cloak of the most gigantic system of robbery ever known since bandits ceased to go about with mace and mail. [Applause.]

And now they come to us, whining that "we had to do the

stealing or the other fellow would have gotten our trade." That is the defense. [Applause.]

Why, the gentleman from Maine [Mr. LITTLEFIELD] and the gentleman from Pennsylvania [Mr. SIBLEY] and the gentleman from Massachusetts [Mr. McCALL] show an anger, an acrimoniousness, a viciousness in their assault upon this bill that amazes me from men usually so learned and so serene. I admire all three of those gentlemen; but I am amazed at the sinister, sacrilegious, and almost profane simile by which they seek to damn the unanimous voice of the people and an almost united effort of this House to save the industries of this country. The gentleman from Pennsylvania [Mr. SIBLEY] has compared the endeavor of the public servants of the American people to stop this robbery with that foul plot which culminated in the crucifixion of my God. He has compared an agreement made in the open day and approved by the President of the United States with a secret conspiracy concocted between a cowardly Roman pretor and a murderous Jewish priest. [Applause.]

I quote his exact words:

I heard expressed to-day by a gentleman who served on the Interstate and Foreign Commerce Committee a profound regret that the gentlemen could not agree among themselves. They are all agreed upon one issue. I do not want to repeat myself, but I can recollect a similar instance when there was an agreement between men, about the time that one of the greatest wrongs was perpetrated that ever was perpetrated in human history, and it is recorded in these words: "And Pilate and Herod were made friends from that day."

I want to say to you gentlemen on that side of the House that the figure may have some propriety there, but I thank God there is no conscience-stricken Pilate here washing his hands of this legislation on the Democratic side. [Applause on the Democratic side.] If you want to carry the simile further, I will do it. Pass this law and execute it vigorously against the railroads and the private-car companies alike and we will have two more thieves on the cross. [Applause on the Democratic side.]

Now, they admit that the legislature has the right to control common carriers. They do not attempt to show that we are straining any constitutional power, not one of them. They do not say it is unconstitutional. They dare not as lawyers say it is unconstitutional, but they say it is unwise. Why? The people have been robbed; millions have been filched; the trust alone receives \$72,000 a day from its private-car lines. Over \$50,000,000 a year is being taken alone in icing charges and rebates. You all admit that trusts and monopolies are the curse and the menace of the age, and I here and now declare there is not a single insatiate and law-defying combination of capital in all the land that does not owe its being, growth, and power to one or both of those twin iniquities, alike in operation and in principle—a secret rebate and a protective tariff. Why, you take Iowa, Ohio, Illinois, and Indiana; they talk so much about them, and in those four great States the population in the country has actually decreased during the last ten years. Where is your boasted cattle interest of the West? Dead. The West is full of bank failures in the face of your boasted prosperity. Why? In every part of it is the sad story of defalcation and bankruptcy. The price of cattle has continually gone down and the price of beef at the same time has gone up. The consumer has suffered and the producer has suffered.

Whenever you deprive the American laborer of his beef, whenever you say he shall not eat meat, you have reduced him to the very condition which you claim obtains in Europe, for the European laborer is unable to eat beef. It is that meat that gives vigor to the Army; it is that meat that gives power to the mechanic. It is because we are building up a nation of meat eaters we are able to dominate the world, and yet you admit the price of cattle has gone down in three years from 5½ cents to 4½ cents, while dressed beef has increased in the same proportion at the same time. Nothing but a trust can produce such a result. It is abnormal; it is absolutely impossible to account for it under any law of supply and demand. It is the throttling of supply and the domination of demand that does it. [Applause.]

You learned lawyers, I want to call your attention to one thing. No man from the West has raised his voice against this bill; no man from the South has raised his voice against this bill. The gentleman from Maine [Mr. LITTLEFIELD] protests against it; the gentleman from Massachusetts [Mr. McCALL] protests against it; the gentleman from Pennsylvania [Mr. SIBLEY] protests against it. We have much to learn from those three wise men of the East. [Applause.] Do they tell us it is unconstitutional? No. Do they tell us that we are violating any basic principle of law? No. The gentleman from Maine says, "Ah, my God, you can not afford to do it because Bryan is not dead and the country is full of Populists." [Applause on the Democratic side.] Why, the gentleman from Massachu-

sets, that learned gentleman, compares us to hyenas and bears and hounds:

Mr. McCALL. There may be evidence of a sense of justice in all this, but, if so, it is the sense of justice not of man, but of the hyena and the bear. The philosophy of it is that you may run for your life, but you are eaten if you stand, and you will be eaten if you are caught. Compared with the scheme of this bill there is a certain nobility in the policy of government ownership, wrong as I believe that policy to be. You carve our magnificent railroad system, not as a feast fit for the gods, but hew it as a carcass fit for hounds.

Now they have called us "kuklux" in the South. They have called us "wild and woolly" in the West, but I will swear we are neither hyenas nor hounds. [Applause on the Democratic side.] The gentleman from Maine [Mr. LITTLEFIELD] discusses at length this wild hysteria, this cry of the mob, and yet they all admit that a great majority of the American people favor this legislation. Oh, my wise friends from the East, there is one thing you can not see, and that is the oppression of your kind. There is one thing you never heard from Hamilton until now, and that is the cry of the poor. You have never been able and you never will be able to distinguish between the American people rising in their majesty and their might and the insane clamor of a crazy mob. [Applause on the Democratic side.]

I confess that I must unlearn all I ever knew before I can sit at the feet of these three wise men who follow a golden light from Wall street. [Applause on the Democratic side.] A star that will set as well as rise in the East. I will have to unlearn the teachings of Jefferson when he declared that all governments derive their just powers from the consent of the governed. I will have to unlearn the theory that we are the servants, not the masters, of the people. [Applause on the Democratic side.] I will have to forget that principle almost as old as civilization that I have followed, and in my foolish fatuity will follow until I die, that "the voice of the people is the voice of God." [Applause on the Democratic side.] Treat them as an insane mob if you will. Treat them with scorn, contumely and contempt if you will, but the American people, serene, undaunted, unmindful of your carpings and your contempt are still the masters of this Republic, are bigger than courts and congresses and senates, are unpurchasable by wealth, and are not to be daunted or frightened by the wild clamor of its chosen sponsors. [Applause on the Democratic side.]

Oh, you say, it is Democratic. Well, I agree with you. It is the most Democratic thing, gentlemen, on the other side of the Chamber, that you ever did since you were baptized. [Applause on the Democratic side.] Yes; it is Democratic. It is Democratic, not because the leader of this House, JOHN SHARP WILLIAMS, preached it at St. Louis, as he only can. [Applause on the Democratic side.] It is Democratic not because for nearly ten years it has found a place in our platforms. The platforms demanded railroad legislation because it was Democratic. We did not make it Democratic. JOHN SHARP WILLIAMS proclaimed it because it was Democratic. It was Democratic before you were born, so old as you are. [Applause on the Democratic side.]

It is the dogma of Jefferson applied to present conditions. It is equal rights to all and special privileges to none [applause on the Democratic side], uttered in a way that the common carriers shall understand.

Oh, they say that this is Bryan's baby. I do not mean to reflect upon its paternity, but it is what you would call, gentlemen, a child of the people. It belongs to the Democratic party, and it is no baby. If it had not been for the tender nurturing care of that long-haired anarchist, William Jennings Bryan, it would have been run over by a train long ago. I want to say for Mr. Bryan that he is not only the idol of Democracy and the defender of the poor, but the utterance of his name to any unpenitentiaried thief on Wall street, without regard to his profession or his party, makes him shudder. He is the winged Nemesis of graft and plunder everywhere. [Applause on the Democratic side.] You may well fear him. These private-car companies in 1896 gave \$400,000 in three checks to keep him in private life, and they may well dread to see the prospect of a Daniel come to judgment.

Oh, it is so Democratic. I look over there on that side of the House. You talk about insurrections? Why, how the conqueror of the conquerors is conquered over there. The fellow who gave the dose is now trying to take it, and what a mouth he makes. Why, if you look at the wheel horse of the Republican party, the gentleman from New York [Mr. PAYNE], the weight is all on the breeching and not on the tugs. [Applause on the Democratic side.] Half of your leaders are insurgents, and there is many a stand-pat, stalwart Achilles, who was wont to lead the unterrified hosts of Republicanism from Ohio, Pennsylvania, and New York, now sulking in his tent. [Applause on the Democratic side.] There is only one reason on earth why you swallow this

bill, and that is because your President wants it. I have never gone into hysterics over President Roosevelt, and I never will, but I believe he is fairly honest and a fine judge of human nature, and that is the reason he is favoring this Democratic measure, and you are afraid when he shows his teeth and you squirm and cower when he cracks his whip. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHEPPARD. Mr. Chairman, I am so deeply interested in the gentleman's speech that, with the consent of the gentleman from Georgia [Mr. ADAMSON], I ask that the time he promised to give to me be yielded to the gentleman from Kentucky [Mr. STANLEY]. [Applause on the Democratic side.]

Mr. ADAMSON. Mr. Chairman, the gentleman from Kentucky [Mr. STANLEY] may proceed under that understanding.

Mr. STANLEY. Mr. Chairman, I dislike very much to differ with my learned friend from Pennsylvania [Mr. SIBLEY] anywhere, for to know him is to love him. Genial and affable, I was surprised to hear him cry that anarchists and the Populists and the nihilists would get us if we didn't watch out.

He warns us—

So the forces have swept on until they are in the throes of state socialism, and they are going to make a glorious success of it just as long as there remains in pockets of thrift and industry one dollar to be wrung out in the form of taxation. Then there comes, as the sequence to the socialistic state, the state of anarchy, and then the reign of terror, and then the swing of the pendulum to the other side, and the strong man on horseback. In all human history that has been the experience, and society has been forced to rebuild its shattered superstructure upon those foundations which guarantee the rights of persons and of property.

I was surprised to hear a man raised in this land of liberty and enjoying the fruits of freedom preach here that you could have too much of it.

Ah, my genial friend from Pennsylvania, if you will excuse the almost familiar way in which I address you, I have not so read my country's history. In a thousand years no scion of the Saxon race has ever betrayed the boon of too much liberty. The commune has triumphed, yes. But come and review with me the story of its ravages.

Do you believe it was because the English people were too free that they took a perfidious and cowardly Stuart out yonder at Whitehall and led him to the fatal block? Do you believe that it was too much freedom that hurled the red-capped Jacobin, wild and fierce, into the streets of Paris? Nay, nay! Anarchy and nihilism are protests; they are not principles. They are but another side of the horrible picture. The cause of anarchy, the cause of nihilism, the cause of a revolution—they all come from the weight of oppression, not the abuse of freedom.

"The man on horseback" was not the creature of the commune—he was the necessary, the inevitable evolution of an age of despotism.

Centuries before, vainly endeavoring to obscure the dawn of a new era, a Richelieu and a Mazarin filched the scepter from the palsied hand of a weak and decaying medieval chivalry, and then they endowed a tyrant's throne with all this purloined power. All the weight of this cunningly woven fabric of oppression was placed upon the backs of a helpless people, a people who were outraged and plundered, until the burden became too heavy for human shoulders and human hearts, and crushed them in the mire.

At last "the mud took fire, and a dirty rag became a banner;" then riot and brutality, rapine and massacre; then the mob in its blind fury made victims of its masters and wiped out its wrongs in blood. The commune has triumphed; it will triumph again; but it has triumphed only at the scaffold of a king. No constitutional government need ever dread its rage.

The people of this land are free, and they cherish their freedom.

Why, our Government is predicated upon the idea of all republics, that the greater the refinement, the greater the culture, the greater the patriotism of the people the greater measure of liberty you may give them; and when you preach, and when the gentleman from Maine preaches, and the gentleman from Massachusetts preaches, that to give the people the right to rule is surrendering to the mob, you are proclaiming an old and detested fallacy as foul and as false as the history of kings and as cruel as tyranny. The American people are still capable of governing themselves. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLTMSTED 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 bills and joint resolutions of the following

titles; in which the concurrence of the House of Representatives was requested:

S. 133. An act authorizing the extension of Twenty-third street NW. to Kalorama road;

S. 54. An act to provide a public park on Georgetown Heights, in the District of Columbia;

S. 1609. An act for the establishment of an additional recording district in the Indian Territory, and for other purposes;

S. 134. An act establishing an additional recording district in Indian Territory;

S. 676. An act granting an increase of pension to Joshua W. Tolford;

S. 2872. An act for the relief of the French Trans-Atlantic Cable Company;

S. 3321. An act granting an increase of pension to Olney P. B. Wright;

S. 2783. An act to repeal section 11 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes;"

S. 2625. An act for the relief of Robert W. Caldwell, First Regiment Ohio Heavy Artillery Volunteers;

S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy;

S. R. 12. Joint resolution authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermilion, S. Dak., to be placed on the campus of said institution; and

S. R. 28. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

REGULATION OF RAILROAD RATES.

The committee resumed its session.

Mr. HEPBURN. Mr. Chairman, I yield now to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, there are two sections in this bill that are not frequently mentioned which are potent. One provides for the uniformity of railroad accounts and the other for their inspection. It will be interesting to watch the tribulations of those two provisions before this legislation is finished. I have been a patient listener to all the arguments made here for the last six days—none more so than I. On its economic side four assertions have developed in the debate and four answers, as follows:

First assertion: Average rates showed for years a decrease and are still below those of other countries. The answer: Reasonable average rates do not preclude the existence of excessive charges in particular instances.

Second assertion: Rates are governed by natural laws, competition being the regulator of prices. Answer: Railroad competition exists only in particular places, and as consolidations continue less and less in those places. Railroad services are not private, and for that reason economic principles can not be wholly relied upon. Natural laws do affect the average rate, with but little effect upon a particular charge.

Third assertion: The power given to make any rate is the power to make all rates, because of the interdependence of rates. Answer: Traffic managers constantly change their rates without creating disorder.

Fourth assertion: It is impracticable for public authority to make rates, because there is no standard of reasonableness. Answer: It is impossible to show that a rate is unreasonable *per se*; but it is legitimate to make comparisons, and rates are so made.

The gentleman from Massachusetts [Mr. McCALL] termed this a rash and reckless method of regulation. I would suggest to him that over forty years ago Charles Sumner introduced the first bill in the American Congress to regulate interstate commerce. I would suggest also to him that thirty-two years ago the House of Representatives passed a bill to regulate commerce, which, by the way, died in the Senate, and that of the eighteen causes that were cited before the Senate committee twenty years ago, as causes of complaint, sixteen are clamorous to-day. So the measure is not rash, nor is it reckless.

There are railroad managers and railroad managers. There are men who realize the injustices in the situation, who are proud of the accomplishments of transportation, who desire further to perfect it. Theirs has been a hard struggle. They have had conditions forced upon them by stock-gambling magnates which have been obnoxious. They have suffered from situations brought on by the Wall street gamble as much as the public.

I believe that the independent railroad man is going to have more to do with the solution of the problem than anybody else.

His concern to-day is over the greed of the Wall street magnates, who are intent upon absorbing all lines. Ours ought to be, if for no other reason than this: That nowhere is belief in American ideals weaker than in the minds of the stock-gambling magnates of Wall street who are seeking to control the railways of the United States.

Illustrating this, I desire to read a few lines—lines which no independent railroad president or manager would indorse, but which are fairly typical of the Wall street gambler. They first appeared in the North American Review and were snatched up, presumably by the Wall street publicity bureau, in December and sent broadcast:

Create the proposed commission, with power to establish rates, and the future of the railroad would be largely in their control. A Presidential election is approaching, and the railroads are asked to contribute to the party funds. They refuse to comply or to give as much as the party managers desire. Would a railroad dare decline, after receiving an intimation that it would be well to contribute more liberally? A railroad president, in his anger, refuses, says he belongs to the other party, or does not like the candidate or his methods. Forthwith some shipper makes his complaint, that he is in a net, with only one way to get out; the desired contribution is given, the party beggar calls off the shipper, and the difficulty is over. Will the railroads be kept out of national politics when a commission, composed of a few men, has its firm grip on them, with power to squeeze out of them contributions, or to influence the suffrages of their numerous employees? Create this commission and the future of every Presidential election can be foretold.

This charge of so mean, so miserable a motive, and its threat are characteristic of the attitude of Wall street, and I, for one, hope that when the contest with Wall street comes, as it will, that the House of Representatives will go to battle as one fighting uncompromisingly for a principle, and not as a champion who, in the frenzy of doing or dying, first tucks away in his pistol pocket as a measure of precaution a flag of truce. For the conservatism which has its day of triumph will have its day of defeat—for the day of defeat will be forced upon it. I hope to live to see the day. I shall rejoice when defeat comes to the conservative who, had he lived in the days of rush lights, would have stood out firmly against the introduction of candles, or if it had been a legislative matter, at least would have approached the tallow dip cautiously, "step by step."

Traffic results do not always harmonize with traffic theories. I have gone into the matter of local rates. Increasing volume of through traffic, according to traffic theory, goes to a reduction of local rates. The great mogul locomotive, the larger car, the reduced grade, the straighter track, and the heavier rail have all gone to the reduction in cost of transportation. The rate per ton per mile has fallen in the United States from 9.41 mills in 1890 to 7.8 mills in 1904. But I can not find that the local rates have shared in all this. In a large majority of the cases I have examined they have remained unchanged or increased. There are some reductions. I append a few tariffs with a summary.

SUMMARY.

Nashville, Tenn., to 11 interstate points (1893-1906), 6 increases, 115 unchanged.

Points in Alabama to points in Georgia, Mississippi, and Tennessee (1895-1906), 36 unchanged.

Arkansas points to Missouri and Kansas points (1892-1906), 3 increases, 77 unchanged.

Denver, Colo., to 8 interstate points (1896-1906), 3 increases, 18 unchanged, and 57 reductions.

Abilene, Kans., to Oklahoma, Ind. T., and Texas points (1892-1906), 53 increases, 6 reductions, 1 unchanged; jobbers' rates are less.

New Orleans, La., to 13 interstate points (1893-1906), 1 increase, 31 reductions, 111 unchanged.

Dalton, Mass., to 5 interstate points (1881-1906), 20 increases.

Alexandria, Minn., to points in North and South Dakota, mileage rates (1893-1906), 1 increase, 2 unchanged, 87 reductions.

Concord, N. H., to 9 interstate points (1887-1906), 23 unchanged, 30 reductions.

Hartford, Conn., to 10 interstate points (1887-1906), 41 increases, 6 reductions, 11 unchanged.

Jacksonville, Fla., to 7 interstate points (1896-1906), 41 increases, 24 reductions, 12 unchanged.

Pensacola, Fla., to 6 interstate points (1893-1906), 36 class rates unchanged.

Wallace, Idaho, to 6 interstate points (1899-1906), 15 increases, 45 unchanged.

Springfield, Ill., to 4 interstate points (1889-1906), 29 increases, 1 unchanged.

Indianapolis, Ind., to 9 interstate points (1896-1906), 54 unchanged.

Dubuque, Iowa, to 9 interstate points (1890-1906), 89 unchanged, 1 increase.

Freight rates from Springfield, Ill., to points named.
[Rates in cents per 100 pounds.]

From Springfield, Ill., to—	Year.	Classes.					
		1.	2.	3.	4.	5.	6.
Logansport, Ind.	1889	33	30	23	16	12 $\frac{1}{2}$	11
	1906	38 $\frac{1}{2}$	33	24 $\frac{1}{2}$	16 $\frac{1}{2}$	14	11
Defiance, Ohio	1889	40	34	26	18	15	13
	1906	44	37 $\frac{1}{2}$	28 $\frac{1}{2}$	19 $\frac{1}{2}$	17	14
Napoleon, Ohio	1889	40	34	26	18	15	13
	1906	45	39	30	21	18	15
Whitehouse, Ohio	1889	40	35	26	18	15	13
	1906	45	39	30	21	18	15
Toledo, Ohio	1889	40	36	28	18	15	13
	1906	45	39	30	21	18	15

Freight rates from Jacksonville, Fla., to points named.
[Rates in cents per 100 pounds.]

From Jacksonville, Fla., to—	Year.	Classes.										
		1.	2.	3.	4.	5.	6.	A.	B.	C.	D.	E.
Fetteressa, S. C.	1896	64	55	47	41	33	27	20	23	17	16	33
	1906	94	86	68	56	43	38	29	33	20	19	43
Drayton, S. C.	1896	77	66	56	46	34	29	22	23	18	17	40
	1906	94	86	68	56	43	38	29	33	20	19	43
St. Andrews, S. C.	1893	81	69	59	48	33	30	24	25	19	18	42
	1906	94	86	68	56	43	38	29	33	20	19	43
Ponpon, S. C.	1896	85	72	62	50	38	31	25	27	19	18	42
	1906	91	85	67	55	42	36	28	32	19	18	42
Burroughs, Ga.	1896	74	62	55	43	35	29	29	26	14	13	35
	1906	59	50	43	31	26	21	20	19	14	13	29
Fleming, Ga.	1896	72	60	54	42	34	28	28	25	14	13	34
	1906	59	50	43	31	26	21	20	19	14	13	29
Screven, Ga.	1896	58	50	44	37	29	23	23	21	12	11	29
	1906	58	51	43	31	26	21	20	19	12	11	29

Freight rates from Hartford, Conn., to points named.
[Rates in cents per 100 pounds.]

From Hartford, Conn., to—	Year.	Classes.					
		1.	2.	3.	4.	5.	6.
Woonsocket, R. I.	1887	21	18	15	13	11	10
	1906	21	18	16	13	11	10
Pawtucket, R. I.	1887	24	21	18	16	15	14
	1906	21	18	16	13	12	10
Providence, R. I.	1887	20	17	14	12	11	10
	1906	21	18	16	13	11	10
Cranston, R. I.	1887	20	17	14	12	10	10
	1906	21	18	16	13	11	10
Hyde Park, Mass.	1887	22	19	16	14	12	10
	1906	24	21	18	15	13	11
Norfolk, Mass.	1887	21	18	15	13	11	10
	1906	22	19	16	13	12	11
Wadsworth, Mass.	1887	21	18	15	13	11	10
	1906	22	19	16	13	12	11
Douglas, Mass.	1887	19	16	14	12	10	9
	1906	21	18	16	13	11	10
Worcester, Mass.	1887	20	17	15	13	11	10
	1906	21	18	16	13	12	10
Springfield, Mass.	1887	12	10	7	5	4	4
	1906	14	12	10	8	7	5

Freight rates from Dalton, Mass., to points named.
[Rates in cents per 100 pounds.]

From Dalton, Mass., to—	Year.	Classes.			
		1.	2.	3.	4.
Canaan, N. Y.	1881	9	8	7	5
	1903	10	9	8	6
Chatham, N. Y.	1881	10	9	8	6
	1906	11	10	9	7
Ghent, N. Y.	1881	12	10	9	8
	1906	13	11	10	9
Claverack, N. Y.	1881	13	12	10	8
	1906	14	13	11	9
Hudson, N. Y.	1881	14	12	10	8
	1906	15	13	11	9

Freight rates from Abilene and Ellsworth, Kans., and other Kansas points to points named below.
[Rates in cents per 100 pounds.]

Abilene, Ellsworth, and other Kansas points to—	Miles.	Year.	Classes.									
			1.	2.	3.	4.	5.	A.	B.	C.	D.	E.
Oklahoma, Indian Territory, and Texas points	25	1892	23	19	17	14	10	10	9	7 $\frac{1}{2}$	7	5
	1906	25	21	19	18	13	14	11	9 $\frac{1}{2}$	8 $\frac{1}{2}$	6 $\frac{1}{2}$	
Do	50	1892	34	29	25	21	15	15	14	10	9 $\frac{1}{2}$	
	1906	35	30	26	23	18	19	16	14	11	9	
Do	100	1892	52	44	38	31	27	25	19	15	14	
	1906	54	46	40	35	28	29	24	21	16 $\frac{1}{2}$	13 $\frac{1}{2}$	
Do	200	1892	84	67	67	59	47	39 $\frac{1}{2}$	29	25	22 $\frac{1}{2}$	
	1906	89	77	67	59	47	48	38	32	25	20	
Do	400	1892	124	104	85	70	59	46	36	33	22 $\frac{1}{2}$	
	1906	125	111	98	85	67 $\frac{1}{2}$	69 $\frac{1}{2}$	55	44	34	28	
Do	500	1892	144	124	105	96	82	71	56	42 $\frac{1}{2}$	27	
	1906	135	121	108	95	72	74	59	48	38	32	

Comparison of local freight rates charged by the Union Pacific Railroad from Kansas City, Mo., to stations named during 1883, 1887, 1890, 1895, and 1900.

[Governed by western classification.]

Distance.	From Kansas City, Mo., to—	Year.	Classes (rates in cents per 100 pounds).								
			1.	2.	3.	4.	5.	A.	B.	C.	D.
Miles.		1883	55	50	45	40	35	30	20	15	15
139	Junction City, Kans.	1887	55	49	43	38	33	28	19	15	15
		1890	50	45	37	28	24	23	18	14	11
		1895	50	45	37	28	24	23	18	14	11
		1900	50	45	37	28	24	23	18	14	11
		1883	65	58	50	45	42	35	22	18	18
		1887	65	55	50	43	38	33	22	18	18
186	Salina, Kans.	1890	56	50	42	34	29	27	21	17	13
		1895	56	50	42	34	29	27	21	17	13
		1900	56	50	42	34	29	27	21	17	13
		1883	128	114	101	86	84	68	47	40	35
		1887	92	84	77	71	66	51	41	33	32
420	Wallace, Kans.	1890	89	80	72	60	54	47	39	30	23
		1895	89	80	72	60	54	47	39	30	23
		1900	89	80	72	60	54	47	39	30	23
		1883	240	200	175	135	125	100	75	65	50
		1887	210	170	140	115	100	100	75	65	50
639	Denver, Colo.	1890	160	130	110	90	75	65	55	45	40
		1895	125	95	80	65	50	55	45	40	35
		1900	125	100	80	65	50	60	45	40	35
		1883	200	170	155	135	125	100	75	75	50
		1887	210	170	140	115	100	100	75	65	50
746	Cheyenne, Wyo.	1890	160	130	110	90	75	65	55	45	40
		1895	140	120	100	80	65	75	55	45	40
		1900	125	100	80	65	50	60	45	40	35
		1883	263	228	210	160	100	138	123	99	99
		1887	257	218	200	155	130	118	92	80	80
938	Rawlins, Wyo.	1890	250	215	175	145	125	110	92	78	67
		1895	250	210	175	145	125	110	92	79	67
		1900	229	189	149	124	101	106	86	71	57
		1883	300	250	200	175	150	135	125	125	125
1,656	Butte, Mont.	1887	300	250	200	175	150	135	125	125	100
		1890	250	215	175	145	125	110	92	82	72
		1895	250	215	175	150	125	110	90	75	65
		1900	250	215	175	150	125	110	90	75	65
		1883	315	265	210	160	130	180	145	115	83
1,259	Ogden, Utah.	1887	300	250	200	175	150	135	110	80	80
		1890	250	215	175	145	125	110	92	82	72
		1895	250	200	170	143	118	108	93	85	70
		1900	230	200	170	143	118	108	93	85	70
1,393	Pocatello, Idaho.	1883	340	305	265	225	220	245	175	150	125
		1887	317	264	211	164	158	158	142	116	84
		1890	250	215	175	145	125	110	92	82	72
		1895	250	215	175	150	125	110	100	90	75
		1900	250	215	175	150	125	115	100	90	75

NOTE.—The rates shown for 1900 were in force on June 30, 1902.

Comparison of local freight rates charged by the Chicago, Milwaukee and St. Paul Railway from Chicago, Ill., to stations named during 1883, 1887, 1890, 1895, and 1900.

[Governed by western classification.]

Distance.	From Chicago, Ill., to—	Year.	Classes (rates in cents per 100 pounds).								
			1.	2.	3.	4.	5.	A.	B.	C.	D.
Miles.		1883	70	55	45	35	27 ¹	32 ¹	27 ¹	25	20
228	Marion, Iowa.	1887	60	50	37	25	20	25	20	16	13
		1890	55	45	32	22	16	20	16	13	10
		1895	58	47	35	24	19	24	19	16	14
		1900	58	47	35	24	19	24	19	16	14
		1883	75	60	45	35	30	35	30	25	20
		1887	70	50	41	27	20	25	20	16	15
282	Tama, Iowa.	1890	68	48	36	23	17	21	17	15	11
		1895	61	50	39	25	20	23	19	16	14
		1900	61	50	39	25	20	23	19	16	14
		1883	75	60	45	35	30	35	30	25	20
809	Melbourne, Iowa.	1887	73	58	43	28	20	25	20	16	15
		1890	62	52	37	25	19	24	19	16	14
		1895	65	54	40	27	22	27	22	18	16
		1900	65	54	40	27	22	27	22	18	16
		1883	77	62	47	37	32	37	32	26	20
		1887	76	61	46	32	27	30	27	21	19
865	Perry, Iowa.	1890	65	55	38	27	20	27	22	17	15
		1895	69	58	41	29	24	29	24	20	17
		1900	69	58	42	29	24	29	24	20	17
		1883	87	70	56	40	35	40	35	30	24
417	Manning, Iowa.	1887	90	75	50	35	30	32	29	23	20
		1890	70	58	42	28	21	28	23	18	16
		1895	80	65	45	32	27	32	27	22	18
		1900	80	65	45	32	27	32	27	22	18
487	Council Bluffs, Iowa.	1883	90	75	50	35	30	32	29 ¹	23	26
		1887	90	75	50	35	30	32	29 ¹	23	26
		1890	70	58	42	28	21	28	23	18	16
		1895	80	65	45	32	27	32	27	22	18
		1900	80	65	45	32	27	32	27	22	18

NOTE.—The rates shown for 1900 were in force on June 30, 1902.

These rates are taken from regular tariff schedules on file. They may not be complete upon their face in some instances. Special tariffs may have torn some of them to pieces, change of classification may have modified them; but they are regularly filed tariffs and repose among the 2,600,000 tariff schedules on file here in Washington, in vindication of the not wholly successful policy of publicity, and they are interesting as tending to show the increasing toll local traffic is paying and will continue to pay until some practical working modification of

the fourth section of the original act becomes law and, without undue injury to through traffic and market necessities, protects it.

This, the Hepburn bill, in its provision for uniformity of railroad accounts, for their inspection, in its proposal to empower the Commission to establish through routes and fix the rate thereon, and to amend an unreasonable rate, will, I hope, do great good; it could be made to do more by putting into law that which would prevent the traffic man from levying an unjust rate in the first instance, and it should have a provision giving supervision over classifications and greater power over unjust discriminations and more direct reference to private cars.

These local rates I have given are but incidental manifestations, showing, in the major portion of the local rates selected, of the evil principle and the more evil practice beneath. Seven or eight men are now said to control a major portion of our railways. One-tenth our wealth is in our carrying system. Once a day a \$5,000,000 toll is exacted. These magnates are magnates, captains of industry indeed. They have been extolled on this floor. I gave in the beginning the Wall street magnates' estimate of the probity of a Federal commission. At the risk of offending the sense of practicality of this House, I would shadow forth a railroad magnate in keeping with the benefits of transportation; would limn him as the benevolent genius of magic that brings everything near, makes everybody immediate, that enlarges the producer's market, touches with infinite variety the consumer's supply, lifts the cheapening pressure of a glut here, fills the mouth of famine there, and has turned the luxuries of yesterday's few into the necessities of to-day's many. See the magnate in keeping with that, a gentle figure, a figure of power, of power always with justice.

Consider him as he exercises a fatherly regard for the system, his employees, and the territory he serves. Imagine him as conscious of his power, with the brake of moderation always down, requiring uniformity of treatment among his patrons, justice to locality, giving no concession to the powerful, no preference to the grasping, exacting no undue tribute from the weak, garnering everywhere honor, gathering everywhere acclaim, inspiring in subordinates affectionate imitation, and winning from the people the private regard which in the aggregate makes for the highest public esteem—one knowing the duties of a common carrier, instinct with allegiance to the public interests, quick with the high impulses of a righteous public servitor.

Among our Wall street magnates you will not find him. But let us justify ourselves to an emancipated future at least to the extent of daring to hope for his coming. Such a man would never seek in the law's delay, in its making, its interpretation, or its execution escape from the law. Distraining to displace, as a common carrier, public interest with a private interest, inspired and actuated by the foresight which reveals always the personal interest best conserved in the end by a broad regard for the general welfare, this magnate would come at last to a realization of the plenary degree of his power—the realization which no subsidy through favor, no submission through fear, no sycophancy through fear or favor can ever bring to him.

This man would suffer no manipulation of railway accounts, would refuse to share in industries making him a preferred shipper on his own line, would collect no toll except as a common carrier, but, requiring justice, exercising impartiality, this man would enter into the enthusiasms of the smallest town upon his line as well as the ambitions of the largest cities, and would come to share in popular esteem, with all the benefits of modern transportation, and to be blamed for none of its delinquencies; and he would win for his children's sake that which no Wall street magnate has to-day, that which would surely be honey to the surfeited palate of his power, that which he can not buy, force, or cajole—the privilege of being extolled as transportation is extolled in the lines of permanent literature.

All this he might have and might hold if he would accept the demand of the nation upon him to-day—that he exercise a lesser concern for his interests as a magnate and a greater concern for his interests as a citizen.

We were assured yesterday by the gentleman from Ohio [Mr. GROSVENOR] that the men who control from New York do not make rates—know nothing about them, in fact.

The traffic manager is supposed to make rates. But he does not.

But, under directions, he orders how they shall be made.

For a year or two now the traffic manager has hovered over the situation like a specter. We are asked to look upon him as a wizard sitting in the midst of a maze of commercial intricacies which nobody but himself can understand. He is a man of might. He stands accused here and elsewhere of having—

Dodged from national regulation behind the road's State charter and from State regulation behind his interstate rights.

Ignored the requests of the helpless and connived with the powerful in concessions.

Decreed that this city prosper and the progress of another be impeded.

Built up one merchant and torn down his neighbor.

Put forth the dogma that there is no science in rate making.

Approved the maintenance of the science of the three shells and the ball, the science of sleight of hand, pleasurable always as entertainment, but fraud in commerce; of eliminating distance in one locality's toll, using it as a basis in another's; pleading cost of service in one instance, value of service in other; publishing a tariff sheet as an evidence of stability and tearing it away with special tariffs, and of permitting indulgence in the manipulation of minimum car weights, midnight tariffs, rebates, underbilling, participating terminal lines, private car allowances, icing charges, and commissions.

Invaded the precincts of a national policy—with his import rate doing openly and indirectly what the smuggler does in secret and straightway—overcome the barrier of a protective tariff.

It has been denied here over and over again that there is any demand for this legislation.

But the country knows the demand, and knows how it has been met by the great transportation power, as one who stands exercising a great public trust without public responsibility, wielding great power without limit to his pleasure, ordering, with sublime certainty in his security, that the storm of a national instinct, distinguishing between right and wrong, asking only uniformity when it pays, and a place for expeditious redress when it is wronged, ordering that such a storm be dammed out and dammed back by a sophist's tract and a pamphleteer's convention.

In closing I will quote from Senator's Palmer's speech in the Senate twenty years ago:

Railroads are no longer joint stock companies alone; they are dynasties. They are already outlined and in a few years, if not supervised and controlled by legislation, they will become as firmly fixed in their grasp upon continued power, commercial, social, and political, as the Hapsburgs, the Hohenzolerns, or the Guelphs. These reigning houses were born of force. They were the triumph of the strong over the weak. These modern dynasties will have been born of law and of concession and will be the triumph of the creature over the creator.

Mr. Chairman, this is a conservative measure, born of a conservative time and of a conservative body, hard to prick through the thick calous of a profound prosperity; and while I know that if I had gray hairs and a solemn face I could say it with a greater grace, I sound this warning to those here so comfortably cushioned in the luxuries of the safe side—that the day will come when the needle will reach the quick. [Applause.]

Mr. HILL of Connecticut. Mr. Chairman, I appreciate the manner in which the gentleman from Kansas, who is a very thorough student, has discussed this question, and for that reason I want to ask him this question: Would not every word of the peroration of his remarks apply with equal, if not greater, force to the free-silver craze that went over the country ten years ago?

Mr. MURDOCK. I think not.

Mr. HEPBURN. Mr. Chairman, I yield such time as he may need to my colleague from Iowa [Mr. CONNER].

Mr. CONNER. Mr. Chairman, it is unfortunate that certain Members who are opposed to the passage of the rate bill should in debate make the criticism that those who favor the measure are driven into supporting it by an intemperate public sentiment said to exist in its favor in the Middle West. It is quite unfortunate that some who favor it should charge the opposition with being under the influence of Wall street. I readily accord to every Member on this floor the right to decide for himself and to say whether he is for or against this or any other measure without having his motives called in question. My estimate of the character of the membership of the House is such that I do not for one moment entertain the belief that either charge has any foundation whatever to support it. Insinuations of this character but detract from the dignity of the House, and furnish no aid toward the solution of the great questions involved in the discussion.

Our friends on the Democratic side of the Chamber have not been content to permit the debate to proceed along business and economic lines, but have sought to inject politics into the discussion by repeatedly asserting that this is a Democratic measure and that the principles of the bill had their birth in Democratic councils. They even charge that the Republican party is driven to take up the legislation by an irresistible public demand. Everyone will concede that the Democratic party has met in conventions and adopted platforms which at the time may have been in favor with the people and which it conceived would add to the popularity of the party. It is characteristic of the party to adopt high-sounding platforms

rather than to formulate policies which may with safety be enacted into legislation. Notwithstanding it may have placed itself on record in the manner claimed, it does not seem to have won the confidence of the people of the country, for they have preferred to trust the Republican party without platform declarations rather than the Democratic party with them. If something effective is to be done, the people naturally turn to the Republican party for its accomplishment, as they have, in order to secure legislation on this question. The record of the Republican party is secure in the fact that all the important laws on the Federal statute books were placed there by it.

If our Democratic friends desire to know the record of their party in the enactment of legislation against trusts and illegal combinations, it will only be necessary to go back into history to the time when both the President and the House of Representatives were Democratic. In his annual message to Congress in December, 1887, the President called the attention of Congress to the fact that trusts were then in existence, and that others were constantly forming and were becoming a menace to the welfare of the country. The House authorized one of its important committees to investigate the question of whether or not trusts were then in existence and others in process of formation. An investigation was instituted which continued over a period of several months, when the committee reported to the House that it had found trusts to be in existence and that others were being organized. After this report was made the committee continued to further investigate the question, but refrained from making its final report until two days prior to the expiration of the Democratic Administration and the inauguration of a Republican President, when it came into the House and reported that it was unable to deal with the question, and that on account of the difficulty of the members of the committee to agree upon a plan of action the whole matter was referred to the next Congress for its consideration.

The next Congress, as well as the President, was Republican, and within a short time after it convened a law was passed against trusts and illegal combinations, which is known as the "Sherman antitrust law." This law was passed by a Republican Congress and signed by a Republican President. Since its enactment trusts and illegal combinations of capital have been and are being successfully prosecuted. I say this, not alone with a view to eulogizing the Republican party, but to show our Democratic friends the distinction between adopting platforms and enacting wholesome legislation. [Applause.]

Mr. Chairman, I am in favor of this measure and shall vote for it, but shall not do so in order to get rid of it and to hurry it to another forum, in the hope that there it may undergo a destructive surgical operation. I trust that when it is returned to this body it will not be in such a distorted condition that its identity can not be recognized. I do not contend that the measure is perfect, for, as I view it, it is not, but the principle of the bill meets with my hearty approval, and, in addition, it contains features which are highly desirable.

The legislation which is sought to be secured is of the highest importance and worthy of most serious consideration; it may be regarded as progressive legislation. It goes one step further than has yet been taken by the General Government in the direction of remedial legislation intended to regulate common carriers engaged in interstate commerce. It is not new in its provision for the creation of a commission to investigate the reasonableness of rates of common carriers, for the law now in force provides for such a commission; but it is new in that it confers upon the Commission greater powers than it has heretofore possessed.

It has been frequently asserted during the debate and not seriously disputed that for several years after the Cullom law of 1887 was enacted it was generally understood by the people that the Commission was clothed with authority to substitute a rate where, upon complaint by the shipper, the one then in force was found to be unjust, unreasonable, or unjustly discriminatory, and the rate which the Commission should thus prescribe should become the legal rate to be charged by the carrier unless and until set aside by a proper tribunal.

In 1897 the Supreme Court of the United States in what is known as the Maximum Rate case, reported in 167 United States Supreme Court Reports, held that the Cullom law did not confer upon the Commission the power to substitute a rate in place of the one condemned, and that the order of the Commission in prescribing a rate for the future amounted to nothing more than a recommendation to the common carrier. It is needless to say that since that time the orders of the Commission have neither been respected nor obeyed.

This want of power on the part of the Commission to fix a rate in the place of one condemned is recognized as the

weak spot in the interstate-commerce law. Personally I have believed, and now believe, that an amendment of a few words to the law of 1887 expressly restoring to the Commission what has been termed "this lost power" would go far toward correcting the evils complained of. One of the features of this measure, and in my judgment the main one, is intended to strengthen the law by giving to the Commission the power which the people of the country generally believe was conferred upon it until this decision of the Supreme Court of the United States was made. It was because of the attempt to remedy this defect in the Cullom law and to confer upon the Commission this power that the intense opposition on the part of the railroad companies, which for several months the country has witnessed, was organized, and which has been "instant in season and out of season" endeavoring to defeat the legislation. Here is the battle ground between the people on the one side and the corporations on the other. The issue is clearly defined and is well understood. The purpose is not to deprive the carriers of the right to fix rates in the first instance, nor is it to give the Commission power to initiate rates.

The question is, Shall the Government be authorized by a law of Congress to regulate the great transportation companies in the United States to the extent that the Commission, where, upon complaint and investigation, a rate fixed by the carrier is found to be unjust, unreasonable, or unjustly discriminatory, shall have the right to prescribe what it determines to be a just, reasonable, and fairly remunerative rate, and to put it in force in the future in the place of the one condemned? If the bill in question is enacted into law, then this power will be given to the Commission. If it fails to become a law, then the effort to secure rate legislation will have been waged in vain, and the evils which now exist will continue. If this bill becomes a law, it will be a triumph for the people and will vitalize the provision of the Constitution conferring upon Congress the right to regulate commerce among the States by placing in the hands of the Government a power to say that the rate to be charged by the common carrier for the transportation of persons and property shall be just and reasonable and to confer upon a commission of its own creation the power to condemn as unjust and unreasonable a rate fixed by the carrier and to substitute in lieu thereof a rate for the future which the Commission determines to be just, reasonable, and fairly remunerative.

What are the objections urged against this legislation? It is contended by some gentlemen that Congress has not the power to prescribe a rate to govern the carrier in the future. It is asserted by a larger number that if this power is conceded Congress has not the authority to create a commission and clothe it with power to prescribe a rate to govern the carrier in any sense.

Speaking for myself, I am fully convinced that as a matter of law Congress itself can prescribe a maximum rate of charge for the carrier, and I am just as fully convinced that it may commit to a commission of its own creation the power to prescribe a rate in the manner provided for in this measure.

The Supreme Court of the United States, in the case of *Munn v. Illinois*, held that "under the powers inherent in every sovereignty a government may regulate the conduct of its citizens toward each other and, when necessary for the public good, the manner in which each shall use his own property." This language states a proposition which has been good law as long as common carriers have had an existence, and is good law at this time. The owner of private property, used in a strictly private way and so as not to interfere with the rights of others, can use it free from legislative regulation or control, but when it becomes affected with a public interest and is devoted to a use in which the public has an interest the public acquires an interest in such use and the owner can be compelled to submit to regulation by the public to the extent of such interest.

This is not a new doctrine. In the exercise of this power it has been the custom in England for centuries and in this country from the earliest times to regulate ferries, hackmen, warehousemen, millers, and the like, and to fix a maximum charge to be made for services rendered or accommodations furnished. It is held by the Supreme Court of the United States that the legislature has the same control over business and property of corporations that it has over that of individuals.

A large number of States in the Union have enacted laws creating commissions for the purpose of fixing rates and freights to be charged by common carriers within the State, and in some States the commission is given the power to initiate rates. The right of States to enact such legislation has been most vigorously assailed in the courts, but in all the cases which have been submitted to the Supreme Court of the United States the power of the State to enact the legislation has been fully sustained, and to-day no respectable lawyer is willing to

question this power on the part of the State. No reason can be urged for claiming that if a State can legally enact such legislation to regulate its domestic commerce that Congress can not do the same thing respecting commerce of an interstate character.

In the Maximum Rate case heretofore referred to the court, in considering the question as to the extent of the power conferred upon the Interstate Commerce Commission under the Cullom law, and whether the act conferred upon it the power to prescribe a rate for the future in lieu of the one which it condemned, uses this language:

There are three obvious but dissimilar courses open for consideration: Congress might itself prescribe a rate, or it might commit some subordinate tribunal this duty, or it might leave with the companies the right of fixing rates subject to such regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable.

This language is susceptible of but one construction, and that is that Congress has the power to say that the rates to be charged by a common carrier shall be just and reasonable, and to create a commission and to clothe it with power, not only to investigate a rate complained of, but, if found to be unjust, unreasonable, or unjustly discriminatory, to prescribe a rate to take its place in the future, and that the rate thus prescribed shall become the legal rate unless and until set aside by a proper tribunal.

Mr. Chairman, the pending measure is limited rather than general in its scope; it is reasonable rather than radical; it does not purport to remedy all existing evils. A bill framed to correct all abuses in interstate commerce would stand but little show of becoming a law. There may be disappointment because the bill does not include express companies, Pullman companies, and some other public agencies which it is desirable to regulate, but it must be borne in mind that to secure any relief the bill must first pass both Houses of Congress, and the danger is that if it embraces too many features, however meritorious, it will encounter such opposition that its defeat will be encompassed. For this reason it is better to omit some of the features which invite opposition than to entirely defeat the legislation.

This measure seems to have been framed with the chief purpose of conferring upon the Interstate Commerce Commission the power which the Supreme Court, in the Maximum Rate case, held was not given to it by the Cullom law; that is, the power to prescribe a rate for the future in a case where, upon investigation, the rate in force is condemned as unjust, unreasonable, or unjustly discriminatory. This power is clearly given in the pending measure and is its crowning feature, and if nothing else were included, the law, when enacted, will be worthy of all the efforts which have been made to secure its adoption.

But there are other provisions in the bill which, if not so important as this one in solving the problem of rate control, will prove of great aid in restraining an evil which has obtained and still continues in spite of the Elkins law against rebates, and which results in discriminations in favor of the large shipper as against the small one. I refer to the mischief which comes from the use of the private car, private car lines, switches, terminal facilities, and charges for services rendered by the shipper as a means of securing and enabling the payment of rebates. It is a matter of common knowledge that frequently the shipper, by reason of owning a spur or track connecting his plant with the main line of railroad, or by owning the cars in which his products are carried to market, or because of services rendered by him, is enabled to make claims for exorbitant offsets in settlement of transportation charges, which the carrier willingly, sometimes unwillingly, allows, and the shipper thus favored is able to have his produce carried at a much lower rate than his competitor, who must take his choice of retiring from business or facing bankruptcy. This bill furnishes a remedy against the further practice of this abuse, and, in my opinion, a remedy which will effectually prevent a continuance of this evil for which there is no defense in law or morals.

The publicity feature of the bill is desirable and should not only aid in discouraging rebates, but in preventing other abuses which have obtained in the past.

Mr. Chairman, the proposed legislation is not sought in a spirit of hostility, but in a desire to recognize and secure the rights of both the transportation companies and the people. No one could justify a motive less exalted. The interests involved are too great, and the consequences of what may be done will be too far-reaching to excuse anything short of the exercise of the highest intelligence and the loftiest purposes in dealing with the matter. On the one hand are the common carriers, with billions upon billions invested in their properties, with over 200,000 miles of railroad, earning more than \$2,000,000,000 annually, paying expenses amounting to nearly \$1,500,000,000, employing more than a million and a quarter of men, and whose

wages aggregate almost a billion of dollars each year. These vast interests are warning us against the dangers of interfering with existing conditions. On the other hand are more than 80,000,000 people, with an aggregate wealth of a hundred billion dollars, greater than that of any other nation, and practically equal to that of any other two nations, who of necessity must avail themselves of the use of the railroads in transporting passengers and freights and in moving the immense commerce of the country, who demand not as a favor, but as a right, that these great agencies of commerce shall not be permitted to continue the abuses which all admit have existed in the past, and that the Congress of the United States shall accept the responsibility which, under the Constitution, devolves upon it and enact such legislation as will cure existing evils and promote the interests of both the carrier and the shipper alike. With a full realization of the importance of the obligation which rests upon us, we can not fail to strive to deal fairly with all interests, and thereby carry out the suggestion of President Roosevelt that "the highways of commerce must be kept open to all on equal terms." This is our highest duty and should be our highest pleasure. [Applause.]

Mr. HEPBURN. Mr. Chairman, I yield ten minutes to the gentleman from Iowa [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, the most stringent indictment of existing conditions in railway rates and the most powerful arguments which I have so far heard in favor of this measure are those coming from the gentleman from Maine [Mr. LITTLEFIELD], the gentleman from Massachusetts [Mr. McCALL], and the gentleman from Pennsylvania [Mr. SIBLEY]. The gentleman from Maine [Mr. LITTLEFIELD] tells us, under plea of economic law, that the cotton manufacturers of Maine exist only by virtue of discrimination in railroad rates in favor of those manufacturers; that they have arisen, not because of the superiority of their industry, not because of their water power, but that take away from them the upholding power of discriminatory rates and they will be throttled to death. Preach that to the gentlemen from the South with their growing manufactures of cotton. Again, the gentleman from Massachusetts [Mr. McCALL], in the name of natural economic law, tells us of the West that by virtue of these discriminatory rates our fields have arisen in value, while theirs have become depopulated and their agriculture has almost ceased. It is indeed noticeable and indeed pitiable that as you approach these New England cities you find the people concentrated in manufacturing cities; you find their farms abandoned; you find agriculture almost dead. They tell us, again, that in the fields of Pennsylvania the same phenomena have occurred; that by reason of discriminatory rates in favor of the West their fields have become abandoned, their values have decreased; and so in New York, that the values of lands have decreased and agriculture sunk to a low ebb. Now, Mr. Chairman, this is a most pitiable condition, if true, and one which we should seek, if possible, to avoid. It is not a healthful and desirable condition to have the farm abandoned and the city crowded. It is not wise to foster conditions which destroy agriculture in the East and manufactures in the West. I desire, and I believe this House desires, to look at this matter from a higher standpoint than the manufacturer of Lewiston or the cornfield of Iowa. We desire to look at it from the standpoint of our country and our whole country, not from the standpoint of some limited corner or portion of the country. [Applause.]

This is the very proposition that is fatal to your contention, gentlemen of Maine, Massachusetts, and Pennsylvania. You ask not the free play of economic law, but that unnatural discriminations shall build and destroy in spite of natural economic law. You appeal to natural economic law. That which you demand is the removal of that law. What is the natural economic law of transportation? It is that he who has an advantage shall keep it; that he who has an advantage shall reap the advantage; that he who has the advantage of a fertile soil shall reap that advantage; that he who has the advantage of water power or nearness to markets (or cheapness of raw material) shall reap that advantage. You would destroy the economic law and have a condition of affairs continue to exist which, instead of distributing industry naturally and uniformly the country over, would and has and does concentrate it. You would have enforced a law which, by the very force and nature of its being, concentrates capital; a law which exists for the sake of the individual rather than for the sake of the community, which lifts the wealth of the tens and destroys the wealth of the thousands.

What is the king's highway, the natural law of transportation? It is that every man shall be given an equal, a fair, and an open chance upon the king's highway. That is the law of transportation, and it is that law which has been persistently trans-

gressed. I believe, sir, that a square deal is a fair deal, fair to all alike, fair to us of the West. We ask for no pap. We ask for no discriminatory railroad rates to help our industries. Our cornfields laugh at you, our wheat fields smile golden beneath the sun and ask not your help. We will take care of ourselves. Give us a square deal. You will continue to eat our bread and meat. You may favor more farming, we more manufactures. It is asked, What is a square deal? It means a deal from the top and not from the bottom of the pack. It means a deal in which every man gets his own hand, in which every man who sits in the game is not expected to have cards up his sleeve, in which the whole table is dealt to fairly, and there are no marked cards in the deck. [Applause.]

Mr. HEPBURN. Mr. Chairman, I yield to my colleague from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, while this bill does not go as far as I would like to have it, and I fear that it will not accomplish all the desired results and all that is anticipated by the committee, and while I fully appreciate, as does the gentleman from Ohio [Mr. GROSVENOR], the impossibility of amending it, coming as this one does backed up by a unanimous report of the committee, yet I have no criticism to make. I fully appreciated the difficulty, the impossibility of drawing a bill that would meet the approval of all; and the committee and the country are to be congratulated on the successful and happy termination of this all-important question by this committee bringing in such an excellent measure.

In my estimation it is the strongest and best measure, and one that will give the most effective results, if enacted into law, of any bill brought into this House.

Section 1 provides:

The term "railroad," as used in this act, shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease, and shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards, and grounds used or necessary in the transportation or delivery of any of said property; and the term "transportation" shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto.

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

Section 15 provides:

That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates or charges whatsoever demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged, and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation, to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed. Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, etc.

Section 16 provides:

It shall be the duty of every common carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect.

Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of section 15 of this act shall forfeit to the United States the sum of \$5,000 for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.

The forfeiture provided for in this act shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States, brought in the district where the carrier has its principal operating office or in any district through which the road of the carrier runs.

The bill not only gives the Interstate Commerce Commission the power, after full investigation and hearing, to determine what just and reasonable rates are; but it gives that Commission that most important power, the power which the distinguished gentleman from Maine [Mr. LITTLEFIELD] and others

have so vigorously objected to, that which I have contended for, and which was provided for in a bill which I introduced a year ago, the very thing which the conventions, the jobbers, the petitioners have been asking, and that which other bills reported last year did not provide for—that is, it gives the Commission exclusive power to enforce its findings; and whenever a change in a rate has been ordered by the Commission it must go into effect within thirty days; and if this order is not obeyed by the carriers they are subject to a fine of \$5,000, every distinct violation to be a separate offense, and in case of a continued violation each day shall be deemed a separate offense; the said order not being subject to judicial review and temporary restraining orders, as provided in other bills reported to this House, except where the rate is unlawful—that is, if the rate is confiscatory or deprives the carrier of property without due compensation, in which case the carriers have a right to appeal to the courts under the Constitution, and nobody would or can deprive them of that right. This bill, then, does away with the expensive and slow court machinery provided for in other measures, thus avoiding delay and expense to the shippers, which is, of course, very essential. In this connection I reiterate what I said here a year ago:

In considering this question there are a few things we are agreed on. First, that it is a question of vital importance to all the American people; second, that some remedy should be given for this universally admitted wrong; third, that Congress has the power and the only power to prescribe the remedy—that is, that the regulation of transportation rates is a legislative function, a function delegated to it under the Constitution, "to regulate commerce with foreign nations and among the several States." That power being delegated to it by the Constitution, Congress can not delegate it to the judiciary or any other branch of this Government. The judiciary has no power to fix rates, nor can it be invested with that power by Congress without a change in our Constitution; and Congress can not change the Constitution. All it can do is to propose amendments to the Constitution, and the amendments must be ratified by the legislatures or conventions of three-fourths of all the States. Nobody has proposed to amend the Constitution, so there is nothing for Congress to do but to shoulder the responsibility; to do its duty; to exercise it prudently, honestly, and with a spirit of justness and fairness to all concerned.

Being agreed, then, that Congress has the power, and being conscious of our duty to give the desired and just relief, the question is, how shall it be done; how shall we proceed? Of course, everybody fully appreciates that it is a physical impossibility for Congress as a body to examine, investigate, determine, and prescribe transportation rates, but we are agreed that Congress may delegate that power to a commission and not to a judiciary. This seems to be the only feasible plan that has been suggested. The question, then, is to what commission; the next, how much power shall be given the commission? I think the Interstate Commerce Commission is the proper one, a commission, I believe, made up of men of integrity, intelligence, sound judgment, who have had extensive experience, and who are more competent to deal with the question than any new commission or tribunal. In fact, they are experts. If they were not such when appointed, they have become such through long service. They are men learned in the law. We have this Commission, maintaining it at large expense, and, as somebody has suggested, it is now more ornamental than useful. In view of its experience and ability, I believe this Commission should be given exclusive power, after full investigation and hearing, to determine and prescribe what to them seems just and reasonable rates.

It should be given mandatory power, so that when it has once determined what a reasonable rate is, and has so ordered, it can enforce its findings. I believe that its findings should be final so far as the question of reasonableness and justness of rates is concerned, and not be subject to judicial review, except as to its lawfulness.

Mr. Chairman, in view of the fact that this bill comes to us with a unanimous report and will probably pass with practically a unanimous vote, it would hardly seem necessary to argue this question at length. However, this is an old bedfellow and a subject which I have given considerable thought and attention, and, in view of the importance of the question, I may be pardoned for briefly referring to this important subject. It is a broad subject. Viewing it from a financial and business standpoint, I believe it to be one of the greatest questions confronting the American people to-day. It is vital, as it concerns the progress, prosperity, and happiness of the American people. You can not buy or build a barn, fence, sidewalk, or house, or procure a week, month, or year's subsistence except a large portion of the cost goes to pay for transportation; in fact, the price of everything you have to buy or sell is affected by the cost of transportation. The last year or two we have heard a great deal about the tariff, reciprocity, and other questions. These are indeed important and are worthy of the most careful, conscientious, and friendly consideration; but in my opinion at the present time they are of small import as compared with the regulation of transportation rates.

The total customs duties collected in any year is less than \$300,000,000. Add to that, if you will, the internal revenue—something over \$200,000,000—and in all we will only have about \$500,000,000. The preliminary report made by the Interstate Commerce Commission for the year ending June 30, 1905, gives the gross receipts of 752 operating companies, representing a mileage of 214,477.82, which is presumably about 99 per cent of the mileage that will be subsequently covered by returns in final report for the same year, at more than \$2,000,000,000. The gross

earnings of these railroads were: Earnings from the passenger service, \$572,109,366, or 27.60 per cent; earnings from the freight service, \$1,449,183,702, or 69.90 per cent; other miscellaneous earnings, \$51,885,257, or 2.41 per cent, a total of \$2,073,177,325, or an average of \$9,666 per mile of line. The gross receipts then of the railroad companies are about four times the total customs duties and internal revenues.

There are nearly one and one-half times the amount of our exports, twice the amount of our imports, and almost equal to our foreign commerce. They are two times the amount of our public debt, and nearly three times the amount of our annual appropriations by Congress.

Our able and distinguished Speaker, in assuming his duties as Speaker of this House, I believe called our attention to the fact that we have 512,000 manufacturing establishments in the United States, employing 6,000,000 people, and paying them annually \$3,000,000,000 in wages, and turning out products annually valued at \$13,000,000,000, which is 34 per cent of all the manufactured products of the world. The gross receipts of the railroad companies in a single year are over one-seventh of this amount. They are five times the value of the total output of the gold mines of the world last year.

A few years ago the American people, especially our Democratic friends, were much alarmed about our money circulation. We then had a billion and one-half in circulation. The circulation has increased to \$2,680,629,932. It is now \$31.88 per capita, a large amount indeed; but the gross receipts of the railroad companies for fifteen months, or their net profits for two and one-half years, would absorb every dollar of it. The American people are proud of this nation's rapid increase of wealth, and of the fact that we have 25 per cent of the wealth of the world. The increase from 1860 to 1900 was from \$16,000,000,000 to \$94,000,000,000. It is now believed to be over \$100,000,000,000, an increase of \$84,000,000,000 in forty-six years. The gross receipts of the railroads for a single year, or the net earnings for two years, exceed the average increase of the wealth of the United States for the last forty-six years. The total exports of the world are \$10,000,000,000. The gross receipts of the railroad companies are one-fifth of this amount.

The gentleman has just referred to the bank failures and bankruptcy in Iowa and the depressed agricultural conditions. Let me say the tillers of the soil in that great Commonwealth, the greatest agricultural State in the Union, gives to the wealth of the world annually upward of \$400,000,000. The net earnings of the railroad companies is more than two and one-half times this amount. According to the Federal census of 1900, in the United States there are nearly 6,000,000 families engaged in agriculture; and out of the 29,000,000 people engaged in gainful occupations more than 10,000,000 are engaged in agriculture; farming lands valued at \$13,000,000,000, with improvements valued at \$3,500,000,000, or all farm property valued at \$20,500,000,000. According to the Interstate Commerce Commission's report, only 1,296,121 persons are employed by the railroads. The value of all railroad property is probably not more than \$7,000,000,000.

Turn to the report of the Secretary of Agriculture for 1905. First, he calls our attention to this year of unsurpassed prosperity of the farmers of the country. Production has never been equaled. Its value has reached the highest figure yet attained. Corn has reached its highest production, with 2,708,000,000 bushels, valued at \$1,216,000,000; wheat, 684,000,000 bushels, valued at \$525,000,000; oats, 939,000,000 bushels, valued at \$282,000,000; barley, 133,000,000 bushels, valued at \$58,000,000, a total of \$2,081,000,000. Add to this, if you will, the hay, valued at \$605,000,000; cotton, including seed, valued at \$575,000,000; potatoes, valued at \$138,000,000; tobacco, \$52,000,000; sugar cane and sugar beet, \$50,000,000; rice, \$13,892,000; dairy products, \$665,000,000; poultry products, half a million, and we have a grand total of \$4,180,392,000.

The gross receipts of the railroad companies for two years is equal to the value of these products. We find seven men employed on the farms to every one employed in transportation services; \$3 invested in agriculture to every dollar invested in railroads, yet the gross receipts of these roads is equal to one-half of the estimated value of these products of the farms during this year of unsurpassed agricultural prosperity and high prices.

But you say that gross receipts have nothing to do with this question. Well, you must deal with gross receipts before we know what net profits are. The same report gives the operating expenses at \$1,383,584,404, or \$6,451 per mile; thus the net earnings, or income from operation, was \$689,592,921. To this should be added \$114,636,642, income from investments, such as stocks, bonds, and other miscellaneous sources, which makes a total of \$804,229,564.

This amount will probably be largely increased when you deduct from the operating expenses and add to the net earnings items charged to operating expenses and which are not legitimate operating charges—for instance, the amount appropriated for permanent improvements, new concrete and iron bridges, better and new equipments, new turntables, side tracks, stations and roundhouses, lowering grades, straightening curves, which are not proper charges against operating expenses. When the money thus appropriated has been credited to the net earnings there would then probably be a billion dollars profits. Some have estimated the net earnings of all the railroads much higher, but we will proceed along conservative lines, and for the sake of argument will assume the net earnings of the railroad companies to be \$1,000,000,000.

Now, a word as to valuation of railroad property. I do not agree with statements made on this floor by some distinguished gentlemen, and statements made by college professors and others in literature furnished us by railroad companies, fixing the valuation at from ten to fourteen billion dollars. This same report gives the par value of railroad property outstanding June 30, 1904, at \$13,213,124,679, which represents a capitalization of \$64,265 per mile. This includes all negotiable securities, such as stock and funded debts issued by railroad corporations. It reports \$6,339,899,329 as stock, of which \$5,050,529,469 was common, \$1,289,369,860 preferred, and the remaining part, \$6,873,225,350, funded debt. Deduct from this two and one-quarter billion stocks and bonds owned by railroad companies and we will have a capitalization of only about \$11,000,000,000, and everybody, of course, knows that this is in excess of the real value of railroad property, and know that many of these stocks and bonds contain more wind, printer's ink, and water than they do cash. Experts and reliable and conservative men estimate the real value of railroad property at from ten to twenty-five thousand dollars per mile, and the most liberal from \$25,000 to \$35,000 per mile. If it be, say, \$30,000 per mile, and there are 220,000 miles of main-line road, the value of all railroad property would be about \$6,600,000,000, and the net profits on railroad investments would be about 15 per cent.

I submit to you, Is this a fair division of profits—that is, giving to railroad companies a profit equal to one-half of the amount of the average increase of wealth of the United States for these years, an amount equal to one-fourth of these farm products referred to, an amount equal to two-fifths of our money circulation, an amount almost equal to one-half of our foreign commerce, while their property is equal to only about one-fifteenth of the wealth of the United States and they employ only one person for every thirty-two employed in the United States? If so, then you may contend that there is no immediate necessity for legislation. Or if you believe that the earnings of the roads should be increased in order to pay dividends and interest on all watered stocks and bonds, and that the managers of the roads are more considerate, generous, fair, and just in fixing rates than an impartial commission would be that can and will be accomplished by giving the roads, as they have had in the past, full swing and power to fix rates. On the other hand, if you believe that the railroads are getting more than their share, and more than they ought to have, and that they should receive just and fair treatment, and no more, then we should delegate the power of fixing rates to an impartial commission.

Mr. Chairman, I want to enter a protest against this salary grab—increasing the membership of the Commission to seven and increasing the salaries from \$7,500 to \$10,000. This is, in my estimation, unnecessary, unwarranted, unjust, and extravagant.

At the rate we are building up stalls in the public crib and providing soft berths, as has been stated, for superannuated Senators, for friends and broken-down or antiquated politicians, where are we going to stop? Our annual appropriations already exceed \$800,000,000. It has been more than \$6,000,000,000 the last four Congresses—an amount equal to one-half of all the farm property in the United States or one-fifteenth of the wealth of the United States in 1900, according to the Federal census. The appropriations for the last five Congresses in the aggregate is more than one-half the total value of our manufactured products. It is in excess of the total present value of all railroad property. What has become of these promises to restrict appropriations? Where does retrenchment and reform come in? Where are these men who profess to be the dear and near friends of the people, who proclaimed so loudly during the campaigns and their stay at home "down with excessive expenditures; apply economy in making appropriations?" Are you going to remain here in your seats, as you have in the past, silent as the grave, forget your promises, and keep on voting for every increase? If so, what is the limit? The fact that

the regulation of rates by the Government is important does not make the work difficult, and is no reason for increase of salary. The fixing of rates is not a difficult task. President Stickney, of the Great Western, one who knows more about this subject than all of us put together, says the making of rate schedules is the function of clerks and not of high-priced traffic managers or directors. Let me read to you what he says:

I also take issue with the committee's conclusions about the requirements of exact knowledge in making such a schedule. This is also a point which is strenuously urged against conferring the rate-making authority upon the Commission at this time. The assumption seems to be that there are only a few men who possess the exact knowledge required, and presumably, owing to the relation of the supply to the demand, such exact knowledge can only be obtained by paying extraordinary salaries, far in excess of the salaries which Congress would be willing to provide.

A Government commission in making rates would be untrammeled by competition or a desire to secure tonnage for any particular line, and would therefore be able to frame its schedule by square rule, instead of scribe rule. That it does not require high-priced exact knowledge to make a schedule of square-rule rates is conclusively proven by the fact that fourteen years ago the railway commission of Iowa, consisting of unskilled men, each drawing a salary of about \$3,000 per annum, in a few months' time, mostly occupied in hearing the protest of the railway companies, made a square-rule schedule of rates in Iowa, and in the same year the commissioners of Illinois, like unskilled men, made a square-rule schedule of State rates for Illinois, both of which schedules have been used during all these years, practically without change.

Here is an example of practically one schedule of rates made by State commissioners, covering two great States, having more junction and competitive points than any other equal area in the world, which has been satisfactory, without change for more than fourteen consecutive years. While, on the other hand, the interstate schedules, made by traffic experts, under the stress of competition and a desire on the part of each to get some advantage over the other, which affected the interstate traffic of the same two States, have been changed, during the same time, by filing with the Interstate Commission probably not less than eight to ten thousand schedules.

I repeat what I said a year ago:

Why increase the membership and salaries of this Commission? Gentlemen, I venture the assertion that Uncle Sam now has among his thousands of employees more than a hundred men working at a salary of less than half what these Commissioners are now paid, any five of whom are capable of doing the work of this Commission. As stated by President Stickney, the making of rate schedules is the function of clerks, and not high-priced traffic managers or directors. Some fourteen years ago the Iowa legislature created a railroad commission, consisting of three members, unskilled men, and in a few months, the largest part of that time occupied in hearing the protests of the railroad companies, fixed rates for that State. Illinois did the same. A schedule of rates was made by the commissioners covering two great States having more junctions and competitive points than any other equal area in the world, which has been satisfactory without change for more than fourteen consecutive years.

The whole work of the Iowa commission was practically completed in a very few months, relieving it from official duties and enabling the members to remain at their homes and direct and attend to their own business affairs, leaving the office duties to a clerk. In fact, the commission has had so little to do that the Iowa legislature reduced their salaries from \$3,000 to \$2,200; and it has been suggested that if the amount of salary is to be considered in connection with the amount of work it would be safe to reduce it another thousand dollars, and that they would then be paid more per hour for the hours given to the work than Members of Congress, and I believe it would be safe to say more than the President of the United States. I do not bring this up to reflect on the commission. But they are men, I believe, of ability, energy, and integrity. But I bring it up to show that the work is not there, and to show that neither experts nor high-priced men are required. It requires men of integrity, sound judgment, energy, and ability.

Much has been said about this legislation affecting the wage-earners employed by transportation companies. The contention is that if Congress will delegate the power of fixing rates to a commission, that the wage-earner will suffer thereby by having his wages reduced by the carriers. Of all the absurd objections raised this is certainly the most absurd of all. To begin with, no bill, to my knowledge, has been introduced or considered proposing to give the power of fixing wages to any commission. Even if that were the proposition, I believe the interests of the wage-earners of this country would be as well subserved by an uninterested commission as they would at the hands of the railroad companies. I believe that they have confidence in our great and worthy President—that he will appoint a commission composed of men of ability, judgment, integrity, with pure motives, and whose ambition and desire will be to do justice to all concerned. But they say the Commission will reduce rates, thereby reducing the profits of the roads, and that the railroad companies will in turn reduce the wages of employees in order to make up the loss in profits.

Let us see. The bill provides that rates must be remunerative; the Constitution protects the carriers against confiscation or taking of property without compensation; the courts have held that the railroads are entitled to a reasonable profit on their investment; so the Commission in fixing rates must make allowances for a reasonable profit to the carrier. If wages are reduced and profits thereby increased, the rates must be reduced. If wages are increased and profits thereby reduced, the rates may be increased.

Before the Commission can determine what just and reasonable rates are, what will be necessary for it to ascertain? First, the valuation of railroad property, the gross receipts, the actual and legitimate operating expenses, and the net profits. It must also determine what is a reasonable profit. Deduct that from the net profits of the roads and you have the excessive profits; and a reduction of rates will be ordered accordingly. For instance, the Commission finds the value of railroad property to be six billion, the gross receipts two billion, actual and legitimate operating expenses one billion, leaving as net profits \$1,000,000,000; and suppose that the Commission should decide that the railroads would be entitled to 10 per cent on this valuation, or \$600,000,000.

Deducting this \$600,000,000 from \$1,000,000,000 net profit, it would leave \$400,000,000 as excessive profit. Four hundred million dollars being 20 per cent of the \$2,000,000,000 gross receipts, the Commission would order a reduction of 20 per cent of the present rate, such reduction reducing the net profits to \$600,000,000, the amount decided by the Commission to be a just and reasonable profit. The railroads in turn would reduce the wages of its employees \$100,000,000, and at the end of the year the railroad would have \$700,000,000 profit, but according to the Commission's decision they are entitled to only \$600,000,000. What would be the result? The Commission would say to the carrier, "Reduce your rates \$100,000,000." Is there any question in the mind of anybody what the railroads would do in this event? They would certainly restore the wages and not reduce rates. They would have nothing to lose by increasing the wages, but would have much to gain. It would enable them to secure the most skilled and efficient labor, which is conducive to the safety of the public and best interests of the railroad companies.

Again, suppose after the Commission has determined upon this \$600,000,000 as a reasonable profit and on a reduction of \$400,000,000 excessive profit that the railroad companies should say they proposed to increase the wages of their employees \$100,000,000. The Commission would then be compelled to make this \$100,000,000 allowance, as it has no jurisdiction over the fixing of wages, and in place of ordering a reduction of \$400,000,000 it could only order a reduction of \$300,000,000, as the Constitution provides that a railroad company can not be deprived of its property without compensation, and the courts have held that they are entitled to a reasonable profit on their investments. With the safeguards under this bill, and with the protection the carriers have under the Constitution, and as there would be nothing to gain in decreasing wages, but much to gain by increasing them in securing more efficient and reliable service, there can be no question but that the tendency would be to increase instead of decrease wages.

The fact of the case is the Government, exercising its power to regulate rates, takes away the very incentive to reduce wages by transportation companies.

The distinguished gentleman from Pennsylvania [Mr. SIBLEY] and others have spoken of the railroads and the part they have taken in the development of this country. But this country has done something for the railroads also. How about the right of eminent domain, the land grants—concessions made to the Great Northern, Northern Pacific, and other roads? Truly it can be said that this Government—the Congress—has been kind and generous to the railroads. How about Congress granting a charter to the Union Pacific Railroad Company, or its promoters, giving the right of way through public lands, stone, timber, and other material for the construction of the road; the 23,000,000 acres of land, the iron and coal found within 10 miles of the track, and other donations and concessions aggregating \$80,000,000?

It loaned the credit of this Government to the extent of about \$52,000,000, or sixteen, thirty-two, and forty-eight thousand dollars per mile, taking a first mortgage on the line, rolling stock, fixtures, and other property. The franchise and donations granted by Congress aggregated \$80,000,000. The road was built for less money than the money realized out of the bonds, giving these enterprising and patriotic promoters some \$30,000,000 profit. They were not satisfied with this, but two years later appeared before Congress, saying, "You have been very kind and generous to us; you loaned us more money than was required to build our road; but we are in need of some more money; we can borrow this money on a first mortgage; will you be kind enough to release your claim, and authorize us to mortgage our road for an amount equal to the amount you loaned us, and you take a second mortgage for the amount due you?" This request was also promptly and cheerfully granted. The Government then held a second mortgage on a piece of property mortgaged in advance largely in excess of its cost and value. So Congress and this Government have been

generous, accommodating, and liberal with railroads. It is true that the Government has been recouped to the extent of the amount of the bonds. Every dollar has been paid into the United States Treasury, but who paid it? The people patronizing the road and those living along the line. Yet we hear a great deal about what the railroads have done for this country, and what would the country be without the railroads. That is not the question. You might as well ask the question, What would the railroads be without this country? The question is, What is right or wrong in the matter, and what are the rights of the people as well as of the railroads? Everybody concedes that the railroads have been a great benefit to this country in the building up of our towns, villages, farms, our cities, factories, and mills; in fact, the whole country; but these are not altogether the achievements of the railroad companies. The 80,000,000 American people have contributed something toward the upbuilding of this great and glorious country. Are not those who have built our public works, our roads, our bridges, who have constructed the vast system of public schools, those who have built our State and national institutions, our temples of religion and charitable institutions, worthy of some consideration. Those who in poverty, in distress, in sickness, in health, in prosperity and adversity, each sympathizing with the other's woes and sharing each other's joys, step by step have advanced along the lines of civilization, accumulation of wealth, and refinement? Some of these achievements are certainly due in a large degree to their pluck, energy, brains, foresight, and good judgment. Truly it can be said that the citizens of the United States rank among the most successful, practical, and most enlightened of any country. Their onward march to true greatness has placed them in the foremost ranks of modern civilization and refinement. These towns and villages, farms, manufactories, great institutions, societies, our public schools, the morality and industry of her citizens, are not altogether the achievements of the railroads; they are results due to the energy, integrity, sound judgment, and profound wisdom of the American people. They bear upon them the impress of the most enlightened views and policies executed with the greatest prudence, firmness, and wisdom. They are the trophies of freedom and the grandest monument to our national glory.

These are the people who, for their self-protection and interest, are asking for this legislation. Are they and those who favor the passage of this bill to be characterized as socialists and charged with a desire to confiscate railroad property or destroy this great industry? Without reflecting on the integrity or motives of those opposing this measure, I trust they will be liberal enough to concede that those supporting this measure possess the same degree of integrity and respect for property rights. I yield to no man in this respect.

I deprecate any and all efforts to destroy property, to deprive railroads or any legitimate enterprise of their rights and what is fair and just. I take as much pride in these railroads, in the splendid equipment and excellent service they give, as anyone.

We all take a just and pardonable pride in this nation's growth and greatness; in the fact that we live in this age of such marvelous expansion and are moving forward at such a mighty pace; that the wheels of industry are moving, every spindle spinning, the anvils ringing, the forges blazing in such large numbers, and that every energy is employed all over this land; and that progress and prosperity are in evidence everywhere. Every man's duty, no matter what his political affiliation, his creed, or occupation, or whatever his prejudices may be, is to strive to benefit this country, protect the weak, relieve the distressed, uplift humanity, advance civilization, progress, and happiness; to promote and perpetuate true greatness. Let us all give thoughtful and careful consideration to secure the full benefit for our natural resources, our developed mechanical appliances, the skill and genius of our wage-workers; let us see to it that the American farmer, the shipper, the jobber, the merchant, the manufacturer and his workmen are not discriminated against and imposed upon, but that they are given adequate protection against this invasion of unscrupulous and powerful interests, which compel them to pay involuntary tribute to the common carriers which in the aggregate amounts to hundreds of millions of dollars. All shippers, small dealers, large dealers, all towns, villages, cities, manufacturers, merchants, farmers, and jobbers should receive like treatment; that is, common carriers should charge a like amount for like services under similar conditions.

I believe, in view of the importance of the question, in view of the provisions of the Constitution, the decisions of the courts, the opinions of the Attorneys-General, the power which Congress has under the Constitution to regulate rates, and the fact

that our present Commission has no power to fix rates and enforce its findings, the law having been made ineffective, competition eliminated, and that a few—less than a dozen men—have in the past and do now exercise exclusive power in fixing rates, and that they have abused that power to an alarming extent. Congress will be justified in enacting some just law that will give effective results, a law protecting the rights of the people as well as the railroads, dealing with the question judiciously and in a broad and comprehensive manner, in a spirit of fairness and justice to all concerned. Not legislation such as has been represented to conservative, honest, and upright people to frighten them and to enlist them in opposition to legislation; but conservative, judicious, and sound legislation. Not to destroy or confiscate railroad property, or to meet the demands of those who would destroy both property and government, and have no respect for property rights; not to meet the demands of demagogues, socialists, or those howling in and out of season for any and all things that might further their individual interests or gratify their ambitions; but to meet the demands of those who believe in proceeding in a dignified manner to promote commerce, farming, justice, advancement, advantage, blessings, happiness, comfort, convenience, progress, and prosperity to all the people, to all communities, and to all legitimate enterprises; and to meet the demand of those who contribute to and believe in maintaining this nation's growth and greatness; those who insist that their rights should be respected; that equal rights be given to all so far as possible, as provided for in the Constitution. We want no legislation to retard growth, progress, and prosperity, but to promote it; not a step backward, but forward. Legislation that will promote happiness and give equal rights to all people, such as is advocated by those who believe in stability, dignity, peace, this grand and glorious Government and its splendid and magnificent institutions. We want legislation, such as this bill, that will give to the people stable and equitable rates, do away with discriminations, rebates, unreasonable rates, abuses in private cars and car lines, terminals, and terminal charges, and compel the furnishing of equal facilities to all, in order that we may have the fullest development of all worthy and legitimate business enterprises. [Loud applause.]

Mr. HEPBURN. I yield sixty minutes to the gentleman from West Virginia [Mr. GAINES].

[Mr. GAINES of West Virginia addressed the committee. See Appendix.]

Mr. ADAMSON. I yield to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, I avail myself of this privilege of recognition for the purpose of making only one brief observation. I had intended to content myself with registering my vote in favor of this bill, together with the large majority of the membership of this House upon both sides. The members of the majority and of the minority of that important committee which has jurisdiction of this question has discharged its duty with fidelity and with loyalty to the subject-matter which they had in hand and with the due consideration of its importance which it deserved.

There has, however, been one proposition emphasized in this debate which has induced me to make a brief observation. My distinguished colleague from my own State [Mr. PAGE], with others, has given expression to the idea that if the laws upon the statute book already existing, which have been enacted from time to time, had been given efficacy, if prosecutions had been instituted upon them—in other words, if the executive department, including, primarily, the Department of Justice, had at all times discharged their duty, then there would not be the same demand for legislation of this character, looking to the regulation of rates as they exist to-day. This statement is absolutely true, in my judgment. I have heard panegyrics passed upon the distinguished occupant of the Presidential chair. I, with these gentlemen, entertain a natural pride, a pride that should be common to every American citizen, in the true Americanism, in the integrity, in the faculty of initiative, and the zeal and diligence with which he endeavors to carry into effect every policy which he espouses; but these encomiums, Mr. Chairman, have at the same time carried with them something of disparagement of the legislative department of this Government. I believe, Mr. Chairman, that there is no legislative body upon earth which is more easily responsive to public opinion, where the individual members with greater loyalty and zeal endeavor to interpret correctly the views of their constituents than is the case with the House of Representatives.

At all times I believe the membership of this House, representing as they do a diversity of interests and sections, are at

all times ready to respond and mold and to enact into law that which shall truly represent and which shall be a true response to the public sentiment of the country at large. I believe, therefore, that when there is occasionally an occupant of the Executive chair, in a moment of patriotism and loyalty to his duty, who takes into his mind to execute a law, or to press upon the attention of Congress an amendment of the existing law, while praise should be due to such Executive, yet at the same time it should be remembered that the legislative department of our Government is never recreant to their duty, but always ready to respond to public opinion and to sane and healthy public sentiment upon every occasion. This legislation which is before this committee is an illustration of this proposition. It is fortunate, I think, that this legislation was postponed until this session. This bill of the committee is a wiser bill than was presented, either by the majority or minority members of the committee, during the last Congress. It is more comprehensive in its scope, more widespread in its effect, and will be more beneficial in its results. It shows the wisdom of delay and of taking into conference the people of the United States and of giving them due and careful consideration in a question like this.

What I desire to say may be summed up in this expression: That in giving praise to the Executive we ought at the same time to recollect the fact that upon every occasion where public duty has demanded its effort the legislative department of our Government, represented in this House, has never failed at the proper time and in a proper way to discharge its duty. [Loud applause.]

Mr. ADAMSON. I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, the bill under consideration is one of very great importance both to the railroads and to the American people. For more than thirty years the subject of rate legislation has engaged the attention of the country to a greater or less extent.

In the early days of railroad building it was not supposed that the time would ever come when it would be necessary to enact laws in order to protect the people from the railroads.

Seventy-five years ago railroad building in the United States was in its infancy, and thirty years ago railroad mileage only amounted to about 75,000 miles, and there was little agitation looking to the regulation by law of railroad transportation rates.

The following table shows railroad development in the United States:

Mileage of railroads in operation and annual increase of mileage, 1832 to 1904.

Calendar year.	Miles in operation.	Annual increase of mileage.
1832	229	134
1833	380	151
1834	633	253
1835	1,098	465
1836	1,273	175
1837	1,497	224
1838	1,913	416
1839	2,302	389
1840	2,818	516
1841	3,535	717
1842	4,026	491
1843	4,185	159
1844	4,377	192
1845	4,633	256
1846	4,930	297
1847	5,593	668
1848	5,996	398
1849	7,365	1,369
1850	9,021	1,656
1851	10,682	1,961
1852	12,908	1,926
1853	15,360	2,452
1854	16,720	1,360
1855	18,374	1,654
1856	22,016	3,642
1857	24,503	2,487
1858	26,968	2,465
1859	28,789	1,821
1860	30,626	1,837
1861	31,286	660
1862	32,120	834
1863	33,170	1,050
1864	33,908	738
1865	35,085	1,177
1866	36,801	1,716
1867	39,050	2,249
1868	42,229	2,979
1869	46,844	4,615
1870	52,922	6,078
1871	60,301	7,379
1872	66,171	5,878
1873	70,268	4,097
1874	72,885	2,117
1875	74,096	1,711
1876	76,808	2,712
1877	79,082	2,274

Mileage of railroads in operation, etc.—Continued.

	Calendar year.	Miles in operation.	Annual increase of mileage.
1878		81,747	2,665
1879		86,556	4,809
1880		93,267	6,711
1881		103,108	9,846
1882		114,677	11,569
1883		121,422	6,745
1884		125,345	3,923
1885		128,320	2,975
1886		136,338	8,018
1887		149,214	12,376
1888		155,114	6,900
1889		161,276	5,162
1890		168,709	5,427
1891		170,729	4,026
1892		175,170	4,441
1893		177,516	2,346
1894		179,415	1,899
1895		181,115	1,700
1896		182,769	1,654
1897		184,501	1,822
1898		186,810	2,219
1899		190,818	4,008
1900		194,262	3,444
1901		198,743	4,481
1902		203,009	4,266
1903		207,604	4,585
1904		214,000	-----

Seventy-five years ago transportation facilities were exceedingly limited, confined largely to water transportation, wherever possible, and to wagon service.

The total tonnage, passengers carried, and average receipts per ton and per passenger per mile since 1882 is shown in the following table:

Year.	Passengers carried.	Passengers carried 1 mile.	Average receipts per passenger per mile.	Freight carried.	Freight carried 1 mile.	Average receipts per ton per mile.
			Cents.	Tons.	Tons.	Cents.
1882	375,391,812	10,484,363,728	1.85	360,490,375	39,302,209,249	1.24
1883	312,686,641	8,541,309,674	2.42	400,453,439	44,064,923,445	1.22
1884	334,570,766	8,778,581,061	2.36	389,074,749	44,725,207,677	1.13
1885	351,427,688	9,133,673,956	2.20	437,040,099	49,151,894,469	1.06
1886	382,284,972	9,650,698,294	2.19	482,245,254	52,808,070,529	1.04
1887	428,225,513	10,570,306,710	2.28	552,074,752	61,561,039,986	1.03
1888	451,353,655	11,190,613,679	2.25	590,857,353	65,423,005,988	1.02
1889	494,808,421	11,904,723,015	2.17	619,165,630	68,677,276,992	.97
1890	520,439,082	12,521,565,649	2.17	691,344,437	79,192,985,125	.93
1891	556,015,802	13,316,925,239	2.18	704,398,609	81,210,154,523	.93
1892	575,769,678	13,584,343,804	2.17	730,605,011	84,413,197,130	.94
1893	597,055,539	14,979,847,458	2.07	757,464,480	90,562,087,290	.89
1894	569,660,216	13,600,531,635	2.03	674,714,747	82,219,900,498	.86
1895	529,756,256	12,609,089,551	2.07	755,799,883	88,567,770,801	.84
1896	585,120,756	13,054,840,243	2.03	773,865,716	93,885,853,344	.82
1897	504,106,525	12,494,958,000	2.03	788,885,448	97,842,569,150	.80
1898	514,982,888	13,672,497,664	1.99	912,973,853	114,506,173,191	.76
1899	537,977,301	14,859,541,965	2.00	975,789,941	126,991,703,110	.73
1900	584,605,939	16,313,284,471	2.08	1,071,481,919	141,162,109,413	.75
1901	600,485,790	17,789,609,525	2.08	1,084,065,451	148,956,303,492	.76
1902	655,190,236	19,708,908,785	2.01	1,192,136,510	156,624,166,024	.74
1903	636,908,904	20,895,875,853	2.05	1,299,684,081	171,290,310,685	.78
1904			1,275,321,607	173,613,762,130	-----	

In 1882 the total gross receipts of the railroads in the United States was \$764,231,399.

In 1905 the gross receipts exceeded \$2,000,000,000.

A half century ago railroad mileage was comparatively insignificant, and now every section of this country is traversed by more than 214,000 miles of railroad.

The prosperity and welfare of the people of the United States depends to a greater extent upon securing proper transportation rates than on any other one thing. An increase of 25 per cent in the transportation charges by railroads would bankrupt one-half of the farmers, and even a larger per cent than this of the manufacturers and other business interests of the country.

Unrestrained by law, as at present, the railroads have it in their power to produce financial and industrial paralysis at any time.

Of course it is argued, and properly argued, that the railroads will not do this; but it is also true that the policy of railroads in recent years has been to increase rates, and wherever an excuse could be found for so doing, and often an increase has been made when apparently there was no reason for it other than that the money was wanted.

Railroads are not private corporations. On the contrary,

they have always been denominated quasi public, and by many late writers are called "public corporations."

The entire business of a railroad corporation is with the public. The rights and privileges granted to them are numerous and valuable, and amongst the most important of the rights exercised by railroads is that of eminent domain.

I hope that I may be excused for stating here that a great deal of the fault for existing conditions, making it necessary that Congress take action, is to be laid to the individual States. Practically all of the railroads are creatures of the States in that they hold State charters. No one doubts that if the States in granting charters had imposed conditions on the railroads such as would safeguard the interests of the public, and particularly in the matter of preventing overcapitalization, improper issues of stocks and bonds, and providing for publicity, that many of the evils now complained of could not exist.

The right of a State to control freight and passenger charges within the State is supreme, it being understood, of course, that no State has the right to impose such conditions as will amount to confiscating the property of the railroads.

In practically all of the States statutes have been passed looking to the control of railroads, and in many States giving to boards or commissioners the power to fix rates; and I call attention to the fact that in no State, to my knowledge, has the action of the State authorities in regulating the rates to be charged by the railroads for transportation proven confiscatory or in any serious sense harmful to the railroads.

In 1892 the general assembly of my State passed a law creating a board of railroad commissioners, conferring plenary powers on the board in the matter of rate making.

I was a member of the State senate at the time and remember that the argument was made that if this power was given to the commission that the railroads would be denied their rights, robbed of their property, and railroad values destroyed in South Carolina. I was a member of the committee having the bill under consideration. This argument did not impress me, although the majority of the committee was impressed. I was one of the minority making a favorable report.

The bill was passed and no harm has resulted to the railroads on this account.

State control, or regulation, as is well understood, can not affect interstate commerce. Statistics show that about 25 per cent of the railroad traffic is within the States, and something like 75 per cent is interstate, so that if there is a necessity for State control over transportation rates within the States the necessity for control of interstate transportation should be three times as great.

The table cited by me shows the gross traffic earnings of the railroads from 1882 down to and including 1903; and in this connection I wish to call attention to the fact that the table relative to passengers and freight carried by the railroads shows that since 1898 the average receipts per passenger per mile and the average receipts per ton per mile for freight have increased annually, so that the contention is correct that the tendency on the part of the railroads has been to increase rates.

Mr. Chairman, I have listened with a great deal of interest to the arguments of the distinguished gentlemen who opposed the passage of this bill on the ground that it is revolutionary, a step in the direction of socialism, sans-culottism, and eventual government ownership.

In answer to this I suggest that state control has not produced any growth of sentiment in favor of government ownership.

The evils to be corrected are, briefly speaking, discriminations as between shippers and between communities, rebates granted to favored shippers, refrigerator and icing charges, the private car line abuses, and, in many instances, high rates.

These abuses may be said to be confined to freight transportation. There is an abuse, however, relating to passenger carriage which, in my judgment, can not be condemned too strongly.

It is estimated that nearly 20 per cent of the passenger traffic is carried free—that is, that one-fifth of the passengers, in miles traveled, ride on free passes or free transportation.

The railroads can and should correct this abuse. It is not to be expected that the railroads can carry 20 per cent of their passengers free without imposing the cost upon the 80 per cent who pay.

To illustrate, if this abuse should be corrected, the 80 per cent who do not ride free would pay 20 per cent less than they now pay. The railroad companies would perform the same service now performed, and their passenger receipts would be the same as at present.

The charge has been made by some that any law giving to a

commission the right under any circumstances to fix rates will in its operations prove confiscatory to the railroads.

Any argument of this character must necessarily be based on the proposition that ownership of railroad property is entitled to be treated, under all circumstances and in all respects, the same as ownership of any other property; that the owner of a railroad should be no more restrained than the owner of a farm, store, or factory.

This argument is untenable and not for a moment to be seriously considered in this the beginning of the twentieth century, no matter how reasonable the argument may have been fifty years ago. Conditions have changed.

Then the population of this country was 23,191,876; now it is about 83,000,000. Then the total wealth was \$6,024,666,909; now the aggregate wealth of the United States exceeds \$100,000,000,000. In 1850 the value of all farm property amounted to less than \$4,000,000,000, and now to more than \$23,000,000,000. So that we have the States, each controlling the operations of railroads within its jurisdiction, and section 8, subdivision 3, of Article I of the Constitution of the United States expressly confers upon Congress the power to regulate commerce among the several States.

It is worthy of note that section 8 also gives to Congress the power to provide for the general welfare of the United States, and I am of the opinion that, without the numerous decisions of the courts, the two provisions taken together are broad enough to amply answer in the affirmative all questions of doubt as to the right of Congress to pass the bill now under consideration, giving to the Interstate Commerce Commission the power to fix the rate for the transportation of passengers and freight under certain circumstances.

Hence it is we have a uniform line of decisions, too numerous to mention, that Congress has such power.

We have, then, in the consideration of the bill, to decide: First, is the legislation necessary? Second, is the proposed legislation within the power of Congress to pass? And the first two questions being answered in the affirmative, is the bill under consideration ample in its provisions to correct evils and abuses practiced by common carriers?

There has been some contention to the effect that it would be better for Congress to provide a court to take the place of the Interstate Commerce Commission. This, it seems to me, in the light of the decisions, is an untenable position, for the reason that rate making is a legislative and not a judicial act.

Some who have advocated this believe that then a resort to the courts for a review of the rates fixed would, to a large extent, be avoided.

Believing this view to be erroneous, I am satisfied that the Supreme Court of the United States would adhere to the doctrine that rate making does not belong to the judiciary, and if so, then all legislation enacted by Congress, on that theory, would fall to the ground.

Mr. Justice Brewer, in the case of *Reagan v. Farmers' Loan and Trust Company* (154 U. S., 362), held, as a general proposition, that rate making by a governmental agency to be observed by common carriers is a legislative or administrative rather than a judicial function, and he further decided that the courts can not revise or change the rates imposed by legislature or a commission.

Mr. Chairman, I am unable to add much if anything to what has been said in this Congress and the last in the discussion of this great question. I do not claim to be an expert in the matter of rate legislation.

I believe, however, that when the present bill has been in operation for a year the verdict of the American people will be that Congress has not gone far enough, that sufficient power has not been lodged in the hands of the Commission.

It will be observed that the bill under consideration does not give the Commission power to initiate rates. This power will be found necessary to secure satisfactory results.

I am also of the opinion that it does not include express companies and Pullman cars, and why it should not has not yet been answered. This defect should be cured by amendment. Section 15 of the bill under consideration contains the only provision for rate making by the Commission.

The Commission is authorized, after full hearing upon a complaint charging that the rate is unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of the provisions of the act, to decide what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter the maximum rate.

It will be observed that any rate fixed by the Commission must be fairly remunerative. It is a matter of common knowledge that many rates imposed by railroads require regulation,

because they are unjust and unreasonable, etc., when at the same time the rate complained of could probably be proved to be unremunerative.

I have not time to go into a full analysis of the bill, but I am satisfied that it confers, practically speaking, minimum power upon the Commission in the matter of rate making.

I desire to say now that if this bill shall be found inoperative, practically speaking, because in its provisions power enough is not granted to the Interstate Commerce Commission, the fault will be found in the language quoted, because it may be that a railroad will have a rate in practice that is unjust and unreasonable and discriminatory, but at the same time a rate higher than that would not be a fairly remunerative rate. I believe that the language of the bill in this respect might be improved. I hope that I am wrong. If I am, time will show it.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to ask the gentleman a question. I am trying to get that word "remunerative" defined by us at least. Suppose a rate is reasonable and just to the people and under the present law reasonable and just to the railroads.

Mr. FINLEY. Yes.

Mr. GAINES of Tennessee. That is, that the railroad gets paid for the quality and amount of work it does and is paid a reasonable and just rate, but this law is passed and that rate becomes unreasonable and unjust to the people, and a less rate than that would not be fairly remunerative. Will the gentleman tell me now what the Commission would do under this law and what the courts would do in defining the judgment of the Commission in such a case?

Mr. FINLEY. I am apprehensive that in a case like that, when the Commission investigated the matter and found the rate to be unjust and unreasonable but that a higher rate would not be fairly remunerative, the Interstate Commerce Commission would be powerless to do anything. I am afraid of that.

Mr. GAINES of Tennessee. That is what I have had in mind all the time, that the rate is reasonable and just to the people, and yet it is not fairly remunerative, and therefore it has got to be raised to take care of the railroad.

Mr. FINLEY. Yes.

Mr. GAINES of Tennessee. Now, I do not see how the expressions "reasonable and just" and "fairly remunerative" or "remunerative" can be paralleled so as to work, you may say, with any congeniality. It is imperfect.

Mr. SULZER. Mr. Chairman, if the gentleman from South Carolina will pardon me a moment, I would suggest to the distinguished gentleman from Tennessee that he propound that question to the gentleman near him, the gentleman from Iowa [Mr. HEPBURN].

Mr. GAINES of Tennessee. He has not yet taken the floor. I hope I shall have the opportunity of having him explain that when he does take the floor, because I want to say that I have gone and looked at all the dictionaries and none, with the exception of Burrill and Bouvier, undertake to give a definition of it. Burrill defines it as "compensation and salary."

Mr. FINLEY. I am inclined to believe that any rate, that all rates, put into force by the Commission provided for in this bill must be such rates as will be fairly remunerative to the railroads. That is my impression; that is my belief. If that is right and if I am correct in that, then they have no power to promulgate any other rate.

Mr. GAINES of Tennessee. It must be fairly remunerative even if it is unjust and unreasonable to the people.

Mr. HEPBURN. Why, how can it be?

Mr. FINLEY. That is something, I have no doubt, the courts of this country will be called upon to decide in the years to come in the event that this bill becomes a law. [Applause.]

Mr. MANN. Mr. Chairman, I yield to my colleague from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman, the Committee on Interstate Commerce is to be commended upon the conservatism displayed in the presentation of the subject-matter now before the House. It is evident that the consideration given to it has been along the lines of justice. It seems to me that they have endeavored, in preparing this bill, to do equal justice to every interest. The men who own the railroads are citizens of the country, and their interests are as important as those of the citizens engaged in other lines of endeavor. There is no man anywhere to be found who believes in confiscating the property of the railroads. No man to whom I have talked desires any unjust legislation. The only thing that is desired, so far as I have been able to ascertain, is that the interests of the public be safeguarded against the possible unjust use of the power centered in the railroads of the country.

The time was when everybody was for everything the rail-

roads wanted. When the railroads were first constructed in short lines, they in a measure served the people's needs, and when the short lines were extended into great trunk lines they increased the service to the people, and everybody was overjoyed because pioneer railroad builders had sufficient enterprise and confidence in the country's future to invest money in their construction.

But when a few men became the owners of all the railroads and they were directed from Wall street, the people began to fear that the power thus centralized might be used arbitrarily; that the men who controlled this power might become arrogant, impudent, and oppressive, and to prevent this the present legislation was evolved.

We all realize that but for railroads the incomparable resources of our soil and the superior ingenuity of our people would never have been realized. As President Roosevelt well said in his message to Congress December 3, 1901:

They are the arteries through which the commercial lifeblood of the nation flows.

But if by unwise care and management some of these lifeblood-bearing arteries have become impaired we should not, in applying remedies for their betterment and for their future regulation, administer doses so potent and unnatural as to cause a paralysis of the entire system. We should deal with the patient justly but firmly. To begin with, he should be made to understand that total abstinence from those indiscretions which brought on the disease must be adhered to, and that any future attempt to violate, even in the slightest degree, rules laid down for his observance and obedience will be summarily dealt with.

I do not favor rate regulations, Mr. Chairman, which will prove confiscatory, but I would, by some fair and effective method, deal with the question so as to do justice to all concerned.

The fact that railroads have given to the country blessings which are great and salutary does not justify their devotion to all kinds of rate discrimination in order that their intemperate appetite for dividends may be satisfied, and Congress should not longer delay righting the evils which exist because certain great railroad managers possess a frantic desire to control the universe.

I fully realize my inability to suggest the proper legal remedy, and it is with hesitancy and no little embarrassment that I become a participant in the discussion of a subject so complicated as to perplex and bewilder our most learned and experienced statesmen, and did not the people's interests seem to be threatened by railroad rapacity, I would content myself with a quiet and peaceful reflection upon the subject, and comply strictly with that precedent which so wisely suggests to a new Member of Congress the importance of a mute participation in affairs.

My intrusion upon the time of the House is therefore prompted by the very highest of motives, for dumb in fact is the man who would not raise his voice, weak and powerless though it be, in defense of the people when they cry aloud for the enjoyment of those blessings vouchsafed to them by a wise and beneficent Constitution.

Mr. Chairman, rebates, secret devices, unjust discriminations, and unreasonable rates should be forever prohibited, and some simple but sure way of dealing with questions of this character should be devised and speedily enacted into law.

The power of the Interstate Commerce Commission should be enlarged so as to enable it, subject, of course, to review by the courts, to fix maximum rates that would not be extortionate. I believe that Congress can confer power upon the Commission to determine what the maximum rates should be without violating the Constitution; that is, Congress can, in my opinion, delegate that authority to the Commission.

Of course such power, when exercised by the Commission, would only be valid until set aside by the courts.

But I am no lawyer, Mr. Chairman, and it is not my purpose to enter into a discussion of the legal side of the question.

It is my desire to call attention more particularly to the abuses and burdens the people are compelled to suffer in order that a favored few may wax fat under the pernicious system of rate discrimination. I do not mean those people who hope to obtain, through the aid of Congress, success, which lack of energy, honest effort, and ability have failed to secure for them. Such men are neither honest nor just, and they are ever ready to assert whatever suits their own individual purposes. But I refer to those honest people who, dealing fairly with others, demand that they in turn be fairly dealt with. Men who believe in honest competition and who are far more interested in the welfare and protection of property interests in general and in the maintenance of public honesty and decency than they are in the building up of their own business through the

aid of rebates and other discriminations to the detriment of others.

Mr. Chairman, it costs 27 cents per hundredweight to ship bacon by freight from Chicago to Lynchburg, Va., a distance of over 1,000 miles. From Lynchburg to Danville, a distance of 65 miles, it costs 40 cents per hundredweight, a difference of 13 cents per hundred pounds.

Matches by the carload, Detroit to Lynchburg, are rated at 24½ cents per 100. The Southern Railroad makes a rate of 47½ cents per 100 on matches to Danville, thereby charging 47½ cents for hauling the same shipment 65 miles which is hauled by other roads over ten times as far for 24 cents.

Why does the Southern Railroad inflict these unreasonable burdens upon the city of Danville? Are they not unreasonable rates? If they are unreasonable rates, why are they tolerated?

Vinegar in carload lots, Chicago to Hot Springs, Ark., a distance of 686 miles, is rated at 33 cents per hundredweight. Vinegar in carload lots, Chicago to Wichita, Kans., a distance of 686 miles, is rated at 48 cents per hundredweight.

Wheat consigned to New York from Lincoln, Nebr., is 38½ cents per hundredweight, while wheat consigned for export through New York is 34 cents per hundredweight.

Paint in carload lots Chicago to Spokane is rated at \$1.21 per hundredweight, but the same article Chicago to the Pacific coast, nearly 500 miles farther, is but 90 cents per hundredweight.

The rate on iron from New York to San Francisco is 60 cents per hundred pounds, but if billed to Hongkong via San Francisco the amount received by the railroad is considerably less. The rate from Omaha to Kearney, Nebr., is 30 cents. It is 3,000 miles from New York to San Francisco. The distance from Omaha to Kearney is 200 miles. From New York to San Francisco the traffic passes over the same road that the traffic billed to Kearney does. I am informed that the rate from ocean to ocean is the lowest in the world, and I do not question the truthfulness of that assertion; but I can not quite understand why Kearney should be made to pay an unreasonable rate.

Cotton piece goods from New England to Denver is rated at \$2.24 per hundred pounds. Carload lots New England to San Francisco, going through Denver, 1,500 miles farther and passing over two mountain ranges, is rated at \$1 per hundred pounds and \$1.50 in less than carload lots. The Supreme Court has decided that the Interstate Commerce Commission has no power to correct this condition. Is the Congress of the United States powerless to confer that power?

I have read with considerable interest the decision of the Supreme Court in the so-called "party-rate case." The Baltimore and Ohio Railroad Company made a rate to a party of gentlemen which was a much lower rate than they would give to a single individual on the same train. The Interstate Commerce Commission held that the rate was illegal, but the Supreme Court decided that the act to regulate commerce did not prevent the application of the principle of wholesale and retail to railroad tariffs. What would the army of small dealers of this country say were the railroads bold enough to apply that decision to the shipment of freight? Does anybody think even for a second that the protest of a few Senators would be sufficient to cause the President to defer calling the Congress together in extraordinary session for the purpose of stopping such an evil? I hardly think so. Under such a decision the small operator would not stand as much show as a grasshopper in a turkey pen.

But, Mr. Chairman, there are discriminations and there are discriminations. Some one has said that exclusive contracts for private car privileges affords the most fruitful source for rate discrimination, and if the statement of Mr. George A. Mead, who appeared before the Interstate Commerce Committee on May 17, 1905, can be relied upon, I am constrained to believe that there is some truth in the assertion. After having proceeded for some time, Mr. Mead called the attention of the committee to the following instance merely as an illustration of what certain dealers must contend with that the greed of the fortunate contractor may be satisfied. Mr. Mead said:

A receiver in Chicago received a carload of tomatoes from a point in Tennessee. I have the exact facts here in a pamphlet, if I can find them. Perhaps I can give them as well as to read them. This party received a carload of tomatoes over a road having an exclusive contract with a private car line. The distance was something like 522 miles. I think, from Gibson, Tenn., and the icing charge for the car was \$73.92.

Senator CULLOM. That was a separate item, so you know what that was?

Mr. MEAD. We know what that was, because the party refused to pay the charge, and a lawsuit was begun.

Senator FORAKER. How long was that car in transit?

Mr. MEAD. I can not tell you. I am not familiar with that section.

Senator KEAN. You said you were familiar with the case.

Mr. MEAD. I am familiar with the facts of the case, but I am not

familiar with the distance between these points. My business is in the East, and this case occurred in Tennessee.

Think of it for a moment; under the Armour exclusive contract, from Gibson, Tenn., 522 miles, \$73.92; from Memphis, Tenn., 527 miles, practically the same distance, under free refrigerator competition, \$15. Now, the difference between \$73.92 and \$15 is \$58.92, and what does that \$58.92 represent? It represents an imposition upon the public so intolerable and a traffic situation so unendurable that the exclusive contract which makes these horrible conditions possible must be destroyed and replaced by free and natural competition under the operation of just law.

Senator KEAN. We have had that same instance before.

Mr. MEAD. I think so. That is one of the difficulties under which we have to work. We have to pay the bill in a lump sum, without knowing whether there are any correct refrigerator charges upon it or not.

Senator FORAKER. Can you give the date when that charge was made?

Mr. MEAD. This was brought out at the June hearing last year in Chicago.

Senator FORAKER. Was it shortly prior to that time, or is that some old case?

Mr. MEAD. Oh, no; it was last season.

Senator FORAKER. Something recent?

Mr. MEAD. Yes, sir.

Senator FORAKER. Something in last season's business?

Mr. MEAD. Yes, sir.

Senator CULLOM. Do you know what kind of a car that was—what its capacity was?

Mr. MEAD. It was an Armour car.

Senator KEAN. What was its capacity?

Mr. MEAD. I could not tell; their capacity does not vary very much.

Senator KEAN. What is the capacity of the other car?

Mr. MEAD. About the same.

Senator KEAN. So that you know the capacity of the Armour cars?

Mr. MEAD. They do not vary to amount to anything.

Senator CULLOM. What was the icing capacity? Do you know anything about that?

Mr. MEAD. I do not know about that. But in answer to the Senator's question I am just reminded:

Again referring to the Ellis car of tomatoes, that we may still more fully understand the effect of the Armour exclusive contracts, we have to know that the distance from Gibson, Tenn., to Chicago is 522 miles, and from this point the Armours charged the Messrs. Ellis \$73.92 for icing, while the icing charge by the Illinois Central Railroad from New Orleans to Chicago, a distance of 923 miles, is only \$30 per car, so that in this instance the Armour exclusive contract enabled the Armour Lines to charge \$43.92 more for the refrigeration for a distance of 522 miles than the Illinois Central, upon whose lines there are no exclusive contracts, charges for a distance of 923 miles; but if this statement shows an intolerable state of affairs, what shall we think when we are made aware that upon the selfsame day in which the Messrs. Ellis received this car of tomatoes from Gibson, upon which they paid the \$73.92 icing charge, they received a like car of tomatoes from Memphis, which is a few miles farther from Chicago than Gibson, and upon this Memphis car the icing cost was only \$15, and, to make matters worse, the car used from Memphis, upon which the icing cost was \$15, was an Armour car, but hauled over a road where no exclusive Armour contract exists.

Senator CULLOM. One charge was \$15 and the other was \$73.92.

Mr. MEAD. Yes, sir. One road had an exclusive contract with the Armour Car Lines and the other had not.

Mr. Chairman, wouldn't you like to be the iceman?

Now, gentlemen, if this statement of Mr. Mead's is true, how long are these private car contractors to be permitted to perpetrate their outrages upon the people? I do hope that there is no combination of men in this land of ours so formidable as to cause our leaders to make peace with them. Why, Mr. Chairman, this land of the free and home of the brave belongs to all of the people. There is nothing in the Constitution permitting a few wealthy monopolists to manage it for their own gratification, the fact that the absorbing sentiment of their souls seems to be that the country belongs to them to the contrary notwithstanding.

In his statement before the Committee on Interstate Commerce, United States Senate, Thursday, April 20, 1905, Mr. Lucius Tuttle, president of the Boston and Maine Railroad, of the Maine Central Railroad, of the Washington County Railway, and some others, during the course of his remarks took occasion to impart to the committee the following information in justification of rate discrimination.

In the northern part of Maine there are perhaps hundreds of thousands of acres of spruce lands. Up to within a few years, say within ten years, in certain portions of northern Maine there were no inhabitants. At a certain place there was a primeval forest, not containing even a hundred cabins. A railroad was put into that territory—the Bangor and Aroostook. An opportunity was given to develop the timber industries of that section. Certain capitalists discussed the question of establishing a pulp and paper mill in that region. They selected a place, and called it Millinocket, and found that they could bond a large quantity of timber land, with good available water power, and the conditions for manufacturing paper and pulp were very satisfactory. But before they could do anything more than bond it, it became necessary for them to go to the railroad and find out what it could do for them in the distribution of their product. In order to establish a profitable industry up there they had to manufacture an enormous quantity daily. That involved the problem of distribution of that product, which was largely paper upon which to print newspapers. They could sell a portion to Boston, certain portions to New York, and perhaps some to Philadelphia papers, and all those places could be reached easily in competition with paper and pulp sent from other sections of the country, because the distances were comparatively short. But they found that that would not use up all their product. It was necessary for them to manufacture upon a scale sufficiently large to make the product cheap, so that their production would be very much in excess of that which they could get used in the nearer markets. So they came to the railroad and said: "We want to know

what rate you will charge us to carry these products to Boston and New York and Chicago and all about for us, and then we can determine whether we can build that mill."

Then the railroad had to take into account the fact that perhaps in Chicago paper was received from mills not more than 500 miles away, and so it became necessary, in order to meet that competition, to carry that paper from Maine to Chicago, a distance of some 1,400 or 1,500 miles, so that it could be sold to the Chicago newspapers at the same price that they would have to pay for paper that came only 500 miles. The railroad did equalize its rate and gave the company such a rate that they could put their products into the markets of the United States; and in consequence of that has arisen that place of Millinocket in the last ten years, a place which has schools, churches, streets, electric lights, and a population of 3,000 or 4,000, who live as comfortably as they do anywhere in the world—a place where ten years ago it was primeval forest. Those 2,000 or 3,000 people receive practically all their supplies by rail—their food, their clothing—and they travel; they make business, where before that it was forest or desert; and the railroads leading into that place get reasonable rates for that travel and get enough out of those people so they can afford to give those mills the low rates to Chicago, and nobody suffers. If the railroad had said, when that subject was first brought up, "No, we can not give those rates," there would have been no such place as Millinocket.

Now, Mr. Chairman, this rate, which transformed a primeval forest in northern Maine into the thriving city of Millinocket in order that the Bangor and Aroostook Railroad might increase its business, was, I am constrained to believe, a wise and beneficent one. It not only furnished a way whereby Millinocket pulp manufacturers could compete for the business of the greatest daily newspapers in the world at Chicago, but it had a tendency to further the growth of the railroads over which the citizens of Millinocket must ship and receive their daily supplies. That is business, and a kind of business against which no fair man can justly complain. But why should Mr. Tuttle divert the minds of the committee from the real cause of complaint, and why did the committee permit him so to do? The rate given to the Millinocket concern was not so low as to annihilate similar concerns nearer the point of competition. The rates against which the people are crying out so vociferously are those rates which enable one business concern to thrive while others must languish—a low rate given to one concern as against a high rate given to another concern engaged in the shipment of the same commodities from and to the same points.

Now, Mr. Chairman, whatever excuses the railroads may give to justify themselves they can not deny the facts. Unreasonable rates, rebates, and rate discrimination have been granted and wrongs have been perpetrated, too, in defiance of all constitutional authority and against all laws. The question then arises, What legislation is necessary to correct these evils? That there is a sure and efficient way there can be no intelligent contention. All wrongs can be righted when the law-making power makes up its mind to right them, and the consensus of opinion is that the time to act has at last come. Let the action, however, be wise and conservative, but none the less effective.

Confiscatory legislation can not be enforced, and an attempt to pass such legislation should be rejected. Let us pass some measure, my friends, which will do complete justice to all concerned—a measure which will do injustice neither to the railroads nor to the shipper nor to any community. No railroad official of any consequence has, to my knowledge, objected to the passage of such legislation, and the people are asking for nothing more and will accept nothing less.

In conversations I have had with many gentlemen upon this all-absorbing question I do not recall a single instance when a wish has been expressed that rates which would be prohibitive upon the prosperity of the railroads might be imposed. On the contrary, the hope has frequently been expressed that reasonableness and fairness might prevail among the representatives of the people whenever they are called upon to enact legislation regulating interstate commerce.

To the railroads we owe in great part not only the prosperity but the happiness of our people. Upon them depends the continued success of agriculture, commerce, and manufactures. Without their beneficent aid we could not to-day hold the first place among the producing nations of the world. They are our greatest benefactors. Let us, then, do justice to the railroads, to the shipper, and to the people. Let us not weaken the charm of the word "honor," upon which is based the stability of our country.

Mr. MANN. Mr. Chairman, I yield to the gentleman from New York [Mr. WALDO].

The CHAIRMAN. The gentleman from New York is recognized.

Mr. WALDO. Mr. Chairman, in the first place, I believe, there is no one in this House and no one in the country who desires to do any injury to the railroads. We all know and believe that the prosperity of the whole country depends almost entirely upon our transportation system. There is no one who

would take away any right from any road or in any way oppress any railroad corporation. In fact, I have never known of any attempt that was successful in this country to oppress any railroad corporation, and it is very doubtful if there ever will be.

Under the law, as it now exists, the Interstate Commerce Commission has every power, except one, granted by this bill, and that is to fix maximum rates. The only addition is to extend the control of the Commission to terminal facilities, private car lines, and private switch facilities, so that there shall be no special charges on these accounts that will make rates that are unjust or unreasonable or reductions that shall give undue preference to any particular person or favored shipper.

The gentleman from Maine very much feared that one provision of section 13 of the old law might, in some way, in connection with the provisions of the amendment, give the Commission power to initiate a schedule of rates for any or all the railroads of the country at any time that the Commission saw fit.

It seems to me that there is nothing in section 13 and nothing in this bill that can be construed to have any such effect. Section 13 of the present law provides for complaints by shippers and others to the Commission of violations of the interstate-commerce law by any common carrier, and—

That the Commission may institute any inquiry on its own motion in the same manner and to the same effect as though a complaint had been made.

Section 15, as amended by the bill now before the House, empowers and directs the Commission, after a hearing on a complaint, made as provided in section 13, or upon complaint of a common carrier to determine and prescribe "just and reasonable and fairly remunerative rate or rates to be thereafter observed in such case as the maximum to be charged."

Here is a direct grant to the Commission of power to make maximum rates upon a complaint, and how in any way that can be construed in connection with the latter part of section 13 as a power to fix rates upon their own initiative is something that I can not understand. The gentleman from Maine himself is very doubtful if it does give any such power. The grant of power that this bill gives to the Commission is plainly that to fix maximum rates upon a complaint. That is exactly what the Commission has recommended, it is what the committee of this House on Interstate and Foreign Commerce has recommended, it is what the President has recommended, and it is what the House intends to do. And it seems to me that the language of the bill gives the power to the Commission, and no further power than to fix maximum rates upon a complaint made to it.

It is urged that there is no occasion for the grant of any such power, and I understood the gentleman from Ohio [Mr. GROSSEY] to state that there was no occasion and no demand from the country for the grant of any such power. In the first place, before the Interstate Commerce Commission during the last year there were filed 568 complaints. These include 65 formal cases and investigations, and these involve directly the rates and practices of 321 railroads and common carriers in all parts of the country. After hearing these cases, the Commission were authorized only to find that the rates or practices were unjust, and that was their finding in most of these cases, but they had no power to state what was just or reasonable. And there was no one that had any power to state it except the corporation that made the unjust charge.

Many cases of unjust rates charged by railroads, known to the people of all sections of the country and still persisted in, have never been before the Commission. There is one practice of the Pennsylvania Railroad that obtains every year which is clearly an outrage upon the rights of the people. The coal railroads start every April with a fixed price for coal delivered at tide water, and with the announcement that the rate will be increased 10 cents per month for five months, until the time when the poor must have coal, and then they have to buy coal at the highest rate during all the rest of the year until the next April. There is no justification for any such a practice as that. The coal railroads of Pennsylvania have fixed the freight for carriage of coal to the seaboard at such a rate that the coal has been advanced from a dollar to one dollar and a half in price ever since they made their combination and forced the independent operators to come in with them, and it has remained at that ever since. Before they made their combination and forced the independent operators to sell all their output to the combination, the price of coal delivered to the Atlantic seaboard was only \$4 a ton. To-day it runs from \$5 to \$5.50 a ton, and has been so continuously ever since that combination of the roads in Pennsylvania.

These railroads own to-day 90 per cent of all the coal mines in Pennsylvania, and have control substantially of all the coal

that is used in the great cities of the East, New York, Philadelphia, Baltimore, and, to a considerable extent, of this city. In this city coal is to-day a dollar a ton higher than it ought to be, on account of the unlawful combination and unreasonable freight charges of these roads.

There have been two cases just decided by the Interstate Commerce Commission of unreasonable charges, and these are only two of thousands. The rate on cotton goods from New York to San Francisco, they find in these cases, is \$1 per hundred pounds in carload lots, and in less than carload lots \$1.50 per hundred pounds. To Denver they will make no rate on carload lots, but they charge \$2.24 per hundred pounds from New York to Denver, while they carry it in less than carload lots to San Francisco, nearly 2,000 miles farther, for \$1.50 per hundred pounds. The rate from New York to the Mississippi River is 64 cents; from the Mississippi River to the Missouri River, 35 cents; and from the Missouri River to Denver, \$1.25, making the \$2.24. The Commission found that this was unreasonable, and that in their opinion the rate ought not to be over \$1.50.

The Commission assumed that the rate from New York to San Francisco must be at least the cost of carrying, and find that a charge of \$2.24 for two-thirds the service they are ready to render for \$1.50 is unjust. They go further in this case than I have known in any of the cases decided lately, and say that the railroad has no right to carry goods at less than cost and charge the loss to the other parts of the country. That is the very thing the railroad presidents, managers, and traffic managers testified before the Senate committee they had a right to do, that they intended to do, and that they believed was just that they should do.

This practice, it seems to me, is one of the wrongs the railroads have perpetrated upon the country, and which has occasioned the most indignation among the people, namely, that they claim a right to and do transport freight to one community at less than cost and charge the loss in increased rates up to some other community that they do not look favorably upon.

A special demand has been made upon Congress by 418 memorials from forty-four different States by 418 organizations of shippers, fruit growers, and others, who protest against this and other unjust practices of the railroads and ask Congress that the Commission be given power to fix rates, so that they may be treated justly. Sixty-two national and sectional organizations of shippers and producers have petitioned Congress to give the Commission power to fix rates. And lastly, according to the testimony before the House Committee on Interstate Commerce at the last session, there were eight legislatures that had sent memorials to Congress asking it to give the Interstate Commerce Commission power to fix rates.

It would seem that there is no great trouble with the railroads for a lack of profit. According to the testimony before the Senate committee, in the last four years ending June 30, 1903, the railroads of this country, after paying dividends on their stock running from 5 per cent to 23½ per cent in one instance, have laid up a surplus of \$358,444,000 and applied on permanent improvements \$92,500,000, showing that after having paid dividends that were in some cases exorbitant they had made a surplus of \$550,000,000. All this enormous profit was made over and above dividends, rebates, the allowances to private car lines, the enormous allowances, as in the city of New York, for terminal facilities, and the vast private freight lines that eat up the income properly belonging to the railroads.

We can hope for no relief from the railroads themselves. Such competition as did exist between interstate and through lines has almost entirely disappeared. Mr. Prouty, of the Interstate Commerce Commission, states that half a dozen men control all the railroads in this country, with a few exceptions, and that those exceptions are entirely in the hands and at the mercy of this combination. This afternoon one gentleman read here part of the combination agreement between the great railroads, which provided that there should be no competition. In the hearings before the House committee at the last session and before the Senate Committee of Interstate Commerce during last spring and summer the railroad traffic managers and presidents admitted that there was no longer any competition in this country except where water transportation was possible.

The objection to a proper regulation and control of railroad rates arises from the misunderstanding of the real status of a railroad company or railway. A railway is not at all a piece of private property like a house or a horse or a farm. A railroad is a public highway, and it does not belong to the railroad company in the same proprietary sense that a house or a farm belongs to its owner.

It is a public road and franchise that belongs to the public, and it is loaned or put into the hands of a corporation for the

benefit and use of the public and not for the purpose of enriching beyond the dreams of man any particular person. Members here from the East do not realize that so much as people in the West. During the years I lived in the West I saw in the immediate neighborhood where I lived a great railroad corporation with enormous assets secure a franchise from the people, a free franchise, a free gift, then send its shrewd agents throughout the country, and by working on the feelings of the farmers and those who desired to secure transportation for offers of assistance toward the construction of the proposed road, until they secured from the hard-working farmers a vote of bonds sufficient in amount to build the railroad. So the railroad company received first a franchise as a free gift, then they received a railroad fully built as a free gift, and in some instances they received also a free gift of the rolling stock and equipments.

Such cases show precisely what a railroad is. It is nothing more than a public highway. It is put in the hands of a corporation to control and conduct, not for the benefit of the stockholder, not for the benefit of the officers, but for the benefit and convenience of the public; and the officers of that corporation have no more business to treat that railroad as a private enterprise from which they have a right to gain as much profit for themselves and stockholders as possible than has a public official to so conduct his office as to gain for himself and his friends great emoluments and rewards. Yet the whole system of the fixing of rates by the railroads has been upon the basis of securing for its officers and stockholders from the people every cent that they can possibly obtain and still allow the people to do business. That is what the railroad officials themselves say. That is what they all testify before the Commission and at all times, that their basis of rate fixing is "all the traffic will bear."

You can see this exemplified in the late case just decided by the Interstate Commerce Commission before referred to, where the railroads charged between New York and San Francisco only \$1.50 per hundredweight because there is water transportation, and the railroads would only get a small share of the business unless they came down to a reasonable rate. But when it came to the case of Denver, where the railroad combination has sway and there is no competition, then they charged \$2.24 a hundred, although Denver is only about two-thirds of the way across the continent.

There is not a place in this country that is in the hands of the railroads, where there is no water transportation, that the same thing does not occur, unless some official of the railroad is interested in that particular place. In Iowa they have adopted a mileage rate, and the result is, they say, that the whole country is prosperous; that the towns all over the State are growing enormously; that manufactures instead of being brought together in some few towns that the railroads are interested in, are springing up all over the State, and it leads to the prosperity of the whole country, and prevents the enormous growth of cities, which is really one of the greatest dangers that this country now faces. It probably would not do to fix rates for interstate commerce on a purely mileage basis, but certainly rates should be in some reasonable proportion to services rendered, instead as now—solely upon the question of how much can be extorted from the shipper.

There is every reason why we should pass this bill. There is no one that objects to it except the railroad corporations and their owners, who are taking from this country a much larger per cent of profit than they are entitled to, and who not only take from the country a larger per cent than they are entitled to, but give cheap rates to favored localities and make up the loss by taking extortionate rates from others. There is no way to remedy this injustice unless we put in the hands of the Interstate Commerce Commission power to say what shall be the just and impartial rate for all.

It seems to me it is a most remarkable proposition—certainly to the people of the West, where the roads have been given free—that they should give the right to the corporation to build the road, furnish them the money to build and equip it, and then have the road say to them that they have no right whatever to say what charge they shall pay upon their own highway.

It is to me a most remarkable circumstance that any considerable number of people who are not interested in securing the largest possible pay for the railroads, who are not the owners of the railroads, should for one moment be deceived by any talk of socialism or anarchy.

Gentlemen, the only way we can prevent socialism and anarchy is by controlling the great corporations in this country. The one thing that creates the greatest discontent in this country is that we have allowed such enormous corporations to grow up and be substantially without any control at all. I am not in favor of socialism or of anarchy, for that matter, any

more than the gentleman from Maine or the gentleman from Pennsylvania or anyone else in this country. I do not fear the result to the railroads or to the country if we pass this bill, no matter who shall be President. No commission will ever be appointed, no commission can exist in this country, that will oppress the railroads so that the prosperity of this country will be affected disastrously. There will never be a time so long as this country exists when the railroads will not get all they ought to, and in many instances a great deal more.

The evil of uncontrolled conditions of traffic in this country is felt by all the people. The people are in favor of its control; they want somebody in this country that will have a right to say how much they shall pay besides the man who is going to get the money. All the people in this country see the right and justice in a case of that kind, where we have granted to the great railroad corporations a substantial monopoly, and where they have come into a combination so that there is no longer any real competition. It has now become necessary that some disinterested tribunal should be in power to decide what is a just rate to charge the people of the country for carrying their products upon these, their own great highways. [Applause.]

Mr. ADAMSON. Mr. Chairman, I now yield to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Chairman, I would not undertake at this stage of the consideration of this measure to go into any extended discussion of the legal questions involved, or the expediency of the policy which is presented by the bill now pending before the House. Really, so far as I have been able to investigate, and I have devoted considerable time to the subject, the decisions of the courts of last resort, both of the State and of the United States, have upheld the power of the States to regulate railroad rates within the States, and the power of the United States to regulate railroad rates in interstate commerce by a commission created for that purpose. The Constitution confers the power upon Congress to regulate interstate commerce, and the courts have held by an unbroken line of authority that Congress can by legislative authority exercise that power through a commission. Only 25 per cent of the commerce is within the States and 75 per cent is interstate, and hence the importance of the Government exercising effectively this constitutional power conferred for the protection of the people.

Upon the first day of this session of Congress I introduced a bill to confer upon the Commission power to regulate rates, which was referred to the Interstate Commerce Committee, and I congratulate myself that in the report the distinguished chairman of that great committee made to this House in reference to this bill he mentioned the fact that that bill was introduced by me, with quite a number of others, and states that from all the bills so introduced some of the provisions of this bill were obtained. It is a source of congratulation, not only to this House, but to the country, that this bill received the unanimous approval of all the members of the Interstate and Foreign Commerce Committee, both Democrats and Republicans, and that it is a source of additional gratification that it has met with such universal approval on the floor of this House. So far, of all the many speakers who have addressed themselves to the question, there are only three gentlemen—the gentleman from Pennsylvania [Mr. SIBLEY], the gentleman from Maine [Mr. LITTLEFIELD], and the gentleman from Massachusetts [Mr. McCALL]—who have opposed this bill and urged that it ought not to become the law of the land.

These gentlemen are ingenious and resourceful, and they present what to their minds, I presume, are satisfactory reasons to govern their action in opposition to this important measure. But the fact, Mr. Chairman, that this bill receives the unanimous indorsement of all the members of this great committee and that it has met such universal approval on the floor of this House on the part of the representatives of the people is evidence of the fact that behind it is a great demand on the part of the people of this country who are vitally interested in this great subject.

From time to time different manufacturing, financial, commercial, and industrial interests have applied to this House for relief from evils of which they complained. They all received attention and have had legislation adopted here which brought about at least some of the relief sought by these various interests. The great producers of this country now come before this body asking this legislation. It is in their interest and for their welfare; and because of the fact that they are prone to bear their burdens without complaint is a strong indorsement to us that this legislation, coming in obedience to their universal demand, is righteous and just.

This bill, it seems to me, is conservative from every point of view. All interests have been considered and justice under its provisions meted out to all. Taking into consideration the

great interests that are involved, the thirteen or fourteen billions of dollars that are to-day invested in the 217,000 miles of railroad in the country, the fact that something like 2,000,000 people are interested as owners or as employees of these great corporations, and further taking into consideration the great interests of the 80,000,000 American people which are vitally involved in the issues presented by this bill, looking at it from every standpoint, it is a conservative measure and one that should commend itself not only to the Members upon this floor, but to the country at large. [Applause.] It is comprehensive in its scope. In the first section of this proposed act it provides that—

The provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad (or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment) from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however,* That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one State and not shipped to or from a foreign country from or to any State or Territory aforesaid.

Thus including in its provisions all kinds of carriers in interstate commerce and in the proviso reserving to the States the control of passenger and freight traffic within the States. Not only does it provide for the control of these different characters of carriers in this country, but it gives a specific definition of what shall be included in the term "railroad" as used in the act, and provides as follows:

The term "railroad," as used in this act, shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease, and shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards, and grounds used or necessary in the transportation or delivery of any of said property.

Then it defines in specific terms the meaning of the word "transportation," as follows:

The term "transportation" shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto.

And then declares that—

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

Now, with the definition clear and distinct as to what carriers are included in the provisions of this act and what shall be meant by the term "railroad" and by the term "transportation," and that all rates shall be reasonable, in my judgment, the provisions of this act can not be construed away, and that is important, because the courts have held that the Interstate Commerce Commission can only exercise the powers specifically conferred in the act and that nothing shall be done by implication. Hence, the importance of these provisions.

There is one provision in the bill which I introduced which I fear is not in this bill. It is possible that it is covered by the provision in this act where the Interstate Commerce Commission is given power to govern all "regulations and practices" of the railroads. The provision in the bill I introduced provided specifically that they should have the power to revise classifications as well as rates. I hope the provisions of this bill cover that, because it is an important feature, in my judgment, to be considered. Another provision in my bill, Mr. Chairman, which I would be glad to have in this bill, was a provision which required that the railroads, whether they proposed to carry the shipment the entire distance or whether they proposed to transmit it through another carrier to the final destination, should be required to give a through bill of lading, and in that bill of lading specify exactly what the rate should be, and that then they should not be permitted to deviate from that rate.

That provision may also be covered in this bill by the general power conferred to revise rates, and I hope it is; but I would be glad if it was specifically included, and then there could be no doubt about it, for I consider it very important. This bill

also confers the power to substitute and put into effect a reasonable rate in place of an unreasonable and therefore unlawful rate. Now, then, Mr. Chairman, the question presented to us is whether or not these rates shall be revised by a Commission to be appointed by the President, and who will act under oath, or whether or not the rates shall be fixed by people who are not responsible to any governmental control or to any appointive power, and not even to the people themselves.

In this country there is no longer any real competition, for three traffic associations fix all the rates. One north of the Ohio and the Potomac rivers fixes rates for that section of the country; one on the Pacific slope and another south of the Ohio and the Potomac rivers fix the rates for those sections, and each of these rate-making boards are composed of four men. Hence the railroad rates of this country are fixed by twelve men. The question is whether they shall continue to fix absolutely the railroad rates of the country or whether the rates shall be revised and made reasonable by officers of the Government under oath, who are disinterested and who will give just and honest consideration to both sides of the question when presented, and do equal-handed justice to all parties. The issue is up to us as the representatives of the American people, and it is an issue between the corporations of the country and the people of the country.

The question is whether the country and the people shall be dominated by the great corporate influences or whether they shall have relief through the law administered by the officers of the law under oath. The issue is sharp and well defined, and the people are aroused and waiting with interest the result of our acts, and they will hold him responsible who may flinch or show the "white feather" in this crucial hour. [Applause.]

Mr. Chairman, I had hoped I might have opportunity to discuss this bill and this great question fully, but on account of very serious illness in my family during its pendency before this House, I have not been able to get together the data I had collected so as to properly present it to the House, or to cogently collect my thoughts.

But I desired to say this much in order that I might express my intention to vote for the bill which is now pending before the House, as I believe it is a very great improvement upon the legislation which now stands upon the statute books, and if enacted into law, as I hope it will be, that it will bring some measure of relief to the people. From their honest hearts they believe they have a just cause of complaint, and are demanding that they be given some legislation to vitalize the powers and the authority of the Interstate Commerce Commission and give to them a tribunal where they can go and, at least, present their causes, and where wrongs have been done have them righted. This bill will do that, and I hope to see it become a law. I thank you, my friends, for your very kind attention. [Applause.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, it was not my intention to speak during the general debate on the pending measure, because I did not expect to get the time. However, by the courtesy of my friend from Georgia [Mr. ADAMSON], and quite unexpectedly, and I might say quite unpreparedly, I am afforded at this inopportune time the privilege of having my say on this all-important subject—a matter of much moment to all the people of the land, and affecting more or less intimately every section of our country—the question of the fixing of railway rates and the regulation of railroad and other transportation companies doing an interstate-commerce business in the United States.

I thank my friend from Georgia for his kindness in yielding to me his time, and I grasp the opportunity to use some of it, because I realize that if I did not take advantage of it now, I might not get a chance to speak to-morrow, when the debate on the bill will close; and I know by sad experience in this House that when the bill is to be read and is open for amendment, the day after to-morrow, there will be little or no debate permitted by those having this measure in charge. The bill, I am informed, is going to be rushed through the House—railroaded, as it were—regardless of its defects and its omissions and its incompleteness, and all amendments that Members desire to offer to strengthen the measure are to be quickly voted down, and the bill just as it came from the committee passed on to the tender mercies of the sacrifice Senate.

Mr. Chairman, in my opinion, this matter of just and reasonable railroad rates and the governmental regulation of transportation companies doing an interstate-commerce business is one of the most important questions now before the American people. It is a live question, and no matter what we do now, or say now, you know and I know that it is here to stay until

it is settled and settled right; and the problem never will be solved, and the issue will never down, until it is solved and settled for the best interest of all the people, and not in the interest of the selfish few.

I have given much careful study to this great subject. I know something about it. As a legislator trying my best to do my duty as I see it to all the people, I have given, and will continue to give, my very best efforts to help in the solution of the many problems we are called upon in these matters to determine, and they should be solved and determined by us in a spirit of fairness and equality and equity to all concerned. The highways of commerce, the avenues of industry, the byways of trade must be open to all; and every shipper and every producer must be treated exactly alike—no midnight tariffs, no rebates, no discriminations, and no favoritism. Equal rights to all and special privileges to none must be our watchword. [Applause.]

Now, sir, we all realize, I believe, that the great interstate-transportation agencies of our country are here to stay. They are essential to the business of the country. They can not be dispensed with nor destroyed. They are as fixed in our commercial life as the hours of the day, and as immutable in our industrial existence as the medium of exchange. Their mileage, and their equipment, and their wealth, and their power, and their influence will not diminish, but will increase more and more as the years come and go. They will continue to dominate the people if the people do not take action to control and to regulate them. The people of the country are aroused on this question. They will keep up the fight until it is won. You can beat the people to-day, you can deceive the people tomorrow, but the contest between right and wrong will go on, and sooner or later the people will win. I am with the people in this fight. It is either Government regulation now, or Government ownership hereafter—take your choice. [Applause.] As the President said on this subject in his message to the Congress in December, 1904, the Government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce, and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other.

I read not long ago, Mr. Chairman, that more than 80 per cent of the enormous railroad mileage which to-day gridirons the United States has been constructed since the civil war. We have over 215,000 miles of main railroad tracks, and the giant spider is still spreading its web of steel in every and all directions. And when we take into consideration the second, third, and fourth tracks, and sidings and terminals, the total foots up to nearly 300,000 miles of steel railroad tracks. Just think of that! Sufficient to go twelve times around the earth, or make a journey to the moon, if such a thing were possible, and have miles and miles to spare. We are indeed the greatest railroad country on earth, and will continue to be for a century to come. And if we pause to consider these marvelous figures and facts we must be impressed with the consciousness of the far-reaching power and effect of the railway influence in every line of human industry, and if we stop to analyze the volume of traffic handled we can not fail to realize how greatly the railway systems of our country enter into every phase of modern life.

In 1894 the railroads carried 638,000,000 tons of freight. In 1904 the figures more than doubled and reached the enormous total of 1,309,000,000 tons, with aggregate traffic earnings amounting to the enormous total of \$1,977,638,713. Last year they did a largely increased business, and the figures for 1906 will greatly exceed those of last year. In 1895 the records show that 527,421,000 passengers were carried; in 1904 the figures increased to 715,419,000, and when the reports for last year are at hand a much larger increase will be evident. The figures are bewildering and the facts as startling as they are astonishing; and the end is not yet.

To transport this vast number of passengers and gigantic amount of freight, including all varieties of foodstuffs, there were utilized 47,000 engines, 40,000 passenger cars, and 1,760,000 freight cars. In the operation of this great network of railways more than 1,250,000 men are directly employed, of which 52,000 are engine drivers, 55,000 firemen, 40,000 conductors, and 106,000 trainmen.

Of course, I know figures are usually uninteresting; but these figures are alive with human interest and full of flesh and blood activity, because they have to do not only with men and measures, but also with our national commercial life and our fundamental political and industrial institutions, which should safeguard the interests of all the people—but more often do not—and the home life, and the very existence of every man

who works for a livelihood and earns his bread in the sweat of his face. [Applause.]

The rapid growth of our interstate common-carrier systems during the past quarter of a century has been simply marvelous, and the tremendous power they wield to-day in the intimate political and social and economic life of the country is truly inconceivable. The average man who rides on a railroad train in comfort and in luxury to a distant point has little conception of how the railway affects even the most intimate details of his existence. It is the power that dictates political conventions and makes nominations; that seats its well-paid lawyers in the courts of justice; that rules legislatures; that subsidizes the press; that dominates the National Congress, and that compels all of us, who must eat to maintain life, to pay the price for food which the big transportation interests fix directly or indirectly.

From a systematic investigation of existing conditions and a careful examination of governmental statistics, I fearlessly assert that the time is now at hand when the Government must take decisive action to regulate the great railways and great public transportation utilities of the country doing an interstate-commerce business, or they will ere long absolutely own and control the Government, and, through their great tentacles stretching out in every direction, they will be able to strangle competition, crush commercial endeavor, paralyze individual industrialism, and create the trust of all trusts and the monopoly of all monopolies.

These giant public utility transportation companies, traversing as they do every part of our national domain, are so vital a part of our complex industrial and economical and political life that their influence affects all things which go to make up our existence from day to day. I believe the people are just awakening to the consciousness of the real facts and the true situation, and in the study of the problem of the cost of living are finding out for themselves what recent economic writers have shown conclusively, and that is how the control and the power and the operation of railroads in this country overshadow every other factor of human existence.

And so, sir, knowing what I do about the facts and the conditions, and feeling as I do on this subject, I welcome remedial legislation, and shall favor any bill that will correct the abuses and remedy the evils incident to the subject-matter now under consideration. [Applause.]

Mr. Chairman, I have carefully listened to the several clever speeches which have been delivered during the consideration of this measure. These brilliant forensic efforts, however, have failed, to my mind, to greatly illumine the subject or to impart to us very much valuable information. The time consumed in this debate, nevertheless, may not have been altogether wasted. Far from it; but it does seem to me strange that no two Members who have discussed the bill agree as to just what it means and as to just what it will do. In justice to myself I want to say that I do not agree with all that has been said in favor of the pending bill, and neither do I concur in all that has been said against the bill. We all appear to agree that the measure under consideration is not a perfect bill, intended to remedy every evil incident to the subject-matter. I do not think that even its distinguished author, for whose abilities in these matters I have great admiration, will seriously assert such a claim. Take this bill all in all, and the best that can be claimed for it, in my judgment, is that it is only a feeble effort to correct, in a doubtful way and to a limited degree, long-standing and patent and glaring abuses. Will the bill in its present shape even do this? I indulge the hope that it will to some extent, and if it does it will accomplish something; and believing that it will do some good, that it will remedy some evils, that it will correct some abuses, I shall vote for the bill; because with all its faults, with all its doubts, with all its omissions, with all its defects, I sincerely hope, and I want to honestly believe, that it is a step in the right direction—a legislative advance—a Congressional stride forward along right lines for the benefit of the many against the selfish interests of the few. [Applause.]

Now, Mr. Chairman, as I said, there are some things about this bill that I do not like, and that I would change if I could have my way. I trust I will be forgiven by the sponsors of the bill if I indulge in a few criticisms of the measure, and, by way of suggestion, point out some glaring defects that should be cured by amendment to make the legislation more effective. The bill is a long one, but not a very comprehensive measure. It is an amendment to the interstate-commerce act, and purports to enlarge the powers of the Interstate Commerce Commission. The committee reporting the bill generously admit that in its preparation they were aided by the study of all the

bills introduced by Members on this subject, and I want to say that I introduced at the beginning of this session what I believe to be a bill in the right direction, a bill that I seriously believe if enacted into law would, to a very great extent, effectually put a stop to railroad rebates and transportation discriminations. It is a short bill and a simple bill and a comprehensive bill. I do not know what consideration it received from the committee reporting the bill before us, but I do know that if it were a part of the law not a transportation company in the land would dare violate its provisions, because if it did the doors of a felon's jail would open to receive the officials of the company granting the rebate or discrimination, as well as the shipper receiving the gratuity and the favoritism. I have no vanity in the matter. I am seeking results for the best interests of all the people.

I do not claim perfection for my bill, like some of the zealous advocates of the pending bill claim for the measure now before us; but I do claim that my bill, to say the least, will go very far toward the serious solution of the many problems confronting us, and, in my opinion, have a beneficial tendency to correct present interstate transportation abuses. I believe that one of the greatest evils complained about in all these matters is the rebate abuse, by which an unjust discrimination is made between shippers and a rebate given back to one shipper, or to several shippers, which all the others must contribute to by paying an exorbitant rate.

This bill, sir, which I introduced (H. R. 8414) to amend the interstate-commerce act, and which is referred to in the report of the committee, would, in my opinion, effectually put a stop to rebates by making the rebate, if one is given, the maximum rate—that is to say, the rate paid minus the rebate would stand as the highest rate. If this bill were a law I am satisfied that no railroad or other transportation company could give a rebate without the fact being quickly found out by some shipper who was discriminated against, and just as soon as the fact of the rebate was established the Commission would fix the rate charged minus the rebate as the maximum rate. I believe if some provision of that kind were put in the bill now under consideration with a criminal penalty clause for its violation, it would effectually do away with rebates; but I would go further in this matter and make it a felony for any official connected with a railroad company, or other transportation system, doing an interstate commerce business, to grant a rebate, or for any shipper over the line to receive a rebate. If this were the law I am satisfied there would be no more rebates and that the evil would cease for all time to come. [Applause.]

We should make the punishment fit the crime, and if we do I believe there will be no more railroad rebates. Put in the bill a provision making the giving or the receiving of a rebate a criminal offense, punishable by a long term of imprisonment, and I say to the Committee on Interstate and Foreign Commerce and to the Members of this House, and I say to the country, that there would not be a railroad or interstate transportation company that would give a rebate, and no shipper would dare receive a rebate for love or money. [Applause.] You will never stop this iniquitous system of rebate favoritism and discrimination until you point to the prison doors. If this bill were intended to carry out the recommendations of the President it would contain a provision of this kind and the problem, so far as secret rebates are concerned, would be solved, and you never again would hear a shipper complain about a railroad or any other great public-utility transportation company doing an interstate-commerce business giving a secret rebate. [Applause.]

But here we have the unanimous report, the concentrated wisdom, of all the members of the Committee on Interstate and Foreign Commerce, and after laboring industriously for a year [laughter] they bring forth this remarkable document [laughter], this bill of twenty-six long pages of uncertain phrases, that a Philadelphia lawyer can not comprehend [laughter], and which, I undertake to say, if placed on the statute books in its present shape and ultimately held to be constitutional, will not accomplish the purpose desired by the people of the country who have been complaining for the last quarter of a century against these unjust and unreasonable rates, these railroad favoritisms, and these interstate transportation discriminations. [Applause.]

I can demonstrate it, I think, in a very few words. If the gentlemen interested will glance at page 11 of this bill, section 15, they will find there what may aptly be termed the weak link in the chain of this measure. [Laughter.] On page 11, line 5, section 15, the bill prescribes the procedure of the Commission to fix and establish "a fair and just and reasonable rate." Then follows this significant language:

"That such order shall go into effect thirty days after notice to the carrier, and shall remain in force and be observed by the carrier unless"—mark the language. Here is what I believe to

be the little joker in this bill [laughter]—"unless the same shall be suspended or modified or set aside by the Commission, or suspended or modified or set aside by a court of competent jurisdiction." Here is the committee's little black man. [Laughter.] This is the African in the railroad wood pile. [Laughter.] Can these words be misunderstood? I think not. I believe the railroads of the land and their lawyers are aware of their significance. I believe they know the import of this section, and I want to submit in all candor [laughter] to the railroad lawyers of the country how they interpret these words in the last line, to wit: "Or be suspended or set aside by a court of competent jurisdiction?" They know now what these words mean. I think I know what they mean, but the people who want railroad-rate legislation will find out later what they mean. [Laughter and applause.]

The word "suspended," if I am not mistaken, is used in this section of the bill advisedly, and it was put in there to baffle the efforts of those most anxious to accomplish something for the relief of the shippers of the country from unjust railroad rates and discriminations. I am aware that the word "suspended" has a well-known definition. [Laughter.] I am inclined to believe, however, that some of us just now fail to grasp the real significance of the word [laughter]; but if this bill becomes a law in its present shape those now crying at the doors of Congress for relief against railroad extortion will soon find out the fatality and the significance of the word "suspended." [Laughter.] Then some of us will be "suspended" by our trusting constituents. [Laughter.] The whole object sought by this remedial legislation may "hang" on this ominous word "suspended." [Laughter and applause.] And when the poor and injured shipper complains to the Interstate Commerce Commission created by this bill, consisting of seven members hereafter to be appointed for a term of seven years, at an annual salary of \$10,000—and I can imagine the struggle of the railroads to get just the right kind of men on this new commission—when the shipper makes his complaint, and the Commission fixes the rate—that is to say, makes its order establishing a fair and just and reasonable rate—I can see in my mind's eye the temporary joy of the shipper, until the railroad lawyer rushes into court and during the thirty days allowed gets an injunction "suspending" the order of the Commission, and then what is the poor shipper to do? Why, go on paying the old railroad rate just the same as before. That is the way it will be done. [Applause.]

Let us, for the sake of argument, assume a case and follow it to its logical end. This bill in its present shape becomes a law. The new Commission, we will assume, has been appointed and a shipper who has been discriminated against for years, or who has been injured by rebates, who has been getting poorer and poorer while some other favored shipper, who has been profiting by his misfortunes, is getting richer and richer, makes complaint before the Commission and establishes that the rate he is paying is unjust. The Commission, on all the testimony adduced, is satisfied his complaint is justified and thereupon makes an order fixing a just and reasonable rate. That order will not go into effect for thirty days, and before it can go into effect—that is, during the thirty days, if the order is not satisfactory to the railroad company—the railroad lawyer will go into a court of "competent jurisdiction" and get an injunction "suspending" the order. Then the shipper will have to pay the old extortionate rate, and if he wants to fight the matter he must hire an experienced lawyer to carry the case up on appeal, and before the court of last resort adjudicates the matter between the railroad company and the shipper to see whether an injustice has been done or not, the shipper's business will be "suspended" [laughter] or in the hands of a receiver, and unless the shipper is a well-to-do and a shrewd and a sagacious and a pertinacious business man he will be "suspended" ere the final judgment of the case in the United States Supreme Court. [Great laughter and applause.]

With all due respect to the erudite authors and distinguished sponsors of the pending bill, I am inclined to think that this provision can be materially changed for the better by an amendment I shall suggest. If the bill becomes a law in its present shape, I am afraid it will accomplish very little of lasting benefit to the shippers and producers of the country, and will have a tendency to cause endless delay, and interminable litigation, and perhaps be the means of defeating the very object desired and sought to be accomplished. I am in earnest about this matter. I want to be fair. I do not want to create discord. I have no desire to find fault. I shall not be captious in my criticism of the pending bill. I am in favor of it, but I want to make it effectual—I want to make it really reach the evils involved and permanently cure them in the speediest possible way. [Applause.]

I am with the people in this railroad fight for justice. I

have great personal regard for the distinguished chairman of the committee reporting this bill, but I would be false to myself and to this great cause if I did not honestly say that I believe that he and all the members of the committee could have presented to this House, under all the circumstances, a very much better bill, and I trust I will be pardoned if I am impelled by my sense of duty, and my conception of the gravity of the situation, and the importance of the subject-matter, to point out in the kindest way some of the serious defects, some of the glaring errors, and what I consider after all the vital weakness of the pending measure. [Applause.]

Hence, Mr. Chairman, I regret to say that I can not and I do not altogether agree with some of my colleagues who are congratulating themselves, and the committee, on the unanimity of the report in favor of this measure, and that the bill in its present shape is going to pass the House by a practically unanimous vote. It is true that the bill comes before the House with a most harmonious report; but a unanimous report from a committee on an important piece of legislation like this against great centralized corporate interests is not an evidence to my mind that the bill is a perfect measure and a complete remedy for existing evils. As an old and experienced legislator, having served for some time in two capitals, it is my opinion that in a great many instances where the report of a committee is unanimous in favor of a bill, especially a bill of such great magnitude as the one under consideration, which affects so many entrenched and powerful interests and which has met with so much opposition heretofore from the very interests affected—I say that the unanimity is susceptible to the construction that the bill is so drawn that somebody is going to be fooled. I do not know whether it will be those who want this legislation or those who do not want it, but I am inclined to think, that if this bill becomes a law in its present shape, that those who want it will be, to say the least, disappointed.

I believe that if the great interstate transportation companies were opposed to this bill their power and their influence would be so far-reaching that there would be a great deal more opposition to the bill than at present is evident. It is a fair assumption to believe that if the railroads of this country were opposed to this bill the measure would not meet with a practically unanimous vote in the House of Representatives. I do not want to go into details. It is unnecessary for me to elaborate the proposition. I have no desire to be a carping critic. Far be it from me to disturb the placid waters existing at present in this body. Of course I assume that the great transportation companies of the country have felt for some time that the demands of the people for the enforcement of the laws, for the abolition of rebates, and for more just and reasonable railway rates would have to be conceded to sooner or later, and perhaps they are willing to accept this weak and doubtful measure rather than run the risk of further arousing public indignation and the enactment of more drastic legislation to curb the power of these great interstate transportation companies.

Everyone familiar with the subject is aware of the fact that for years there have been secret rebates and unlawful discriminations by railroad companies and other transportation corporations to favored shippers. These discriminations and these favoritisms are criminal and must be stopped, and if the laws on the statute book now are not strong enough to put a stop to them, then we must make new laws rigid enough to put an end to them in this country forever. Whether this bill will stop them or not I do not now undertake to say, but I do hope that the bill will be materially amended ere it becomes a law, with the object of more effectually stopping them. I know of no greater injustice to the producers of our country than to have a transportation company give a rebate to one shipper at the expense of all the others. There should be no favoritism; the rate should be the same for all shippers and for all producers; equal rates, equal rights, and equal opportunities for all should be the rule. But we know the history of the past, and we do know of many cases where one shipper has been favored at the expense of all the other shippers until the favored shipper controlled the product of the industry, drove out of business every competitor, and ultimately secured a complete monopoly.

If you will read the testimony which has been adduced in several investigations heretofore held at the instance of the Government you will readily comprehend the truth of this proposition. But I do not care at this time to go into details or to be too critical. I am an optimist and not a pessimist; I hope for the best; and I trust the bill will be materially amended and become a law and accomplish some good. I shall do my best to improve the bill by amendments, if they will be permitted; but I can not refrain now from telling what I actually believe and to voice my convictions and say that the bill in its present shape is not satisfactory to the real friends of Federal regula-

tion. It is a good deal of a makeshift; it is weak; it is apologetic, and the railroads are not opposing it. That puts me on inquiry. The unanimity with which it is going through this House also lends color to the suspicion that the railway interests of the country see no danger in its wishy-washy provisions.

It looks to me as if the fight for a square deal from the railroads is far from won, and the friends of rate reform and governmental regulation of interstate transportation companies must keep up the fight and fight harder than ever. [Applause.]

It is apparent to me that if this bill were intended to compel the railroads to live up to the law now on the statute books, if it were a bill to force the transportation companies to give fair and just and reasonable rates to every producer and to every shipper, you would find these halls filled with railroad lawyers and transportation lobbyists protesting against the passage of the bill; and I am frank to say that the bill would not meet with so very little opposition. But I have not heard of a railroad protesting against the passage of this bill. I have yet to learn of a transportation company sending to the House objections to the enactment of this legislation; and I have not seen nor heard of a single railroad lawyer who has been sent here to argue against the progress of the bill; and so, as I say, I am inclined to be doubtful as to the effectiveness of the remedy proposed in the pending measure. [Applause.]

Mr. GROSVENOR. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. SULZER. Yes; I always yield to the gentleman.

Mr. GROSVENOR. Would the gentleman from New York know a lobbyist when he saw one?

Mr. SULZER. Well, that depends. There are lobbyists and *lobbyists*, and I do not pretend to be very familiar with either class; but I think I do know a few railroad lawyers when I see them. [Laughter.] I have been a practitioner of the law in an humble way for a number of years, but I have never been retained by any of the great interstate-commerce railroads and corporations. I have been retained, however, now and then by a few honest and sensible clients [laughter] to institute suits against railroads and other interstate-commerce corporations, and my clients will inform those desirous of knowledge concerning the matter that I have generally succeeded in securing for them a speedy trial, justice, and a square deal. As a legislator my sympathies have always been with the under dog, with the poor and the oppressed, with the toiler and the bread winner; and whenever an injustice was committed by some powerful corporation against the weak and the helpless I have been on the latter's side; and as a lawyer my field of professional endeavor has been along the lines of helping the poor and the humble and the distressed; and I suppose I am so constituted that I will continue to do so all the rest of my life, to the loss no doubt of my bank account, but with the approval of my conscience. [Applause.]

I could have been a railroad lawyer had I desired to enter that field of human activity; in fact, I have received one or two offers in my time to devote my energies to that branch of the law. I recollect a very flattering offer made to me a few years ago of \$25,000 a year; but I never was very anxious to make money, with me money is a secondary consideration; and I have preferred to pursue the even tenor of the simple life, to work out my professional salvation in my own way and my political career along my own lines. [Laughter.] I work pretty hard here in the Halls of Congress, day in and day out, week in and week out, trying to do the right thing for my constituents and the square thing for the good of the people generally throughout the country. I am content with my work; I rather like it. I would not exchange places with any of the opulent members of "the system." I have cast my lot along the pleasant sunshiny highways of humanity; but sometimes it seems to me that almost every man in the land who has a grievance, or thinks he has a grievance, comes to me to set things right and to secure him justice. I spend a great deal of valuable time investigating some of these complaints, and it takes much labor to do so conscientiously; but whenever I find a case that is really and truly a worthy cause I do not fear or hesitate to take up the burden of the fight and do the best I can. This may be altruistic, and I know that often my efforts are unappreciated, derided, misconstrued, and futile, but I suppose, nevertheless, that I will go on doing so to the end of my time. [Applause.]

I know that the world, that the great big world,
From the pauper up to the king,
Has a different tale from the tale I tell,
And a different song to sing;
But for me, I care not a single fig
If they say I'm wrong or I'm right,
For I'll always go in, if I go in at all,
For the under dog in the fight.

[Applause.]

Now, Mr. Chairman, I want to give credit in this debate to whom credit is due. I want to say that I have been an interested listener to several of the excellent and eloquent speeches which have been delivered for and against this measure, not only an attentive and interested listener, but I have been edified, instructed, and highly entertained. I listened with great interest, as I always do, to my genial friend from Pennsylvania [Mr. SIBLEY]. He ridiculed the bill and arraigned its effectiveness, and I was much amused by the serious earnestness of his incisive and epigrammatic and eloquent remarks. The gentleman nearly convinced me that I ought to vote against the bill of my distinguished and erudite friend from the classic fields of Iowa. [Laughter.] I was greatly interested and listened with rapture to the studied periods of my always eloquent and distinguished friend, the gentleman from Maine [Mr. LITTLEFIELD]. He seemed to prove to his own satisfaction the inability of the people to govern themselves. [Laughter.] His argument was an indictment of free institutions—an arraignment of the power of public opinion. [Applause.] I can not follow the gentleman from Maine. I believe in the people. I trust the people. I know the people are capable of self-government. [Applause.] I was much impressed with the beautiful diction and the eloquent words of the scholarly gentleman from Massachusetts [Mr. McCALL], who has given a great deal of study and consideration to every phase of this whole subject; and if I did not know a little about it myself, I think I would be inclined to take his pessimistic view of the results that will follow if this bill should become a law in its present shape. [Laughter.] With these three eminent statesmen against the bill, I began to ponder whether I could conscientiously give it my vote and my support. [Laughter.] I always try to be right, but I know I am not infallible, and I concluded to wait—to hold my peace—to content my soul in patience—until I could listen to the wisdom and the dulcet voice of my dear old friend and philosopher the learned and experienced gentleman from Ohio [Mr. GROSVENOR]; and lo! he began to speak; and to my amazement I heard him call the bill a fake—just think of it—a fake! [Laughter.] Is it any wonder we are bewildered? [Laughter.]

But, then, it is only fair for me to say that although I do not often agree with the gentleman from Ohio regarding the merits of proposed legislation, I do, in this instance, however, agree substantially with him regarding the significance of the omission in this bill of express cars and palace cars and sleeping cars. I do not know of any good reason why these railway cars should be carefully omitted from the grasp of the provisions of this bill, but perhaps we shall be enlightened about this later on by some of the speakers for the bill. [Laughter.] I think these palace and sleeping and express cars should be amenable to the plan and the scope and the possibilities of this bill, and I would amend the bill to bring them within its provisions, together with all the other private cars and car lines of the country. The private-car line system is one of the most iniquitous frauds in the transportation business and should be wiped out. I am with the gentleman from Ohio on these propositions. I shall be glad to vote with him to put all these cars under the provisions of this bill. I commend the gentleman from Ohio, and I assure him I shall vote for his proposed amendment—

Mr. GROSVENOR. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. SULZER. Certainly.

Mr. GROSVENOR. I did not state that I would offer any such amendment as that.

Mr. SULZER. I thought that is what the gentleman wanted to do. If I remember correctly, the gentleman was complaining because he could not—

Mr. GROSVENOR. I pointed out the care that had been taken in the drafting of the bill. But my amendment is a matter of very much more importance, in my judgment. That is the one relating to the commingling of the corporation that produces the goods that are shipped on the railroad and the corporation that handles the railroad.

Mr. SULZER. Very good; I am with the gentleman on that proposition, too. [Laughter.] But I understood the gentleman from Ohio to complain about the omission from the provisions of this bill of palace, sleeping, and express cars, and I concur with the gentleman and justify his complaint, and think it is a mistake that these cars, doing an interstate-commerce business, should be omitted from the provisions of the measure we have before us. They should be included in this bill, and the gentleman from Ohio was quite right in what he said in this connection. But he went further and complained most bitterly that the House was going to stand by the Committee on Interstate and Foreign Commerce and pass this bill just as it is now,

just as it came from the committee, without the crossing of a "t" or the dotting of an "i," and vote down every amendment that will be offered by any Member to strengthen the bill and make it a more perfect measure. [Laughter.]

I was astonished when I heard the gentleman make this complaint. It was a great surprise to me to hear him protest about the majority standing by its own committee. I am making no complaint, because I know it is useless, and I am not surprised that the majority will stand by the bill of the committee and vote down all amendments. I am surprised, however, that we are granted the poor privilege—for the sake of the record—of offering amendments at all to make the bill better, more perfect, more complete, and more effectual. I am surprised that the Committee on Interstate and Foreign Commerce did not go to the Committee on Rules of the House and have that committee, of which the gentleman from Ohio is an active member, bring in a rule, as it usually does, making this bill a special order and precluding a Member from offering an amendment, allowing him only the right to do one thing, and that is to vote for the bill or to vote against it. So the gentleman from Ohio complains that he is only allowed to offer an amendment with the knowledge that it is understood and agreed between the majority and the members of the committee that all amendments are to be voted down; and that the bill is to be railroaded through the House just as it came from the committee. [Applause.]

It is some consolation, however, to me to know that the gentleman from Ohio realizes once in a while that Republican chickens come home to roost. [Laughter.] But I inferred the gentleman as a last resort intended to vote for the bill. So shall I; but I do so with reluctance and many misgivings, and only because I know that it is not the best bill, but the one bill that the real and sincere friends of railroad-rate reform and governmental regulation of interstate common carriers can get for the people at the present time. [Applause.]

Mr. Chairman, I have earnestly studied the various bills which have been introduced thus far in this Congress regarding railway-rate legislation and the regulation of interstate commerce transportation companies, and briefly referred to by name and number at the beginning of the report of the Interstate and Foreign Commerce Committee which accompanies the bill now under consideration. It will be of considerable interest, in my opinion, for the industrious Members of the House to get these respective bills and read each and every one of them carefully.

One of the best of these bills, in my judgment, is the measure introduced by my friend and colleague, Mr. HEARST, H. R. 469, entitled "A bill to increase the powers of the Interstate Commerce Commission and to expedite the final decision of cases arising under the act to regulate commerce by creating an interstate commerce court." This is a brief and simple bill, but a very comprehensive measure, and goes further to correct these abuses and remedy these evils than any of the bills which have heretofore been introduced, and if Mr. HEARST's bill were a law I believe that it would effectually stop the abuses we are seeking to prevent. I am sorry the bill can not be brought before the House and voted on for its merits. It has many excellent features, and it seems to me that there are many provisions in it which the Committee on Interstate and Foreign Commerce could to much advantage have incorporated into the bill which they reported, and if they had done so they would have made the bill now before us a very much stronger, and a very much better, and a very much more comprehensive measure in every respect; and one about whose constitutionality there could be absolutely no question.

There is to my mind no doubt about the effectiveness and the constitutionality of Mr. HEARST's bill, and there would be no question about the constitutionality of the bill now under consideration if the provision regarding the fixing of the rates by the Interstate Commerce Commission and the creation of the court to review the orders of the Interstate Commerce Commission were taken from Mr. HEARST's bill and embodied in the bill of the Interstate and Foreign Commerce Committee. I think it is a matter of regret that this was not done. I go further and say I think it was a mistake that the Hearst bill was not reported to the House instead of the committee bill. There should be no politics in this matter. There should be no rivalry and no personal vanity. We ought to all strive to accomplish the results so earnestly desired by the people of this country. This is one of the great questions of the day, affecting every man, woman, and child in the land, and we should all rise superior to petty politics and personal glory and try to accomplish results; and if that had been done I believe the Hearst bill would now be under consideration instead of the pending bill; or, at all events, that many of the pro-

visions of Mr. HEARST's bill would have been put into the bill now presented to the House, and that would have made the bill before us a very much stronger, a very much better, and a very much more comprehensive measure in every way, so far as the solution of these problems are concerned, and there would have been no question of doubt as to its constitutionality.

I believe, and I assert, that if Mr. HEARST's bill were substituted for the committee bill now under consideration we would be a great deal further advanced in the progress we are making to fix just and reasonable railway rates and to regulate transportation companies doing an interstate-commerce business. Mr. HEARST's bill meets the demands of the people, and means what it says and says what it means. Every friend of genuine railway rate reform and for the regulation of interstate transportation corporations knows what Mr. HEARST's bill will do, but no two members of the Committee on Interstate Commerce can agree as to just what the bill reported unanimously from that committee, and now before us, will accomplish if enacted into law. [Applause.]

Mr. Chairman, let me say again that I do not think this bill is a perfect bill by any means, and I believe it can be made a very much more effective measure if it were amended along certain indicated lines. When the bill is open for amendment I shall offer several amendments to perfect and strengthen the bill, which I hope will be adopted.

I shall offer an amendment to the bill in line 15 on page 10, after the word "any," by inserting the words "relation of rates or," so that this section of the bill will read: "Or that any relation of rates or regulations or practices whatsoever of such carrier." And in line 23, on the same page, after the word "what," I shall offer an amendment to insert the words "relation of rates or." This proposed amendment has been suggested by my friend and colleague, Mr. HEARST, and we deem it quite vital to the effectiveness of the measure. This bill absolutely ignores differentials and relations of rates. As the bill is now drawn a rate over one line to a given point may be just and reasonable, and a higher rate over the same line by a different route, or over another line, to another point may be also just and reasonable, and this would be an unjust discrimination that would work a great injury in favor of one city or locality as against another city or locality, and that could not be remedied by this bill if it were a law.

For instance, let us assume that the Commission should hold that the rate, we will say, from Chicago to Philadelphia of \$1 per ton is just and reasonable, and a rate of \$1.10 per ton from Chicago to New York over the same line, or a different line for that matter, may also be held by the Commission to be just and reasonable; and, of course, if the rates stood, as I have assumed, the traffic and the commerce would to a very large extent be diverted from the city of New York to the city of Philadelphia on account of the difference or discrimination in the relation of the rate; and this would apply to any other section of the country with equal or greater force. Thus, Philadelphia would be benefited at the expense of New York by an unjust discrimination, and New York would be powerless, under the terms of this bill, to remedy the injustice. The bill gives the Commission no power to fix a differential rate. Within recent years I am informed that nearly 1,000 complaints of unjust discriminations have been filed with the Interstate Commerce Commission, and at least seven-tenths of all these complaints have grown out of this system of the relation of rates.

As this bill stands to-day this evil would be perpetuated and could not be corrected by the Commission even if the Commission wanted to do so. I think this is a serious defect in the bill, and it ought to be corrected by this amendment.

Then, on page 11, in line 6, of the bill I shall move the amendment heretofore referred to by striking out "thirty days after notice to the carrier" and insert the word "immediately" in lieu thereof; and in line 8 to strike out the words "be suspended;" and in line 9 to strike out the words "be suspended or" and insert in lieu thereof the words "or modified;" and also strike out the words, in the same line, "competent jurisdiction" and insert in lieu thereof the words "last resort;" so that that portion of this section will read as follows:

Such order—

That is, the order of the Interstate Commerce Commission fixing the rate—
shall go into effect immediately—

Instead of, as now provided in the bill, "thirty days after notice to the carrier"—

and shall remain in force and be observed by the carrier, unless the same shall be modified or set aside by the Commission, or modified or set aside by the court of last resort.

Mr. Chairman, the amendment goes to the very core of the whole matter. I have given considerable study to the bill, and I believe that the weakest part of the pending measure is in this very provision, and a bill, like a chain, is no stronger than its weakest link. If this amendment suggested by me is adopted, the order of the Interstate Commerce Commission fixing the rate would take effect immediately and remain in full force and effect until modified or set aside by the Commission or the court of last resort. This amendment is squarely in line, and on all fours, with the recommendations of the President in his message a year ago last December. He was right then; and I say now that any other relief will be futile. As I understand it, we are legislating to remedy evils, not to encourage abuses and entail endless litigation; but under the terms of the pending bill the rate will not take effect until thirty days after notice to the carrier. I claim and I say that it ought to take effect immediately and remain in full force and effect unless modified or set aside by the Commission or modified or set aside by the court of last resort. [Applause.] Under the terms of the present bill, as I have pointed out, if the Commission makes an order fixing a rate it does not go into effect until "thirty days after notice to the carrier," and then it can be suspended, modified, or set aside by any court of competent jurisdiction.

Now, what does this mean? What will be its effect? As I read it, and as I understand it, the effect will be that when the Interstate Commerce Commission on the complaint of some injured shipper makes an order fixing a just and reasonable rate, in place of an unjust and an unreasonable rate, the transportation company will have thirty days in which to prepare a case and go into a court of competent jurisdiction and get an injunction suspending the operation of the order theretofore made by the Interstate Commerce Commission, and the old rate will go on until the matter is finally adjudicated by the United States Supreme Court; and this may take years and years, and in the meantime the shipper is being mulcted in the old unreasonable railroad rates and put to the expense of retaining lawyers, getting witnesses, and preparing an expensive law case that will take, perhaps, until the millenium to settle; thus causing, in my opinion, an endless delay and an useless amount of expensive litigation, and all at the expense of the injured shipper; and if he is a poor man he can not afford to incur the expense of this litigation. This bill then will give him no relief. This is one of the jokers in the bill; one of the bad features for the people, one of the good features for the transportation companies. It is the protection afforded the railroads. It is one of the reasons why, in my judgment, the railroads are not opposed to this bill. They can litigate these orders of the Commission until doomsday.

I shall offer the amendment I refer to at the proper time, and then we shall see if this bill is for the railroads or the people. The adoption or rejection of this amendment will determine the matter, in my opinion, to a very great extent. I am with the people in this fight, and I want to see placed on the statute books ere this session of Congress adjourns an effectual law that will accomplish in this matter what the people now demand. I think it will be a sad mistake if we attempt in a superficial way to temporize with this question. You may fool some of the people to-day, but you can not fool all the people to-morrow, and I predict that if we do not meet this question at this time in a square and broad and manly way the people will rebuke us, and rise up in their might and wrath and send here Representatives who will carry out their wishes and who will do the square thing, and who will write upon the statute books more stringent and more radical laws not only for Government rate making and Government regulation, but for Government control and Government ownership of the great public transportation utilities doing an interstate-commerce business. Mark what I say, it will be one relief or the other, one thing or the other, one remedy or the other. Take your choice—Government regulation now or Government ownership hereafter. [Applause.]

Now, Mr. Chairman, let me say that another amendment which I shall offer at the proper time and seek to have incorporated in the pending measure is the following, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

That every common carrier by railroad subject to the provisions of this act shall be liable to any of its employees who are engaged in the transportation of such persons or property, or, in the case of his death, to his personal representative or heirs at law, for all damages which may result from the negligence or mismanagement of any of its officers, agents, or employees, or by reason of any defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, ways, or works.

That in all actions hereafter brought against any such common carrier by railroad to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that

the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight in comparison to that of the employer.

That no contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to or death of such employee: *Provided, however*, That upon the trial of such action against any such common carrier by railroad the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his heirs at law.

That nothing in this act shall be held to limit the duty of common carriers by railroads or impair the rights of their employees under the safety-appliance act of March 2, 1893, as amended April 1, 1896, and March 2, 1903.

Mr. SULZER. This amendment, Mr. Chairman, speaks for itself, and is offered by me in good faith in the name of the hundreds of thousands of railway employees of the United States. Under existing law an employee of a railroad company can not recover damages for injuries sustained in the line of his duty by reason of the negligence of the railroad or the carelessness of a fellow-workman. This amendment makes a railroad company or a common carrier liable to the employee, and in case of his death to his heirs at law, in damages for the negligence or mismanagement of any of its officers, agents, or employees, or by reason of any defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, ways, or works. This amendment is not new. It is similar to a number of employers' liability bills which have been introduced in every Congress for the past twenty years. It has been indorsed and recommended by the Industrial Commission and by some of the ablest thinkers and jurists and writers in the country. The best thought to-day in the civilized world favors this change in the law applicable to common carriers, and several States in the Union have recently adopted it.

This amendment is the one act of legislation above all others that the railroad employees of this country demand, and which they have tried to secure from Congress for the last quarter of a century. In justice to these deserving and heroic men, who daily risk their lives and their limbs in hazardous occupations, it ought to be the law of the land; and if it were I unhesitatingly assert that there would be fewer railroad accidents and less loss of life by reason of them every year in the United States.

The amendment is a just measure in the interest of a most worthy and industrious and reliable class of faithful and intelligent workmen. They are entitled to it as a matter of right and in the name of justice. A railroad company, in my judgment, should be held responsible in damages to its employees for its own carelessness and for the negligence of any of its officers or agents, or by reason of any defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, ways, or works. I hope that when I offer this amendment to the pending bill when it is before the House and open to amendment—and I give notice now that I certainly shall offer it—that it will be accepted and adopted; and I know if it is adopted it will be but an act of common justice to the great army of reliable and industrious workmen of the great transportation companies, and a safeguard against accident and injury to the people generally who ride on the railroads of our country.

Make the railroads responsible in damages to their employees and take my word for it the railroads will see to it that very few accidents happen. [Applause.] If you will look over the statistics of the country, you will find that the number of railroad accidents every year is increasing, the loss of life appalling, and the list of the injured up in the hundred thousand column. Thousands of people are killed every year by railroad accidents, and tens of thousands are injured and maimed for life through the gross negligence of these interstate-commerce transportation corporations, but on account of this antiquated and unjust and discriminatory law there is no liability to the railroads. I say this old English, antique, fellow-servant doctrine, as applied to the negligence of modern railroads, is eminently unjust, and every fair-minded lawyer who has ever tried a damage suit will tell you the same thing. [Applause.] It is so ridiculous that sixteen foreign states in Europe do not now recognize it, and a majority of our own States in recent years have either abolished or modified it to a great degree. Even autocratic Russia in this regard protects her industrial railroad workers. But our own Government has yet to enact the first line of this kind of desirable legislation demanded by the vast army of patriotic and self-sacrificing railroad employees who are daily giving up their lives and their limbs to the negligence of the transportation corporations of our country.

Railroad companies by virtue of their interstate character are brought directly under the control of Congress, and therefore it is necessary from a legal standpoint for Congress to enact this

law. Several State legislatures have recently met and passed such laws, but the Republicans in this House—and they have had control of the House for over ten years—have assiduously prevented the passage of this bill; and its enactment seems to be as far off, if not farther, than it was ten years ago. It seems the railroads have more influence here than the people.

But it is said by some of the Republican Members who represent districts in which these railroad employees reside that they are in favor of this legislation and would be glad to vote for it if they could only get a chance to do so. They say the Judiciary Committee, to which the bill has been referred, will not report it and give them an opportunity to vote for it. This, I say, is the merest subterfuge and no answer to the appeal of these earnest employees for relief. The Republicans can vote the day after to-morrow for this amendment when I offer it, and if it goes out on a point of order, they can vote for a rule to make the amendment germane to the bill. Did they not vote for a rule the other day to abrogate the eight-hour labor law in the Isthmian Canal Zone? Then let them vote to adopt this amendment or for a rule to make it germane to this bill. The Republicans in this House can no longer evade the issue and their responsibility. Now is the time for them to show their colors. Now is the time for them to be counted for or against this just and humane measure. [Applause.] The Republicans in this House are responsible for the failure for the last ten years to pass this bill, and I do not think the intelligent railroad men of the country, who are asking for this just and humane law, will longer permit the Republicans to deceive them regarding their failure to keep their promise made over and over again to enact this bill into law.

Sir, since 1896 the Republican party has practically promised the railroad workmen of the country this legislation, but it has absolutely failed to live up to its promise and enact the law. They have ordered several similar bills, to the amendment I have just proposed, to be killed in the Judiciary Committee. The Republicans have been in absolute power for the past ten years in all branches of the Government, and I charge that they have failed and neglected to carry out this promise, or any other promise, heretofore made to the toilers and the working people of the country. Their pledges to the working people have not been redeemed. They will not be redeemed. In passing laws for the workers of the land the Republican party is long on promise and short on performance. An ounce of performance is worth a ton of promise. I am now, always have been, and always will be a friend of the railroad employees of this country, and I sincerely believe that the amendment I propose in their interest, and which is all they ask, is not only just, but it is humane, and it should be granted to them. [Applause.] These faithful employees devote the best years of their lives to the service of large industrial corporations doing an interstate-commerce transportation business, and when they are injured in the line of their duty through the negligence of the corporation, or the carelessness of a fellow-employee, they should have the right under the law to recover damages the same as any passenger traveling for hire on the railroad. I say as a lawyer and as a legislator that any other rule is contrary to the spirit of the age. [Applause.]

The wisdom and the justice and the humanity of such a law should be apparent to all, and there is no better time than the present and no better way than the one I suggest to place this just law on the statute books. If the Republicans mean to do what they promised, they will accept my amendment and put it in this bill; if they were simply fooling the railway working people when they promised to pass this measure, they will object to it and rule it out. We shall see ere long how sincere these promising Republicans are. I believe the amendment will be germane to the pending legislation; but if it is not, I put the Republicans on notice now, and I suggest that the Republican organization of the House bring in a special rule providing that this proposed amendment in behalf of the railroad employees be made germane to his bill. The Republican organization of the House brought in a special rule the other day to put an amendment on the urgent deficiency appropriation bill suspending the eight-hour law in the Isthmian Canal Zone. If you can do it in that case, you can do it in this case. Be fair and be honest now with these deserving people. Here is the opportunity to prove your sincerity. The other day the amendment abrogating the eight-hour law was made germane to an appropriation bill quick enough when you wanted to do it, and the eight-hour law was ruthlessly "suspended" without giving the labor representatives an opportunity to be heard before a committee of this House. [Applause.]

If the Republicans are sincere in regard to their promises to the employees of the great railroad organizations of this country they will put the amendment proposed by me, and just read by

the Clerk, into this railroad bill enlarging the powers of the Interstate Commerce Commission. It appropriately belongs in this bill. Be honest and do it. The Republican party has promised the railroad working people this law, and I am offering it now as an amendment to this bill, and in my opinion it properly belongs in this bill, to see whether or not the Republicans intend to keep faith with the toilers, and to live up to their promise to the working people on the railroads of the United States. If the Republicans are sincere in what they have promised to these industrious working people they will vote to adopt this amendment, but if they simply made that promise to catch the votes of these railway employees then this amendment will not be permitted to go into this bill, but will be stricken out when I offer it, by some Republican raising the point of order; and if the point of order is sustained by the Republican Chairman of this committee on the ground that it is not germane to the bill, then I ask again that the Committee on Rules bring in a special order providing that this amendment be made germane to this bill so that every Member can vote on it. [Applause.]

Let us have a record vote and find out the truth. I believe I can safely say that every Democrat on this side of the House will vote for it. If the amendment is not incorporated into this bill it will be because the Republicans do not want it incorporated into the bill; it will be because the Republicans are insincere and have been fooling the thousands and thousands of working men employed by the great railroads and interstate transportation companies of the country.

I shall offer this amendment in good time, and I shall put to the test the sincerity of the Republicans in this House who promise the working people so much in every political campaign, and who give them so little after the campaign is over and they get back into full power in the legislative branch of the Government. I want to prove by this amendment to the Brotherhood of Railway Trainmen, to the Brotherhood of Railway Engineers and Firemen, and to the Brotherhood of Railway Employees who are their true friends and who are their real enemies in the Halls of Congress, and the record that will be made when this amendment is offered by me to this bill will be a light to guide railway employees in the future when they come to exercise that greatest of all American privileges—the elective franchise. [Applause.]

Mr. Chairman, at this time I desire to refer to another matter which I deem of some importance in connection with this pending legislation in regard to railway rates, and to give notice that when the pending bill is before the House for amendment, it is my intention to offer as an amendment my bill, now before the Committee on Interstate and Foreign Commerce of this House, entitled "A bill to create the Department of Transportation," which I now send to the Clerk's desk and ask to have read.

The Clerk read as follows:

A bill to create the Department of Transportation.

Be it enacted, etc., That there shall be at the seat of Government an executive department to be known as the Department of Transportation, and a Secretary of Transportation, who shall be a Cabinet officer and the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of \$8,000 per annum, and whose term and tenure of office shall be like that of the heads of the other Executive Departments; and section 158 of the Revised Statutes is hereby amended to include such Department of Transportation, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department.

Sec. 2. That there shall be in said Department a First Assistant Secretary of Transportation, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of \$6,000 per annum. He shall have charge of all matters in the Department of Transportation relating to steam and electric railways, and shall perform such other duties as shall be prescribed by the Secretary or required by law.

There shall be in the said Department a Second Assistant Secretary of Transportation, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 per annum; and he shall have charge of all matters in the Department of Transportation relating to telegraph lines.

There shall be in the said Department of Transportation a Third Assistant Secretary of Transportation, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 per annum; and he shall have charge of all matters in the Department of Transportation relating to telephone lines.

There shall be in the said Department of Transportation a Fourth Assistant Secretary of Transportation, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 per annum; and he shall have charge of all matters in the Department of Transportation relating to waterways and similar lines of transportation thereon.

There shall be in the said Department of Transportation a Fifth Assistant Secretary of Transportation, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 per annum; and he shall have charge of all matters of the Department of Transportation relating to pipe lines.

There shall be in the said Department of Transportation a Sixth Assistant Secretary of Transportation, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 a year; and he shall

have charge of all matters in the Department of Transportation relating to the express business.

There shall be one chief clerk, and a disbursing clerk, and such other clerical assistance as may from time to time be authorized by Congress in each of the said assistant secretaries' departments; and the Auditor for the State and other Departments shall receive all accounts accruing in, or relative to, the Department of Transportation and examine the same and thereafter certify the balance and transmit the accounts, with the vouchers and certificate, to the Comptroller of the Treasury for his decision thereon.

Sec. 3. That it shall be the province and duty of said Department of Transportation to inspect, examine, and regulate, as may be prescribed by law, all corporations engaged in interstate or foreign commerce as common carriers, or owners or operators of transportation highways; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service herein-after specified, and with such other powers and duties as may be prescribed by law.

Sec. 4. That the following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that appertains to the same, known as the Life-Saving Service, the Light-House Board, and the Light-House Service, the Marine-Hospital Service, the Steamboat-Inspection Service, the Bureau of Navigation, and the United States Shipping Commissioner, and the same are hereby transferred from the Department of Commerce and Labor to the Department of Transportation, and the same shall hereafter remain under the jurisdiction and supervision of the last-named Department; and that the Secretary of Transportation shall have complete control of the work of gathering and distributing statistical information naturally relating to the subjects confined to his Department; and to this end said Secretary shall have power to employ any or either of said bureaus, and to rearrange such statistical work and to distribute or consolidate the same, as may be deemed desirable in the public interest; and the said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and the Secretary of Transportation shall collate, arrange, and publish such statistical information so obtained in such manner as may to him seem wise.

Sec. 5. That there shall be in the Department of Transportation six bureaus, to be called the Bureaus of Transportation Corporations, and a chief of each of said bureaus, who shall be appointed by the President, by and with the advice and consent of the Senate, to serve under each of the six assistant secretaries of the Department of Transportation, and who shall receive a salary of \$4,000 per annum. There shall also be in each of said bureaus one chief clerk and one auditor and such number of examiners as may be needed to carry out the purposes of this act; said auditors and examiners shall be expert accountants and shall be paid a salary to be fixed by law and necessary expenses. There shall also be such other clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said Bureaus of Transportation Corporations, under the direction of the Secretary of Transportation, to inspect, examine, and regulate all corporations engaged in interstate and foreign commerce as common carriers, or owners or operators of transportation highways, by gathering, compiling, publishing, and supplying all available and useful information concerning such corporations, including the manner in which their business is conducted, and by such other methods and means as may be prescribed by the Secretary of Transportation, or provided by law.

Every corporation governed by this act shall make annual reports in writing to the auditor, and such reports shall in all cases include:

(a) Capital authorized and issued, the amount paid up in cash or otherwise, with a statement of the method of payment where it is not in cash.

(b) Debts, including details as to the amounts thereof, and security given therefor, if any.

(c) Obligations due from officers, which shall be separately stated.

(d) A statement of assets and the method of valuing the same, whether at cost price, by appraisal, or otherwise, and of the allowance made for depreciation. Small items of personal property included in the plant may be described by the term "sundries" or like general term.

(e) Gross earnings for the period covered by the report, all deductions necessary for interest, taxes, and expenses of all sorts, the surplus available for dividends, and dividends actually declared.

(f) Increase of assets since the last statement, with a showing in what way such increase has been secured.

(g) The names and addresses of all stockholders, with the number of shares held by each at the date of the report.

(h) The amount of stock disposed of and the amount of property taken for stock sold since the last report, with all facts necessary to show the result of the transaction.

(i) A statement showing that the corporation in question has not, during the period covered by the said report, received or given any rebates, drawbacks, special rates, or other discriminating advantages, or preferences by money payments or otherwise, from or to any railroad, pipe line, water carrier, or other transportation company or paid to any shipper any such payments; or if any such have been received or given, stating to whom, from whom, on what account, and in what manner they were so received or given, with all other details necessary for the full understanding of the transaction or transactions.

(j) The names and addresses of all officers, location of transfer or registry offices, wherever located.

(k) A statement that the corporation has not fixed prices or done any other act with a view to restricting trade or driving any competitor out of business.

(l) A statement that the corporation is or is not a party to any contract, combination, or conspiracy in the form of a trust or otherwise, in restraint of trade or commerce among the several States or Territories or with foreign nations.

(m) It shall be the duty of the auditor of each Bureau of Transportation Corporations to prescribe the form of the reports before mentioned. He may, in his discretion, require additional reports at any time, upon reasonable notice, whenever he may see fit. But his determination shall be *prima facie* proof that the notice given is reasonable.

He may also require supplemental reports whenever, in his judgment, the report rendered is in any particular or particulars insufficient, evasive, or ambiguous.

He may prescribe rules so as to avoid undue detail in making the reports, but no detail of the business of the corporation shall be considered private so as to be exempt from the examination of the auditor whenever he may demand report thereon.

He shall make public in his reports, which shall be issued annually,

all the information contained in the reports so made to him. When a report has been made by a corporation and, with all supplemental and additional reports required by the auditor, shall have been approved by him, the corporation making such report or reports shall publish the same in some newspaper nearest to its principal place of business, after the usual custom in such cases, with the auditor's minutes of approval, and shall file with the auditor proof of such publication by the publisher's certificate.

SEC. 6. That if any corporation shall fail to make a report when required, either by the terms of this act or when required by the auditor, as herein provided, said corporation shall be fined not less than one-twentieth of 1 per cent of its last annual gross earnings for each offense. Every week of failure after such reasonable written demand has been made by the auditor shall constitute a separate and distinct offense. In case also of failure, each of the directors of the said corporation shall be ineligible for the year succeeding the next annual meeting to hold either directorship or any other office in the said corporation; but any director shall be exempt from said penalty upon making a statement under oath that he has individually made such a report to the best of his ability from the facts at his disposal.

If such report is false in any material respect the officer making same shall be guilty of perjury and the corporation shall be fined not less than ten thousand nor more than fifty thousand dollars, and each false statement in any material matter shall constitute a separate offense. All fines and penalties imposed by this act shall be recovered or enforced in any court of competent jurisdiction.

SEC. 7. That it shall be the duty of the examiners, under the direction of the auditor, to make examinations of any corporation governed by this act.

Any of said examiners presenting his official credentials shall be furnished by the officers of the corporation with every facility for complete and full examination, not only of the books, but all of the property, records, or papers of the corporation, which may be necessary, in the judgment of the examiner, for a complete knowledge of the affairs of the concern.

Such examinations shall not be at fixed periods, but shall be at such times as the auditor shall fix and without notice.

Examiners shall have the power to examine under oath all officers or employees of the corporation, or any other persons having any knowledge of its affairs, and to send for, demand, and inspect books, papers, and any other matter or evidence whatever which is in the possession or control of the said corporation.

For the purpose of this act examiners shall have power to require, by subpoena, the attendance and testimony of witnesses, and the production of all books, papers, contracts, agreements, and documents relating to any matter under investigation.

Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and in case of disobedience to a subpoena the examiner may invoke the aid of any court of the United States in requiring the attendance.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal of any witness to obey a subpoena issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation or other person to appear before said examiner (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as and for a contempt thereof. The claim that any such testimony or evidence may tend to incriminate the person giving such evidence or testimony shall not excuse such person from testifying; but such testimony shall not be used against such person on the trial of any criminal proceeding.

The auditor shall also have all the authority of an examiner in any case wherein he chooses himself to act.

No examiner shall be assigned to examine any corporation who is himself interested in the business thereof, or of any competing concern, or who has relatives who are so interested.

It shall be unlawful for an examiner to divulge private business except by his report to the auditor. But such report, or the substance thereof, shall be open to public inspection.

Each examiner shall follow the rules, regulations, and directions which the auditor may from time to time lay down or communicate to him as to the method of examination, the form of report, the matters to be covered by the said examination, and all matters pertaining to his duties.

Said examinations and reports shall always cover, among others, the following questions and matters:

(a) Has the said corporation, or any officer thereof, during period covered by the examination and report, given or received any rebates, drawbacks, special rates, or other discriminations, advantages, preferences, by money payments, or otherwise, to or from any railroad, pipeline, water carrier, or other transportation company, or person engaged in interstate commerce, or from any manufacturer or vendor of any supplies or materials purchased by or for said corporation.

(b) If there have been such preferences when they were received or given, from whom or to whom, on what account and in what manner, giving all details necessary to a full understanding of the transaction.

(c) Is the said corporation or any of its officers a member of any combination having, seeking, or intending to secure a monopoly of any commodity other than such monopolies as are legally granted by patent or otherwise?

(d) Has the said corporation any such monopoly or does it use methods tending to secure such monopoly?

(e) Has it made any contracts or agreements tending to secure any such monopoly to itself or any other concern, whether owned by an individual or individuals, a corporation, or some combination of individuals or corporations?

(f) Is such corporation, or any of its officers, a party to any contract, agreement, combination, or conspiracy, in the form of a trust or otherwise, in restraint of trade or commerce among the several States or with foreign nations?

(g) Has the corporation, or any of its officers, purchased or does it hold the stock of any other corporation for the purpose of controlling its management?

Said reports of the examiners shall be *prima facie* evidence as to their truth, and may be introduced in evidence in all courts to prove the facts therein set forth. Copies certified by the Auditor shall be admissible with like effect and under the same circumstances as the original.

The word "corporation," wherever used in this act, shall be deemed to include companies and associations existing or authorized by the laws of the United States, the laws of any State or Territory, or the laws of any foreign country.

SEC. 8. That the Secretary of Transportation shall annually, at the

close of each fiscal year, make a report in writing to the Congress, giving an account of all money received and disbursed by him and his Department, and describing the work done by the Department in inspecting, examining, and regulating, as prescribed by law, all corporations engaged in interstate and foreign commerce; in the ownership, or operation, of any of the foregoing-described transportation highways or lines of transportation or engaged as common carriers in interstate or foreign commerce, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

SEC. 9. That the Secretary of Transportation shall have charge of the building or premises occupied by or appropriated to and for the Department of Transportation, of the library, furniture, fixtures, records, and other property appertaining to it, or hereafter required for use in its business; and he shall be allowed to expend for periodicals and the purposes of the library and for the rental of appropriate quarters for the accommodation of the Department of Transportation within the District of Columbia, and for all other incidental expenses such sums as Congress may provide from time to time: *Provided, however,* That where any office, bureau, or branch of the public service transferred to the Department of Transportation by this act is occupying rented buildings or premises it may still continue to do so until other suitable quarters are provided for its use: *And provided further,* That all officers, clerks, and employees now employed in any of the bureaus, offices, departments, or branches of the public service referred to in this act transferred to the Department of Transportation are each and all hereby transferred to said Department at their present grades and salaries except where otherwise provided: *And provided further,* That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the Department of Transportation shall, so far as the same are not in conflict with the provisions of this act, remain in force and effect until provided by law.

SEC. 10. That all power and authority heretofore possessed or exercised by the head of any Executive Department over any bureau, office, branch, or division of the public service by this act transferred to the Department of Transportation, or any business arising therefrom or appertaining thereto, whether of an appellate or advisory character, or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Transportation. And all acts or parts of acts inconsistent with this act are hereby repealed.

All branches of the work of the Interstate Commerce Commission, except such as relates to the work of said Commission in examining into and regulating rates and classification of rates for transportation, are hereby transferred to the Department of Transportation. But nothing in this act shall be construed as in any way abandoning any of the powers over interstate commerce and interstate carriers conferred by the interstate commerce act.

SEC. 11. That it shall be the duty of the Department of Transportation to especially see to it that all the laws regulating common carriers and interstate transportation highways are strictly enforced and that all violations of the same are promptly punished according to law. And said Department of Transportation shall execute promptly the enforcement of all orders and decisions of the Interstate Commerce Commission affecting rates, classifications, and so forth.

SEC. 12. That all said transportation corporations, and their stockholders, officers, directors, and agents, are hereby required to report annually to the Department of Transportation within ten days after each Congressional and Presidential election all sums of money contributed directly or indirectly by them to the committees, candidates, or campaign funds of the separate political parties engaged in said elections.

SEC. 13. That a person, to be designated by the Secretary of State, shall be appointed to formulate, under his direction, for the instruction of consular officers, the requests of the Secretary of Transportation, and to prepare from the dispatches of consular officers for transmission to the Secretary of Transportation such information as appertains to the work of the Department of Transportation; and such person shall be the chief of such bureau, with a salary of \$4,000 a year, and be furnished with such clerical assistance as may be deemed necessary by the Secretary of State.

SEC. 14. That this act shall take effect immediately.

Mr. SULZER. Mr. Chairman, the bill just read by the Clerk, introduced by me, to create the Department of Transportation, is a most comprehensive measure, dealing in a logical way and a practicable manner with this great interstate-commerce transportation problem. The measure provides for particular officials in the new department to investigate, report on, and regulate steam and electric railways, telegraphs, telephones, waterway traffic, pipe lines, and the express business. Powers are conferred on the department to obtain full information not only as to rates and other traffic arrangements, but as to the genuine capital employed, the resources and liabilities, earnings, dividends, etc.; and penalties, rather more severe than those usually made for the tender discipline of lawless corporations, are fixed, such as heavy fines and ineligibility of directors to retain their office when they have made false reports or defied the officials seeking information. The purpose of the bill is not to interfere with the work of the Interstate Commerce Commission in examining into and regulating rates, but to assist in the work of compelling the transportation companies to obey the law, as all others are expected to do; and if this bill were placed on the statute books, I feel confident it would help very much, and go very far to solve some of the intricate questions presented by these powerful interstate transportation systems.

I believe, sir, that if a simple bill were prepared and enacted into law, making the giving or receiving of a rebate a felony, and the power conferred on the Interstate Commerce Commission, where rates were unjust and unreasonable, to fix just and reasonable rates and maintain the same, unless modified or set aside by the court of last resort, and my bill, which has

just been read by the Clerk, placed by its side on the statute books, that the cause of the people would triumph, that the Government would control the situation, and be able to fix the rates and regulate the great interstate transportation systems of our country, instead of the great interstate transportation companies controlling and dominating the Government. [Applause.]

I have given much time and careful study to the problems which we have been debating here for the past week, and which are and have been live questions before the people of this country for the past ten or fifteen years; and I believe that if we had a Department of Transportation to regulate the railroads and the transportation companies of the country, as provided in my bill, and to see to it that they did not violate the law, and if they did violate the law that the penalties of existing laws were speedily enforced against them, I believe that most of the problems would be solved and the question at issue settled in justice to all and with injury to none.

This bill of mine, sir, to create the Department of Transportation has been approved in editorials by some of the leading American newspapers. It has met with most favorable comment by many of the leading political writers and philosophical thinkers and railway economists of the land; and I believe that sooner or later this bill of mine, or some measure of a similar character, will be enacted into law by the Congress of the United States. It is the first attempt that has ever been made in this country to deal with this interstate-transportation problem in a scientific manner and a practicable business way. And just in this connection I want to have read a letter from the American Anti-Trust League, a well-known nonpartisan organization of earnest and determined and patriotic and liberty-loving Americans, who have done and are doing most effective work for reform, for good government, for the enforcement of the laws against the criminal trusts, for honest and just and equal laws, and for every righteous struggle in the cause of the plain people, and who are organized for influential work in every State in the Union. I ask the Clerk to read to the House the following letter.

The Clerk read as follows:

M. L. Lockwood, national president; H. B. Martin, national secretary; C. T. Bride, national treasurer; W. B. Fleming, national financial secretary; William M. Morgan, national recording secretary.

National executive committee.—M. L. Lockwood (chairman), Pennsylvania; H. B. Martin (secretary), New York; F. S. Monnett, Ohio; P. E. Dow, New York; F. J. Van Vorhis, Indiana; W. T. LaFollette, South Dakota; James Barrett, Georgia; William Prentiss, Illinois; C. T. Bride, District of Columbia; H. J. Schulteis, District of Columbia; W. B. Fleming, Kentucky; W. A. L. Riegel, New York.

Capt. Charles Campbell, general organizer, New York.

"Salus populi suprema est lex."

THE AMERICAN ANTI-TRUST LEAGUE,
NATIONAL OFFICE, 1229 PENNSYLVANIA AVENUE NW,
Washington, D. C., January 20, 1906.

DEAR SIR: The national executive committee of the American Anti-Trust League believing that the prompt and thorough enforcement of the laws governing the great transportation corporations now in control of the transportation business of the nation is of most vital importance to the whole people, and believing, after a careful examination of its main features, that H. R. 8453, the bill creating a department of transportation, introduced by Congressman WILLIAM SULZER, of New York, is a much needed and effective step toward securing the proper enforcement of the laws regulating transportation, we hereby heartily indorse the said bill and urge upon Congress that it be enacted into law at the present session for the following reasons:

First. Because at the present time there is no proper provision for the enforcement of the laws governing the vast transportation business of the United States.

Second. Because H. R. 8453 provides for a thoroughly competent department of the Government, charged with the sole duty of securing an effective enforcement of the laws and regulations governing the transportation industry.

Third. The creating of such an executive department of transportation, clothed with the comprehensive supervisory and regulatory powers provided in Congressman SULZER's bill, will act as a powerful preventive of many violations of the law and will secure prompt punishment of the great corporate offenders who now seem to be beyond the reach of the law.

Fourth. Such a department of transportation, as provided in H. R. 8453, will secure full publicity in the workings of the transportation corporations, and thus prevent those numerous violations of the laws, which are only made possible because of their secrecy.

Fifth. The secret rebates and discriminations of the carriers which have built up the great criminal trusts will be prevented by the provisions embodied in Mr. SULZER's bill.

Sixth. The Interstate Commerce Commission being relieved of the enormous details of the executive duty of attempting to enforce the laws, will be able to much more effectively perform its proper function of regulating rates, classifications, etc.

Seventh. The defiance, both open and secret, of the laws by the great transportation corporations, which has become a national scandal and an intolerable abuse, can be easily put a stop to by the provisions for policing the railroad corporations and other transportation companies embodied in the Sulzer bill.

Eighth. H. R. 8453 also provides an effective check upon the great evils connected with the corrupt influence in elections, of the enormous contributions to the campaign funds of favored political parties and candidates which now prevails.

Ninth. H. R. 8453 greatly simplifies the work of government regulation and enforcement of existing laws relating to this vast transporta-

tion business by providing what we should always be extremely careful to maintain, viz., the complete separation of the legislative and executive branches of our government machinery.

For these reasons, and others that will readily commend themselves to all who carefully consider the provisions of the Department of Transportation bill (H. R. 8453), we request all friends of the proposed law to use their influence through commercial and industrial organizations, through the press, and with their Congressmen and Senators, to secure the passage of the bill at the present session of Congress.

NATIONAL EXECUTIVE COMMITTEE
AMERICAN ANTI-TRUST LEAGUE.
H. B. MARTIN, *National Secretary.*

Mr. SULZER. Mr. Chairman, that letter from the American Anti-Trust League of the United States, indorsing my bill to create the Department of Transportation, speaks for itself. It is a bugle call in no uncertain tones to every friend of governmental regulation of interstate transportation corporations to favor and aid in the enactment of the legislation proposed in my bill, and needs from me no further comment.

It is only just for me to say, however, that I have received numerous letters from all over the country in favor of this bill to create the Department of Transportation to regulate the great interstate transportation companies of the country and to be able to see to it that they obey the law and do no injury to the people. I have taken this opportunity to put the bill in the RECORD as a part of my speech to give notice to the Members of the House that I shall offer it as an amendment to the pending bill when the bill is open for amendment; and to get my measure, with all that it means, before the people generally of the country, so that those who are really interested in this great transportation question can read it for themselves, in connection with the matters now under discussion, and can study its features and their application to the problems we are endeavoring to solve; and I believe that those who look deeply and carefully into the subject and who truly and earnestly desire to accomplish something of a permanent character to compel the railways and other interstate transportation corporations, including the steam-boats, the telegraph, the telephone, the express, and the pipe line companies, to obey the law of the land, will agree with me, that this proposed legislation, embodied in this bill introduced by me, goes further than any other plan heretofore conceived to treat all the matters involved in this discussion in a practical business way and in a comprehensive governmental manner. [Applause.]

I shall do my best, Mr. Chairman, in Congress and out of Congress, to make this bill a law. I do not say it is perfect. I know in the first instance that no proposed constructive legislation is absolutely perfect; but I do claim that it is practicable, that it is comprehensive, that it is constitutional, and that it will go further in every way than any other plan thus far proposed to effectively check the evils which have grown up during the last twenty-five years in connection with our interstate transportation corporations, and do more than any other thing thus far suggested to remedy all the interstate transportation evils so bitterly complained of, at the present time, by the people of the United States. I shall welcome letters of approval, or suggestions and criticisms concerning this bill, from any and every citizen of our country who will take the trouble to study this broad and complete measure and the time to write me his views concerning it.

If it is claimed that the enactment of this bill into law would create additional offices and more expense to the Government, I answer, that if the people can get the right kind of men to occupy these offices, created in this bill, the gain will be the people's gain; and so far as the expense is concerned it will be infinitesimal in comparison with the importance of the data and statistics which will be procured, and the magnitude of the work which can be accomplished all along the line of the people's desires and demands. I say, and those who have studied this subject sufficiently to speak intelligently about it I think will agree with me, that the real solution of the problems presented in connection with the evils growing out of abuses by great interstate transportation systems is publicity and the rigid and prompt enforcement of the law, and this can only be done and accomplished by Government regulation and Government supervision of these interstate transportation corporations. It is just as practicable from a business view, and a governmental standpoint, as the supervision and the regulation by the Government of the national banks, and I say just as necessary. The railroads must be the servants of the people—not their masters.

This bill is in the interest of the toilers of our land, the shippers and producers of our country, and the people generally. If there be any genuine opposition to this legislation it comes from the interstate transportation systems that are violating the law, and dread publicity, and fear exposure, and speedy punishment through the agencies created by this bill for governmental supervision and regulation. I say the bill is a good bill, a just bill, a comprehensive bill, and a feasible construc-

tive scheme of practical legislation along proper and intelligent lines to eradicate entrenched wrongs that are to-day oppressing the people and doing a great injustice to the citizens of this country. [Applause.]

Mr. Chairman, legislative reforms are things of slow growth. It takes years of agitation to create sufficient public opinion to write a new law upon the statute books in the interest of all the people. But how different concerning the wishes of the selfish few. A great trust battening on the people's credulity, or a great monopoly fattening on special privilege and nurtured by political favoritism, can come to the halls of Congress and pass a bill for its own selfish interests and greedy purposes during the lifetime of a single session. It takes, however, a long time for the people to win; but the truth will and must eventually prevail if one man dare assert it every day. So the truth of this proposition will win in the end.

Now, Mr. Chairman, as I have said, I shall offer this bill of mine as an amendment to the pending measure when the bill is open for amendment in the House. I believe my bill is germane to the proposition we are at present discussing and will not be subject to a point of order, but whether it is or not, I want to give notice now that I am in earnest in my contention for the enactment into law of this bill, and I shall keep up the fight week in and week out until the matter is properly presented to the House and an opportunity given for discussion and a vote taken upon it on its merits. The vast extent of the interstate transportation problem and the pressing and urgent importance of legislative remedies to correct existing evils to all the people of the United States are ample warrant for Congress to give this question the deepest investigation and the fullest consideration. There are many bills now before Congress affecting this question, some good, some bad, some indifferent, but no one of the bills, in my opinion, is a complete solution of all the questions involved in the problem. Hence the disposition on the part of some of the Republican leaders, which must be manifest to all, to rush through some plainly imperfect bill, to railroad to the Senate some defective measure, and then attempt to wash their hands of all further responsibility in the matter, as was done in the last Congress with the Esch-Townsend bill, is a procedure that should not commend itself to the Members of this House, and I know will not be approved by the people.

I do not claim that my bill is a panacea for all the evils growing out of the interstate transportation problem. But I do assert that my bill proposes to settle, and settle right and for a long time to come, a most important phase of this abstruse and intricate question, and to do it in a thorough, prompt, practical, effective, and businesslike way, by publicity, and by the enforcement of the laws of our country affecting every company and corporation doing an interstate-commerce transportation business. This will include all railways, all steamboats, all express companies, all pipe lines, all telephone lines, and all telegraph lines, and the Government will be able to make investigations, secure the information, collect the data, and effectually deal with the questions involved through the instrumentalities created in this bill in an intelligent way and a comprehensive manner. [Applause.]

If this bill becomes a law the Government will be in a position to have in its power the agency to gather data, ascertain facts, get information, make investigations, enforce its orders, and prevent evils and wrongs by the strict and speedy execution of the laws now on the statute books, and if those laws are not sufficient to stop the evils complained of by the people, then the Government can recommend to Congress the enactment of additional laws to effectually eradicate every evil in connection with the interstate transportation problem.

Mr. Chairman, in studying this great question I am satisfied that three things are absolutely necessary to be done, at the present time, to effectually deal with the problems arising from the abuses of these interstate transportation systems.

First, there must be a body like the Interstate Commerce Commission, clothed with the right and authority to make just, fair, and reasonable rates in place of unjust, unfair, and unreasonable rates, and have these rates take effect immediately, and remain in full force and effect until modified or set aside by the Commission; or modified or set aside by the court of last resort. This is an administrative function and should be the sole and only power under the constitutional limitations of our Government conferred on the Interstate Commerce Commission.

Second. There must be a body clothed with authority to determine controversies, review the orders of the Interstate Commerce Commission, and interpret the laws of Congress governing and regulating transportation. This is a judicial function, and should properly be vested in the courts of our country.

Third. There should be an executive department in the National Government, with a Cabinet officer at its head, charged

with the responsibility and the sole duty of the prompt and thorough enforcement of the laws of the United States concerning companies and corporations doing an interstate-commerce business. My bill creates this department. This is an executive function, and belongs to the executive branch of the Government; and these three functions should always be kept separate and distinct.

Now, sir, I think I have stated the proposition broadly and briefly. I have drawn my bill to create such a department in the executive branch of the Government, for the effective and speedy enforcement of the laws governing every company, and every corporation, and every common carrier doing an interstate-commerce business. My plan is in line with the true principles of our institutions from the days of the fathers down to the present time, and when it is adopted by Congress, and it must be adopted sooner or later, it will provide the quickest agency for the proper and speedy execution of the laws against flagrant violations of our statutes; and, to my mind, after mature reflection and careful consideration I believe it will prove an effectual remedy for the principal evils we are trying to check and to stop; and for once and for all time eradicate from the body politic and our system of government the lawless abuses of the great and the powerful interstate-transportation companies of our country. [Loud applause.]

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. VREELAND, 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. 12987—the railroad rate bill—and had come to no resolution thereon.

EXTENSION OF RHODE ISLAND AVENUE NE.

The SPEAKER. Senate bill 56 should have been held on the table, under the rules, by request of the chairman of the Committee on the District of Columbia that it lie on the table, the committee having reported a similar House bill which was on the Calendar. Inadvertently it was referred to the District of Columbia Committee. The Chair submits to the House that, if there is no objection, the committee will be discharged from further consideration and the Senate bill will lie on the Speaker's table. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 5289. An act to provide for the selection of grand and petit jurors for the district courts in the Territory of Oklahoma.

Senate Bills Referred.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 139. An act granting an increase of pension to Frederick Le Hundra—to the Committee on Invalid Pensions.

S. 968. An act granting an increase of pension to Edward Michaelis, alias Edward Michel—to the Committee on Invalid Pensions.

S. 788. An act granting an increase of pension to Edward P. Metcalf—to the Committee on Invalid Pensions.

S. 567. An act authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri—to the Committee on War Claims.

S. 1026. An act for the relief of Gen. C. C. Andrews—to the Committee on Claims.

S. 676. An act granting an increase of pension to Joshua W. Tolford—to the Committee on Invalid Pensions.

S. 134. An act establishing an additional recording district in Indian Territory—to the Committee on Indian Affairs.

S. 1669. An act for the establishment of an additional recording district in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy—to the Committee on Claims.

S. 2625. An act for the relief of Robert W. Caldwell, First Regiment Ohio Heavy Artillery Volunteers—to the Committee on Military Affairs.

S. 2783. An act to repeal section 11 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes"—to the Committee on Indian Affairs.

S. 3321. An act granting an increase of pension to Olney P. B. Wright—to the Committee on Invalid Pensions.

S. 2872. An act for the relief of the French Trans-Atlantic Cable Company—to the Committee on War Claims.

S. R. 28. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution—to the Committee on the Library.

S. R. 12. Joint resolution authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermillion, S. Dak., to be placed on the campus of said institution—to the Committee on Military Affairs.

SALE OF CERTAIN TIMBER ON MENOMINEE INDIAN RESERVATION, WIS.

Mr. BROWN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin.

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

Mr. PAYNE. I would like to hear the bill read, Mr. Speaker.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell, under such rules and regulations as he may prescribe, the blown-down timber and the standing merchantable timber on the sections containing blown-down timber on the Menominee Indian Reservation, in Wisconsin, as herein provided, such sale to be in addition to the amount authorized to be sold annually by the act of June 12, 1890 (26 Stat. L. 146).

SEC. 2. That the timber shall be sold on stumpage, the sale to be confined to the sections containing blown-down timber, to the highest bidder or bidders, for cash, after due advertisement inviting proposals, in such manner and at such time and place as the Secretary may direct. And the Secretary shall appoint a competent man, who shall be a practical logger, to superintend the marking and cutting of the timber and the scaling of the logs, the timber to be paid for according to the Government scale, no sale, however, to be valid until approved by said Secretary. The compensation of the superintendent and scalers shall be fixed by the Secretary.

SEC. 3. That from the net proceeds of sales of said Menominee timber shall be deducted one-fifth part, which shall be deposited in the Treasury of the United States to the credit of the Menominee Indians in Wisconsin, to be used under the direction of the Secretary of the Interior for the benefit of said Indians, and the residue of said proceeds shall be funded in the United States Treasury, interest on which shall be allowed said tribe annually at the rate of 5 per cent per annum, to be paid to the tribe per capita or expended for their benefit under the direction of the Secretary of the Interior.

SEC. 4. That this act shall be and remain inoperative until full and satisfactory evidence shall have been placed on the files of the Office of the Commissioner of Indian Affairs that the sales of timber and the manner of disposing of the proceeds of same herein authorized have the sanction of the tribe, evidenced by orders of agreement taken in full council.

With the following amendments recommended by the Committee on Indian Affairs:

Insert after the word "timber," near the end of line 6, page 1, "in the north half of township No. 29, range No. 13 east, the north half of township No. 29, range No. 14 east, and in the south half of township No. 30, range No. 13 east."

Strike out the word "five" where it occurs in line 18, page 2, and insert the word "three."

Strike out all of section 4.

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were considered, and agreed to.

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

On motion of Mr. BROWN, a motion to reconsider the last vote was laid on the table.

REPRINT OF A BILL.

Mr. HILL of Connecticut. Mr. Speaker, I desire to ask unanimous consent for the reprint of the bill (H. R. 10071) to provide for untaxed denaturized alcohol for industrial purposes. It is entirely exhausted in the document room.

The SPEAKER. Is there objection?

There was no objection.

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

The motion was agreed to.

Accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of a preliminary examination of Clearwater River, Idaho—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, public 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. 10853) to prohibit gambling in the Territories, reported the same with amendment, accompanied by a report (No. 1056); which said bill and report were referred to the House Calendar.

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8133) to provide for the infliction of corporal punishment upon all male persons convicted of willfully beating their wives, and the manner and place of inflicting the said punishment, and the officers by whom the same is to be inflicted, reported the same without recommendation, accompanied by a report (No. 1057); 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. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9146) granting an increase of pension to Francis A. Jones, reported the same with amendment, accompanied by a report (No. 928); 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. 2108) granting a pension to Mattie Settlemire, reported the same with amendment, accompanied by a report (No. 929); 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. 7213) granting an increase of pension to Loucette E. Glavis, reported the same with amendment, accompanied by a report (No. 930); 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. 7222) granting an increase of pension to Levi J. Walton, reported the same without amendment, accompanied by a report (No. 931); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6813) granting a pension to Emsley Kinsauls, reported the same with amendment, accompanied by a report (No. 932); 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. 6494) granting an increase of pension to William Hughes, reported the same with amendment, accompanied by a report (No. 933); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6226) granting an increase of pension to George Bruner, reported the same with amendment, accompanied by a report (No. 934); 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. 6133) granting an increase of pension to Mary Bagley, reported the same with amendment, accompanied by a report (No. 935); 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. 6063) granting an increase of pension to Maria Dyer, reported the same with amendment, accompanied by a report (No. 936); 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. 5692) granting an increase of pension to H. G. Gardner, reported the same with amendment, accompanied by a report (No. 937); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5640) granting an increase of pension to Abraham Mathews, reported the same with amendment, accompanied by a report (No. 938); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 5605) granting an increase of pension to James S. Pelle, reported the same without amendment, accompanied by a report (No. 939); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5212) granting an increase of pension to Giles Q. Slocum, reported the same with amendment, accompanied by a report (No. 940); 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. 5028) granting an increase of pension to Samuel P. Carll, reported the same with amendment, accompanied by a report (No. 941); 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. 4957) granting an increase of pension to Elijah J. Snodgrass, reported the same with amendment, accompanied by a report (No. 942); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4741) granting an increase of pension to Stephen Dickerson, reported the same with amendment, accompanied by a report (No. 943); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4704) granting a pension to Alice Rourk, reported the same with amendment, accompanied by a report (No. 944); 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. 4685) granting an increase of pension to Jacob Rich, reported the same with amendment, accompanied by a report (No. 945); 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. 4192) granting an increase of pension to John C. Cavanaugh, reported the same with amendment, accompanied by a report (No. 946); 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. 3571) granting a pension to Eber Watson, reported the same with amendment, accompanied by a report (No. 947); 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. 3544) granting an increase of pension to Josiah M. Grier, reported the same with amendment, accompanied by a report (No. 948); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3502) granting a pension to Morris Osborn, reported the same with amendment, accompanied by a report (No. 949); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3483) granting an increase of pension to Lemuel P. Williams, reported the same with amendment, accompanied by a report (No. 950); 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. 3403) granting an increase of pension to George A. Baker, reported the same with amendment, accompanied by a report (No. 951); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3342) granting an increase of pension to Abin L. Ingram, reported the same with amendment, accompanied by a report (No. 952); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2949) granting an increase of pension to George W. Adamson, reported the same with amendment, accompanied by a report (No. 953); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2478) granting a pension to Asa M. Foote, reported the same with amendment, accompanied by a report (No. 954); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2174) granting an increase of pension to Nathaniel Buchanan, reported the same with amendment, accompanied by a report

(No. 955); 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. 1658) granting an increase of pension to George M. Drake, reported the same with amendment, accompanied by a report (No. 956); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 628) granting a pension to David L. Finch, reported the same with amendment, accompanied by a report (No. 957); 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. 13536) granting an increase of pension to Peter Cline, reported the same with amendment, accompanied by a report (No. 958); 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. 13512) granting a pension to John McLane, reported the same with amendment, accompanied by a report (No. 959); 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. 13141) granting an increase of pension to William A. Southworth, reported the same without amendment, accompanied by a report (No. 960); 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. 13129) granting an increase of pension to Pinkney W. H. Lee, reported the same without amendment, accompanied by a report (No. 961); 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. 13010) granting an increase of pension to Alice B. Hartshorne, reported the same with amendment, accompanied by a report (No. 962); 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. 12937) granting an increase of pension to James Hoover, reported the same with amendment, accompanied by a report (No. 963); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12754) granting an increase of pension to William B. Eversole, reported the same with amendment, accompanied by a report (No. 964); 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. 12713) granting an increase of pension to Augustus F. Bradbury, reported the same without amendment, accompanied by a report (No. 965); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12506) granting an increase of pension to John T. Howell, reported the same with amendment, accompanied by a report (No. 966); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12384) granting an increase of pension to Andrew Dunning, reported the same with amendment, accompanied by a report (No. 967); 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. 12027) granting an increase of pension to Nathan C. Bradley, reported the same with amendment, accompanied by a report (No. 968); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12016) granting an increase of pension to James Cassaday, reported the same with amendment, accompanied by a report (No. 969); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11842) granting an increase of pension to James M. Noble, reported the same with amendment, accompanied by a report (No. 970); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11745) granting an increase of pension to James D. Billingsley, reported the same with amendment, accompanied by a report (No. 971); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11724) granting an increase of pension to John A. Conley; reported the same with amendment, accompanied by a report (No. 972); 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. 11654) granting a pension to Emma A. Smith, reported the same with amendment, accompanied by a report (No. 973); 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. 11561) granting an increase of pension to Egbert P. Shetter, reported the same with amendment, accompanied by a report (No. 974); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11353) granting an increase of pension to Isaac M. Woodworth, reported the same with amendment, accompanied by a report (No. 975); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10883) granting an increase of pension to William Lee, reported the same with amendment, accompanied by a report (No. 976); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10770) granting a pension to Helen P. Martin, reported the same with amendment, accompanied by a report (No. 977); 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. 10807) granting an increase of pension to Jacob J. Long, reported the same without amendment, accompanied by a report (No. 978); 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. 10720) granting an increase of pension to J. F. Caldwell, reported the same with amendment, accompanied by a report (No. 979); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10632) granting an increase of pension to Samuel Preston, reported the same with amendment, accompanied by a report (No. 980); 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. 10637) granting an increase of pension to Levi I. Shipman, reported the same with amendment, accompanied by a report (No. 981); 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. 10307) granting an increase of pension to Milton A. Saeger, reported the same without amendment, accompanied by a report (No. 982); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10297) granting an increase of pension to Nicholas Hercherberger, reported the same with amendment, accompanied by a report (No. 983); 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. 10289) granting an increase of pension to Andrew Ricketts, reported the same with amendment, accompanied by a report (No. 984); 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. 10216) granting an increase of pension to Hugh Longstaff, reported the same with amendment, accompanied by a report (No. 985); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9906) granting an increase of pension to Hinman Rhodes, reported the same with amendment, accompanied by a report (No. 986); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9279) granting an increase of pension to Patrick Curley, reported the same with amendment, accompanied by a report (No. 987); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9237) granting an increase of pension to Jacob Dachrodt, reported the same

without amendment, accompanied by a report (No. 988); 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. 9209) granting an increase of pension to Stephen D. Cohens, reported the same with amendment, accompanied by a report (No. 989); 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. 9052) granting an increase of pension to Jonathan Wood, reported the same with amendment, accompanied by a report (No. 990); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was reported the bill of the House (H. R. 7955) granting an increase of pension to Newton E. Terrell, reported the same with amendment, accompanied by a report (No. 991); 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. 7711) granting an increase of pension to Samuel Dunnin, reported the same without amendment, accompanied by a report (No. 992); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7546) granting a pension to Edna Buchanan, reported the same with amendment, accompanied by a report (No. 993); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7525) granting an increase of pension to William K. Spencer, reported the same with amendment, accompanied by a report (No. 994); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 164) granting a pension to Helen A. Frederick, reported the same without amendment, accompanied by a report (No. 995); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 603) granting an increase of pension to Lide S. Leonard, reported the same without amendment, accompanied by a report (No. 996); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 666) granting an increase of pension to Andrew Patrick, reported the same without amendment, accompanied by a report (No. 997); 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. 7238) granting a pension to William J. Campbell, reported the same with amendment, accompanied by a report (No. 998); 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. 5855) granting an increase of pension to Francis L. Brown, reported the same with amendment, accompanied by a report (No. 999); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13456) for the relief of James McKenzie, reported the same with amendment, accompanied by a report (No. 1000); which said bill and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6675) for the relief of the Methodist Church at Newhaven, Ky., reported the same without amendment, accompanied by a report (No. 1001); which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1738) for the relief of Sarah A. Clapp, reported the same without amendment, accompanied by a report (No. 1002); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3459) for the relief of John W. Williams, reported the same with amendment, accompanied by a report (No. 1003); which said bill and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10233) for the relief of John S. Logan, reported the same with amendment, accompanied by a report (No. 1004); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5681) for the relief of John Lewis Young, reported the same with amendment, accompanied by a report (No. 1005); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 7642, reported in lieu thereof a resolution (H. Res. 213) referring to the Court of Claims the papers in the case of Peter Williams, accompanied by a report (No. 1009); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 539, reported in lieu thereof a resolution (H. Res. 214) referring to the Court of Claims the papers in the case of Edward Cahalan, accompanied by a report (No. 1010); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1277, reported in lieu thereof a resolution (H. Res. 215) referring to the Court of Claims the papers in the case of the estate of Ira T. Jordan, deceased, accompanied by a report (No. 1011); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 13128, reported in lieu thereof a resolution (H. Res. 216) referring to the Court of Claims the papers in the case of the estate of H. S. Simmons, deceased, accompanied by a report (No. 1012); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 11583, reported in lieu thereof a resolution (H. Res. 217) referring to the Court of Claims the papers in the case of the estate of Noah King, deceased, accompanied by a report (No. 1013); which said resolution and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House H. R. 11258, reported in lieu thereof a resolution (H. Res. 218) referring to the Court of Claims the papers in the case of the heirs of John Patterson, deceased, accompanied by a report (No. 1014); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 8655, reported in lieu thereof a resolution (H. Res. 219) referring to the Court of Claims the papers in the case of legal heirs of Raphael L. David, deceased, accompanied by a report (No. 1015); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 7640, reported in lieu thereof a resolution (H. Res. 220) referring to the Court of Claims the papers in the case of the estate of Wiley B. Brigance, deceased, accompanied by a report (No. 1016); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 11255, reported in lieu thereof a resolution (H. Res. 221) referring to the Court of Claims the papers in the case of the estate of A. P. Gafford, deceased, accompanied by a report (No. 1017), which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4376, reported in lieu thereof a resolution (H. Res. 222) referring to the Court of Claims the papers in the case of Francis M. Sheppard, accompanied by a report (No. 1018); which said resolution and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House H. R. 7886, reported in lieu thereof a resolution (H. Res. 223) referring to the Court of Claims the papers in the case of the heirs of John McH. Kelley and Allie V. Kelley, accompanied by a report (No. 1019); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 12750, reported in lieu thereof a resolution (H. Res. 224) referring to the Court of Claims the papers in the case of B. F. Moody & Co., or their legal representatives, accompanied by a report (No. 1020); which said resolution 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. 11683, reported in lieu thereof a resolution (H. Res. 225) referring to the Court of Claims the papers in the case of Mrs. Adeline D. Norris, widow of W. W. Norris,

accompanied by a report (No. 1021); which said resolution and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House H. R. 6674, reported in lieu thereof a resolution (H. Res. 226) referring to the Court of Claims the papers in the case of First Presbyterian Church, at Lebanon, Ky., accompanied by a report (No. 1022); which said resolution 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. 6677, reported in lieu thereof a resolution (H. Res. 227) referring to the Court of Claims the papers in the case of Baptist Church at Bloomfield, Ky., accompanied by a report (No. 1023); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 3473, reported in lieu thereof a resolution (H. Res. 228) referring to the Court of Claims the papers in the case of James T. Caldwell, accompanied by a report (No. 1024); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4372, reported in lieu thereof a resolution (H. Res. 229) referring to the Court of Claims the papers in the case of Louis Benecke, accompanied by a report (No. 1025); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 12006, reported in lieu thereof a resolution (H. Res. 230) referring to the Court of Claims the papers in the case of trustees of Ivey Memorial Chapel, Chesterfield County, Va., accompanied by a report (No. 1026); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 11584, reported in lieu thereof a resolution (H. Res. 231) referring to the Court of Claims the papers in the case of the estate of J. W. Marshal, deceased, accompanied by a report (No. 1027); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 3468, reported in lieu thereof a resolution (H. Res. 232) referring to the Court of Claims the papers in the case of James T. Caldwell, accompanied by a report (No. 1028); which said resolution 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. 3471, reported in lieu thereof a resolution (H. Res. 233) referring to the Court of Claims the papers in the case of William M. Mantlo, accompanied by a report (No. 1029); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 13591, reported in lieu thereof a resolution (H. Res. 234) referring to the Court of Claims the papers in the case of John B. Hannah, accompanied by a report (No. 1030); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 3478, reported in lieu thereof a resolution (H. Res. 235) referring to the Court of Claims the papers in the case of personal representatives of the estate of Alexander Myers, deceased, accompanied by a report (No. 1031); which said resolution 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. 3475, reported in lieu thereof a resolution (H. Res. 236) referring to the Court of Claims the papers in the case of the heirs of Samuel Ayres, deceased, accompanied by a report (No. 1032); which said resolution 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. 3472, reported in lieu thereof a resolution (H. Res. 237) referring to the Court of Claims the papers in the case of Mrs. Ellen H. Smith, accompanied by a report (No. 1033); which said resolution 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. 3476, reported in lieu thereof a resolution (H. Res. 238) referring to the Court of Claims the papers in the case of the trustees of Liberty Baptist Church, New Kent County, Va., accompanied by a report (No. 1034); which said resolution 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. 3479, reported in lieu thereof a resolution (H. Res. 239) referring to the Court of Claims the papers in the case of the trustees of Fourmile Creek Baptist Church, Henrico County, Va., accompanied by a report (No. 1035); which said resolution 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. 3469, reported in lieu thereof a resolution (H. Res. 240) referring to the Court of Claims the papers in the case of Margaret Myers, accompanied by a report (No. 1036); which said resolution 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. 3477, reported in lieu thereof a resolution (H. Res. 241) referring to the Court of Claims the papers in the case of the relief of the trustees of Westover Church, Charles City County, Va., accompanied by a report (No. 1037); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 4839, reported in lieu thereof a resolution (H. Res. 242) referring to the Court of Claims the papers in the case of the estate of David Wise, deceased, accompanied by a report (No. 1038); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 13462, reported in lieu thereof a resolution (H. Res. 243) referring to the Court of Claims the papers in the case of President Wolraven, accompanied by a report (No. 1039); which said resolution 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. 6765, reported in lieu thereof a resolution (H. Res. 244) referring to the Court of Claims the papers in the case of the estate of Thomas Heyser, accompanied by a report (No. 1040); which said resolution 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. 13461, reported in lieu thereof a resolution (H. Res. 245) referring to the Court of Claims the papers in the case of the estate of Enoch Humphreys, deceased, accompanied by a report (No. 1041); which said resolution 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. 5821, reported in lieu thereof a resolution (H. Res. 246) referring to the Court of Claims the papers in the case of N. C. Fears, administrator of the estate of W. S. Fears, deceased, accompanied by a report (No. 1042); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 3619, reported in lieu thereof a resolution (H. Res. 247) referring to the Court of Claims the papers in the case of the trustees of the Cumberland Presbyterian Church, of Pulaski, Tenn., accompanied by a report (No. 1043); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 13459, reported in lieu thereof a resolution (H. Res. 248) referring to the Court of Claims the papers in the case of David H. Neely and Jane A. Neely, accompanied by a report (No. 1044); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 3650, reported in lieu thereof a resolution (H. Res. 249) referring to the Court of Claims the papers in the case of the vestry of St. Peters Protestant Episcopal Church, of Columbia, Tenn., accompanied by a report (No. 1045); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 11252, reported in lieu thereof a resolution (H. Res. 250) referring to the Court of Claims the papers in the case of Presbyterian Church, Glasgow, Howard County, Mo., accompanied by a report (No. 1046); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 8600, reported in lieu thereof a resolution (H. Res. 251) referring to the Court of Claims the papers in the case of W. N. Hedden, accompanied by a report (No. 1047); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R.

3666, reported in lieu thereof a resolution (H. Res. 252) referring to the Court of Claims the papers in the case of the estate of J. J. Walker, deceased, accompanied by a report (No. 1048); which said resolution 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. 3658, reported in lieu thereof a resolution (H. Res. 253) referring to the Court of Claims the papers in the case of the trustees of the Methodist Episcopal Church South, of Triune, Williamson County, Tenn., accompanied by a report (No. 1049); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 4868, reported in lieu thereof a resolution (H. Res. 254) referring to the Court of Claims the papers in the case of Joseph T. Chance and the heirs of John R. Burton, deceased, accompanied by a report (No. 1050); which said resolution 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. 6809, reported in lieu thereof a resolution (H. Res. 255) referring to the Court of Claims the papers in the case of W. J. Craddock, accompanied by a report (No. 1051); which said resolution 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. 6810, reported in lieu thereof a resolution (H. Res. 256) referring to the Court of Claims the papers in the case of Stephen F. Fulford, accompanied by a report (No. 1052); which said resolution 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. 4235, reported in lieu thereof a resolution (H. Res. 257) referring to the Court of Claims the papers in the case of the estate of Robert M. Williams, deceased, accompanied by a report (No. 1053); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 13460, reported in lieu thereof a resolution (H. Res. 258) referring to the Court of Claims the papers in the case of the estate of William Lewis, deceased, accompanied by a report (No. 1054); which said resolution 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. 13452, reported in lieu thereof a resolution (H. Res. 259) referring to the Court of Claims the papers in the case of the heirs of Larkin Clark, deceased, accompanied by a report (No. 1055); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11156) for the relief of Julius Franks, reported the same adversely, accompanied by a report (No. 1006); which said bill and report were ordered laid on the table.

Mr. MAHON, from the Committee on War Claims, to which was referred the petition of the House relative to a claim for damages against the Government for Matilda M. Fairex, reported the same adversely, accompanied by a report (No. 1007); which said petition and report were ordered laid on the table.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6720) for the relief of Mrs. Emma P. Barbour, reported the same adversely, accompanied by a report (No. 1008); which said bill and report were ordered laid on the table.

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. 14172) to provide a temporary substitute for the United States district judge in the Territory of Porto Rico—to the Committee on Insular Affairs.

Also, a bill (H. R. 14173) to provide a temporary substitute for the United States district judge in the Territory of Hawaii—to the Committee on the Judiciary.

By Mr. PALMER: A bill (H. R. 14174) supplementary to an act to create the middle district of Pennsylvania—to the Committee on the Judiciary.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 14175) to further amend the act granting pensions to soldiers and sailors

who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents, passed June 27, 1890—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14176) to authorize the Secretary of War to issue certificates of discharge to certain members of the Pennsylvania Volunteer Militia and the Provisional Pennsylvania Militia—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 14177) authorizing and directing the Secretary of the Interior to transfer to the State of Michigan, for the use of a forest reserve, all the Government lands situated in township 21 north, ranges 3 and 4 west, the north half of township 24 north, range 4 west, and south half of township 25 north, range 4 west, State of Michigan—to the Committee on the Public Lands.

By Mr. WELBORN: A bill (H. R. 14178) establishing the Wilson Creek National Military Park—to the Committee on Military Affairs.

By Mr. BROOKS of Colorado: A bill (H. R. 14179) establishing two judicial districts in the State of Colorado—to the Committee on the Judiciary.

By Mr. JONES of Washington: A bill (H. R. 14180) to authorize the construction of a telephone line from a point at or near Cape Flattery to a point on the north side of Grays Harbor, State of Washington, in aid of the preservation of life and property—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: A bill (H. R. 14181) to declare a portion of the Red River of the North unnavigable—to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 14182) for the establishment of a fish-cultural station in the State of Florida—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Maryland: A bill (H. R. 14183) for the establishment of two beacon lights at the mouth of La Trappe River, Maryland, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Texas: A bill (H. R. 14184) to extend the irrigation act to the State of Texas—to the Committee on Irrigation of Arid Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 14185) to authorize the sale of the property and the migration of certain full-blood Indians, and for other purposes—to the Committee on the Judiciary.

By Mr. GILLETT of Massachusetts: A bill (H. R. 14186) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment—to the Committee on the Judiciary.

Also, a bill (H. R. 14187) to extend and regulate the liability of certain classes of employers to make compensation for personal injuries suffered by employees in their service—to the Committee on the District of Columbia.

By Mr. MORRELL: A bill (H. R. 14188) to provide for the further purification of the water supply of the District of Columbia—to the Committee on the District of Columbia.

By Mr. ACHESON: A bill (H. R. 14189) to establish lights on the Monongahela River—to the Committee on Interstate and Foreign Commerce.

By Mr. McNARY: A joint resolution (H. J. Res. 96) authorizing the President of the United States to direct the ambassador of the United States to France to procure from the Government of France the names of the officers and men who served in the so-called Irish regiments of the French army in the war of the American Revolution—to the Committee on Foreign Affairs.

By Mr. CAMPBELL of Kansas: A resolution (H. Res. 212) asking for investigation of the affairs of the People's United States Bank, of St. Louis—to the Committee on Rules.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 213) referring to the Court of Claims H. R. 7642—to the Private Calendar.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 214) referring to the Court of Claims H. R. 539—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 215) referring to the Court of Claims H. R. 1277—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 216) referring to the Court of Claims H. R. 13128—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 217) referring to the Court of Claims H. R. 11583—to the Private Calendar.

By Mr. HOLLIDAY, from the Committee on War Claims: A resolution (H. Res. 218) referring to the Court of Claims H. R. 11258—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 219) referring to the Court of Claims H. R. 8655—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 220) referring to the Court of Claims H. R. 7640—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 221) referring to the Court of Claims H. R. 11255—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 222) referring to the Court of Claims H. R. 4376—to the Private Calendar.

By Mr. HOLLIDAY, from the Committee on War Claims: A resolution (H. Res. 223) referring to the Court of Claims H. R. 7886—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 224) referring to the Court of Claims H. R. 12750—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 225) referring to the Court of Claims H. R. 11683—to the Private Calendar.

By Mr. KENNEDY of Nebraska, from the Committee on War Claims: A resolution (H. Res. 226) referring to the Court of Claims H. R. 6674—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 227) referring to the Court of Claims H. R. 6677—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 228) referring to the Court of Claims H. R. 3473—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 229) referring to the Court of Claims H. R. 4372—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 230) referring to the Court of Claims H. R. 12006—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 231) referring to the Court of Claims H. R. 11584—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 232) referring to the Court of Claims H. R. 3468—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 233) referring to the Court of Claims H. R. 3471—to the Private Calendar.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 234) referring to the Court of Claims H. R. 13591—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 235) referring to the Court of Claims H. R. 3478—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 236) referring to the Court of Claims H. R. 3475—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 237) referring to the Court of Claims H. R. 3472—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 238) referring to the Court of Claims H. R. 3476—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 239) referring to the Court of Claims H. R. 3479—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 240) referring to the Court of Claims H. R. 3469—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 241) referring to the Court of Claims H. R. 3477—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 242) referring to the Court of Claims H. R. 4839—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 243) referring to the Court of Claims H. R. 13462—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 244) referring to the Court of Claims H. R. 6765—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 245) referring to the Court of Claims H. R. 13461—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 246) referring to the Court of Claims H. R. 5821—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee

on War Claims: A resolution (H. Res. 247) referring to the Court of Claims H. R. 3619—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 248) referring to the Court of Claims H. R. 13459—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 249) referring to the Court of Claims H. R. 3650—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 250) referring to the Court of Claims H. R. 11252—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 251) referring to the Court of Claims H. R. 8600—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 252) referring to the Court of Claims H. R. 3666—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 253) referring to the Court of Claims H. R. 3658—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 254) referring to the Court of Claims H. R. 4868—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 255) referring to the Court of Claims H. R. 6809—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 256) referring to the Court of Claims H. R. 6810—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 257) referring to the Court of Claims H. R. 4235—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 258) referring to the Court of Claims H. R. 13460—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 259) referring to the Court of Claims H. R. 13452—to the Private Calendar.

By Mr. GILLESPIE: A resolution (H. Res. 260) requesting the President of the United States to direct the Interstate Commerce Commission to investigate and report to the House concerning certain railroads—to the Committee on Interstate and Foreign Commerce.

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. ADAMS of Pennsylvania: A bill (H. R. 14190) for the relief of James Gwyn—to the Committee on Claims.

By Mr. BARCHFELD: A bill (H. R. 14191) granting an increase of pension to Thomas Camby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14192) granting an increase of pension to John P. Wilhelm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14193) to remove the charge of desertion from the military record of John T. Booth—to the Committee on Military Affairs.

By Mr. BENNETT of Kentucky: A bill (H. R. 14194) for the relief of J. F. Burgess—to the Committee on War Claims.

By Mr. BONYNGE: A bill (H. R. 14195) granting an increase of pension to John Donnelly—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 14196) for the relief of Bessie McAlester McGuirk—to the Committee on the Post-Office and Post-Roads.

By Mr. BROOKS of Colorado: A bill (H. R. 14197) for the relief of Samuel Tomlinson—to the Committee on War Claims.

By Mr. BURKE of Pennsylvania: A bill (H. R. 14198) granting an increase of pension to William T. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14199) granting an increase of pension to John Ewing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14200) granting an increase of pension to John K. Dalzell—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 14201) granting an increase of pension to Elijah B. Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14202) granting a pension to Hiram Bowman—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: A bill (H. R. 14203) granting an increase of pension to Samuel Donaldson—to the Committee on Invalid Pensions.

By Mr. CHANAY: A bill (H. R. 14204) granting an increase of pension to John Shepherd—to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 14205) granting a pension to E. R. Westbrook—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 14206) to carry out the findings of the Court of Claims in the case of James A. Paulk—to the Committee on War Claims.

By Mr. DICKSON of Illinois: A bill (H. R. 14207) granting an increase of pension to William C. Tanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14208) granting an increase of pension to E. C. Compton—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 14209) granting a pension to Sarah Ditlinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14210) granting a pension to Elizabeth Broadhead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14211) granting an increase of pension to Deborah J. Pruitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14212) granting an increase of pension to Benjamin Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14213) granting an increase of pension to John Montague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14214) granting an increase of pension to Michael Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14215) referring to the Court of Claims the claims of O. P. Cobb and others—to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 14216) granting an increase of pension to William M. Roe—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 14217) granting an increase of pension to Gilbert Personius—to the Committee on Invalid Pensions.

By Mr. FLACK (by request): A bill (H. R. 14218) authorizing the appointment and retirement of Charles Chaille-Long, with the rank of brigadier-general, United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 14219) granting an increase of pension to Lucy R. Robare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14220) granting an increase of pension to Lovina Reynolds—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 14221) granting a pension to Persis A. Gowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14222) granting an increase of pension to Alonzo H. Sherman—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 14223) for the relief of the heirs of Thomas M. Dunn, deceased—to the Committee on War Claims.

By Mr. GILBERT of Kentucky: A bill (H. R. 14224) granting an increase of pension to Jennings Duggins—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 14225) granting a pension to Rachel A. Lindeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14226) granting a pension to William Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14227) granting an increase of pension to Anna C. Bassford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14228) granting an increase of pension to Abram Nussbaum—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 14229) granting a pension to John B. Kenney—to the Committee on Pensions.

By Mr. HEDGE: A bill (H. R. 14230) granting an increase of pension to F. M. Ross—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 14231) granting an increase of pension to James Boyce—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 14232) for the relief of Delia B. Stuart, widow of John Stuart—to the Committee on Claims.

By Mr. KEIFER: A bill (H. R. 14233) granting a pension to Presley F. Black—to the Committee on Pensions.

Also, a bill (H. R. 14234) granting a pension to James Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14235) granting an increase of pension to John Williams—to the Committee on Pensions.

Also, a bill (H. R. 14236) granting an increase of pension to Tropheus Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14237) granting an increase of pension to Isaac Kindle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14238) granting an increase of pension to William H. Van Tassel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14239) granting an increase of pension to David L. Yarnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14240) granting an increase of pension to Thomas H. Nisewanner—to the Committee on Invalid Pensions. Also, a bill (H. R. 14241) granting an increase of pension to Lydia M. Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14242) granting an increase of pension to William L. Robertson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14243) granting an increase of pension to William A. Shuler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14244) granting an increase of pension to Edwin R. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14245) granting an increase of pension to James W. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14246) granting an increase of pension to Thomas Hiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14247) granting an increase of pension to Sylvia Steward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14248) granting an increase of pension to Christopher Heiserman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14249) granting an increase of pension to George W. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14250) to remove the charge of desertion from the military record of Allen Anderson—to the Committee on Military Affairs.

Also, a bill (H. R. 14251) to remove the charge of desertion from the military record of Peter Poole—to the Committee on Military Affairs.

By Mr. KLEPPER: A bill (H. R. 14252) granting a pension to W. J. Prater—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 14253) granting an increase of pension to Frederick F. Schnake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14254) granting a pension to Catherine Kelly—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 14255) granting an increase of pension to Frederick A. Hutchens—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 14256) granting an increase of pension to James B. Hackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14257) granting an increase of pension to Fleming H. Freeland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14258) granting an increase of pension to John S. Miles—to the Committee on Invalid Pensions.

By Mr. MCKINLEY of Illinois: A bill (H. R. 14259) for the relief of Willie V. Stockwill—to the Committee on Claims.

By Mr. MADDEN: A bill (H. R. 14260) granting an increase of pension to Henry Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14261) granting an increase of pension to Richard S. Eaton—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 14262) granting an increase of pension to Philip Liebrick—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 14263) granting a pension to Fidelia Sellers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14264) granting an increase of pension to John H. Eversole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14265) granting an increase of pension to John Kirkpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14266) granting an increase of pension to William H. Webb—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 14267) granting a pension to James K. Shelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14268) granting a pension to Polly A. Steward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14269) granting an increase of pension to F. A. Minor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14270) granting an increase of pension to Calvin Holt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14271) granting an increase of pension to George R. Baucom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14272) granting an increase of pension to Charles M. Skinner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14273) granting an increase of pension to Charles C. Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14274) granting an increase of pension to George Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14275) granting an increase of pension to J. T. Huitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14276) granting an increase of pension to James I. Lowdermilk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14277) granting an increase of pension to G. S. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14278) granting an increase of pension to Marian A. Franklin—to the Committee on Invalid Pensions.

By Mr. RAINES: A bill (H. R. 14279) granting a pension to Rebecca Winner Thornton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14280) granting a pension to Francis M. Blackstun—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14281) granting a pension to Sarah J. Westbrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14282) granting a pension to Mrs. Francis A. Dieffenbacher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14283) granting an increase of pension to Mary Ann McIver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14284) to remove the charge of desertion from the record of Edward Griffiths—to the Committee on Military Affairs.

By Mr. RHINOCK: A bill (H. R. 14285) granting an increase of pension to William C. Hiles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14286) granting an increase of pension to W. L. Southgate—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 14287) granting an increase of pension to Martha Brooks—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 14288) granting a pension to Emily A. Roberts—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 14289) granting an increase of pension to Mattie A. Smith—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 14290) granting an increase of pension to David M. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14291) granting an increase of pension to David Gough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14292) granting an increase of pension to William H. Shively—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14293) to remove the charge of desertion from the military record of D. C. Kindle—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 14294) granting an increase of pension to Adelaide D. Merritt—to the Committee on Pensions.

By Mr. SHEPPARD: A bill (H. R. 14295) removing restrictions on disposition of lands from Leona J. Scoville and Ben J. Scoville—to the Committee on Indian Affairs.

By Mr. SMITH of Texas: A bill (H. R. 14296) for the relief of the heirs of Hayden M. Prior, deceased, late of Polk County, Ga.—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 14297) granting an increase of pension to William B. Bonaker—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 14298) granting an increase of pension to John Remick—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 14299) granting an increase of pension to Rose Vincent Mullin—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 14300) granting an increase of pension to Susan C. Schroeder—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 14301) granting an honorable discharge to Edward W. Livingston—to the Committee on Military Affairs.

By Mr. VREELAND: A bill (H. R. 14302) to correct the military record of George H. Grosvenor and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. WHARTON: A bill (H. R. 14303) granting a pension to Laura J. Wing—to the Committee on Invalid Pensions.

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. 9093) granting a pension to George W. Warren—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11898) granting a pension to Lars F. Wadsten—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13868) granting a pension to Roy Roberts—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12511) granting a pension to Susan Murphy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1440) granting an increase of pension to Ma-

tilde E. Lawton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7881) granting a pension to Anna M. Camp—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8212) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army"—Committee on Claims discharged, and referred to the Committee on Military Affairs.

A resolution (H. Res. 193) to pay Marcellus Butler \$100—Committee on Accounts discharged, and referred to the Committee on Claims.

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 Oak Lawn Church, of Cranston, R. I., urging passage of the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. ALEXANDER: Petition of Lake Seamen's Union, for bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN of New Jersey: Petition relative to money taken by United States from the Edwin A. Stevens endowment—to the Committee on the Judiciary.

Also, petition of the Woman's Club of Orange, N. J., for a child-labor law—to the Committee on Labor.

By Mr. BANNON: Petitions of the Bulletin, the Transcript, and the Portsmouth Correspondent, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the Western Food Jobbers' Association, relative to private car line evils—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pennsylvania Dairy Union, for bill H. R. 345—to the Committee on Agriculture.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petitions of the St. Louis City Drummers' Association, the United Commercial Travelers, and Mound City Council, No. 207, National Commercial Travelers, favoring the Taylor amendment to the national bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Merchants' Exchange of St. Louis, relative to the present land laws, as affecting the trans-Mississippi region—to the Committee on the Public Lands.

Also, petition of the State Corn Growers' Association, for reciprocal commercial relations with all foreign countries relative to our animal products—to the Committee on Ways and Means.

Also, petition of the E. Clemens Horst Company, of San Francisco, Cal., relative to an appropriation for important lines of hop investigations—to the Committee on Agriculture.

Also, petition of the St. Louis Mercantile Library Association, favoring the existing law relative to importation of books—to the Committee on Ways and Means.

By Mr. BATES: Petition of I. S. Lavery, for an appropriation for experiment stations—to the Committee on Agriculture.

Also, petition of the Pennsylvania Dairy Union, favoring bill H. R. 345—to the Committee on Agriculture.

By Mr. BIRDSALL: Petitions of H. C. Furman, the Daily Times-Tribune, the Reporter, and the Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BISHOP: Petitions of the Patriot, the Daily News, the News, the Record and Appeal, and the American Trader, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BONYNGE: Petitions of the Pierce Publishing Company and the Pioneer Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petition of the Chieftain, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BROWN: Petition of the Ashland Iron and Steel Company, against the passage of bill H. R. 7079—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of William Sanders—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: Petition of John W. Neese, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the American Society for the Prevention of

Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of the Pennsylvania Dairy Union, for bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Western Fruit Jobbers' Association, relative to private car line evils—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of South Dakota: Petition of citizens of South Dakota, against the Henry parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Aberdeen Commercial Club, relative to reservation lands west of the Missouri River for settlement—to the Committee on the Public Lands.

By Mr. BURLEIGH: Petition of the Bulletin, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURNETT: Petition of the News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Elijah B. Hudson—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: Petition of the News, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Chetopa Clipper, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CASSEL: Petition of the Pennsylvania Dairy Union, indorsing bill H. R. 345—to the Committee on Agriculture.

By Mr. CHAPMAN: Petition of the News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COLE: Petitions of the Ohioan, the Champaign Democrat, the Union County Journal, the Herald-Voice, George W. Worden, the University Herald, the Enterprise, the Banner, the Daily and Weekly Index, the Record, and the News and Dispatch, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CONNER: Petition of the Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Public Record, the Calhoun County Republican, and the Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOPER of Pennsylvania: Petitions of the Pennsylvania Dairy Union, for bill H. R. 345—to the Committee on Agriculture.

Also, petition of Youghiogheny Lodge, of Connellsville, Pa., favoring bill H. R. 9328—to the Committee on the Judiciary.

Also, petition of Youghiogheny Lodge, No. 302, of Connellsville, Pa., Brotherhood of Locomotive Firemen, relative to bill S. 1657—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on Appropriations.

Also, petition of Wisconsin Commandery, Military Order of Foreign Wars of the United States, favoring the Dryden bill—to the Committee on Military Affairs.

By Mr. CROMER: Petitions of the Democrat, the Press-Herald-Times, and the Times, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the News and the Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CURRIER: Petition of Otis G. Hammond and 14 others, for an appropriation to compile and publish the names and data connected therewith of the census of 1790—to the Committee on Census.

By Mr. DEEMER: Petitions of the News, the Advertiser, the Ledger, the Lock Haven Express, the Muncy Herald and H. G. Phillips, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DIXON of Indiana: Petition of Grange No. 1733, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of the Bulletin, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DWIGHT: Petition of the Finch-Ross Chemical Company, of New York, for the repeal of revenue tax on denaturized alcohol—to the Committee on Immigration and Naturalization.

Also, petition of Ulysses Grange and Graton Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. ELLIS: Petitions of Arthur Hill, the Enterprise, and the Mid West Fancies, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Military Order of Foreign Wars, Wisconsin Commandery, favoring the Dryden bill—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of citizens of Minneapolis, against the Army canteen—to the Committee on Military Affairs.

By Mr. FORDNEY: Petition of the Tuscola County Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FOSTER of Indiana: Petitions of Evansville Grange and Grange No. 444, of Princeton, Ind., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Petition of Diamond Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Ernest Hitchcock et al., for extension of agricultural experiment stations—to the Committee on Agriculture.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. FULLER: Petition of the Fair Dealer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of women's clubs of Massachusetts, favoring Government forest reserves in the White Mountains—to the Committee on Agriculture.

By Mr. GILLETT of Massachusetts: Petition of the Massachusetts State Board of Trade, relative to shore improvements at Point Judith—to the Committee on Rivers and Harbors.

Also, petition of the Massachusetts Agricultural College, department of chemistry, favoring the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Massachusetts, urging passage of bills S. 2327 and H. R. 5065—to the Committee on Agriculture.

By Mr. GOEBEL: Petition of Local Union No. 308, of Cincinnati, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GOULDEN: Petitions of Arthur G. Bedell, Arthur S. Taylor, and the Spectator, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Japanese and Korean Exclusion League of California, for extension of the exclusion laws—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of 50 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also petition of the Home Missionary Society of Tarentum Methodist Episcopal Church, for prohibition in Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of the Woman's Home Missionary Society of the Methodist Episcopal Church, of Pennsylvania, for prohibition of liquor selling in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of the Pennsylvania Dairy Union, indorsing bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Western Fruit Jobbers' Association, relative to private car line evils—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pittsburg Writing Machine Company, relative to the Chinese boycott of American goods—to the Committee on Foreign Affairs.

Also, petition of the Woman's Club of Sewickley Valley, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. GRANGER: Petition of the Woman's Christian Temperance Union of Georgiaville, R. I., for prohibition of the liquor traffic in Indian Territory and Oklahoma—to the Committee on the Territories.

Also, petition of the Baptist Church of Hope Valley, R. I., for prohibition of the liquor traffic in Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of the Woman's Christian Temperance Union

of Richmond and Hopkinton, R. I., for prohibition of the liquor traffic in Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of Union Council, No. 1, Junior Order United American Mechanics, of Woonsocket, R. I., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the New England Ophthalmological Society, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Providence Water Color Club, for removal of the duty on works of art—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of *Unsere Zeit*, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAMILTON: Petitions of the Otsego Union, the Journal, Higgins & Son, and the Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAUGEN: Petitions of the Journal, the Press (Gutenberg), the Press (Osage), and the Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Times-Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HEPBURN: Petitions of the Democrat and the Tahoe Beacon, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HITT: Petition of citizens of Illinois, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of Olin Branch Grange, No. 142, Matawan, N. J., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HUBBARD: Petitions of the Union Advocate, the Sioux City Volksfreund, and the Record, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of S. M. & T. E. Stouffer, the Herald, and the Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUFF: Petition of the Pennsylvania Dairy Union, favoring bill H. R. 345—to the Committee on Agriculture.

By Mr. KAHN: Petition of the Brewers' Protective Association of San Francisco, for an appropriation for hop investigation—to the Committee on Agriculture.

Also, petition of El Capitan Division, No. 115, Order of Railway Conductors, of San Francisco, for bills H. R. 239 and 9328—to the Committee on the Judiciary.

By Mr. KNAPP: Petition of F. J. Boshart and other citizens of Deer River, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KNOWLAND: Petition of the board of directors of the Merchants' Association of San Francisco, for maintenance and improvement of the Yosemite Valley—to the Committee on Appropriations.

Also, petition of the board of trustees of the Chamber of Commerce of San Francisco, Cal., relative to customs receipts from Hawaii—to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of the Star, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAWRENCE: Petition of citizens of Stockbridge and North Adams, Mass., in behalf of bills relative to forest reservations—to the Committee on the Public Lands.

By Mr. LILLEY: Petitions of the Democrat and Keeler Boss & Co., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the Edwin C. Burt Company, of Brooklyn, N. Y., for repeal of the duty on hides—to the Committee on Ways and Means.

By Mr. LITTAUER: Petition of Stone Arabia (N. Y.) Grange, No. 690, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of H. W. Ernst et al., citizens of Stittville, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Sarah J. Smith—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petition of the Free Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McCALL: Petition of business firms and citizens of Massachusetts, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McCARTHY: Paper to accompany bill for relief of Jennie S. Sherman—to the Committee on Claims.

By Mr. MCKINNEY: Petition of the Reporter, against the

tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MACON: Petition of the Marion Reform, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MADDEN: Paper to accompany bill for relief of U. S. Davis and Mrs. A. D. Foot—to the Committee on Claims.

By Mr. MARSHALL: Petitions of the Publisher, the Napoleon Homestead, the Broadaxe, and Henry S. Wood, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOUSER: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

By Mr. MAYNARD: Petitions of the Herald and the Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MORRELL: Petition of the Pennsylvania Dairy Union, favoring bill H. R. 345—to the Committee on Agriculture.

Also, petition of the National Board of Trade, approving bill S. 529—to the Committee on the Merchant Marine and Fisheries.

By Mr. PADGETT: Paper to accompany bill for relief of T. P. Herbert—to the Committee on War Claims.

Also, paper to accompany bill for relief of Blythe Sprott—to the Committee on War Claims.

Also, paper to accompany bill for relief of Callie E. Shirley—to the Committee on War Claims.

Also, paper to accompany bill for relief of Rose Vincent Mulen—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Gabriel Lowe, of Williamson County, Tenn.—to the Committee on War Claims.

By Mr. PATTERSON of Pennsylvania: Petition of the Evening Telegram, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PATTERSON of Tennessee: Petition of the Japanese and Korean Exclusion League, for enforcement of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of the American Society for the Prevention of Cruelty to Animals, relative to bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Society for the Prevention of Cruelty to Animals, relative to bill H. R. 221—to the Committee on the Judiciary.

By Mr. RAINY: Petitions of the Messenger, the Record, and the Argus, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RIVES: Petition of the Anchor, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RIXEY: Paper to accompany bill for relief of Martha Brooks—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petitions of the Society of Chemical Industry, the Master House Painters and Decorators, and Alfred Noon, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the New England Ophthalmological Society, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Massachusetts State Board of Trade, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of business firms of Massachusetts, individual citizens of Massachusetts, and technical schools and colleges, for repeal of revenue tax on denaturized alcohol—to the Committee on Way and Means.

By Mr. ROBERTSON of Louisiana: Petition of Locust Lodge, No. 52, of Ascension Parish, La., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Kate H. Kavanaugh—to the Committee on Invalid Pensions.

By Mr. RUCKER: Petitions of the Herald and the Moberly Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SAMUEL: Petition of Grange No. 365, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SCHNEEBELI: Petition of the T. T. Miner Hardware Company, of Easton, Pa., favoring bill H. R. 7136—to the Committee on Naval Affairs.

By Mr. SCROGGY: Petition of the Ohio Tea Company, of Lebanon, Ohio, against the duty on coffee and tea—to the Committee on Ways and Means.

Also, petition of Fairfield Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Japanese and Korean Exclusion League, for strict enforcement of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. SHARTEL: Petitions of the Evening Herald and Eagle, the Liberal Enterprise, the Missouri-Kansas Herald, the Democrat, the Purdy News, the Leader, the Democrat, and J. W. Vincent, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of H. W. Ernst et al., citizens of Stittsville, N. Y.—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Adelaide D. Merritt—to the Committee on Pensions.

By Mr. SMALL: Petitions of King's Weekly and the Watch Tower, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Iowa: Petitions of the Stanton Call, the News, the Avoca Tribune, the Neola Gazette and Reporter, the Audubon Advocate, and the Daily Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Maryland: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petitions of Columbia Council, No. 40; Zylonite Council, No. 28, and Riverside Council, No. 36, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. SMITH of Pennsylvania: Petition of the Wickboro Mirror Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petitions of the West St. Paul Times, the Journal, the Buff and Blue, the St. Paul Daily News, and the Appeal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULLIVAN of Massachusetts: Petition of the committee on forestry of the Massachusetts State Federation of Women's Clubs, for a national reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of the American Society for the Prevention of Cruelty to Animals, for bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of Society of Master House Painters and Decorators, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULLIVAN of New York: Petitions of William George Jordan and the United Irishman, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petitions of the Canada American and the Granite State News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petitions of the Times, the Public Opinion, the Painter and Wood Finisher, and W. A. Marsh, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of W. J. Craddock—to the Committee on War Claims.

Also, paper to accompany bill for relief of Susan C. Schroeder—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Petition of the Woman's Club of Waltham, Mass., and other clubs, favoring Government reservation of forests in the White Mountains—to the Committee on Agriculture.

By Mr. VREELAND: Petitions of Allegheny County Advocate and the Evening Observer, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Grange No. 316, Grange No. 65, Grange No. 571, Grange No. 169, and Bruce O. Johnson, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WADSWORTH: Petitions of the Advertiser, the Times, and the Caledonia Era, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WALLACE: Petition of the Eldorado Times and the Lafayette Recorder, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEBB: Petition of the Charlotte Banking Association, for amendment of the national bankruptcy act—to the Committee on Banking and Currency.

Also, petition of District Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WEEKS: Petition of citizens of Newton Center, Mass., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. WILLIAMS: Petition of the National Star, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILSON: Petitions of the Bakers' Helper and Claude King, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WOOD of New Jersey: Petition of the Beacon, against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, February 7, 1906.

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

The Journal of yesterday's proceedings was read and approved.

BOND OF CERTAIN OFFICERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the draft of a bill to require certain officers of the Department of Commerce and Labor to give bond; which, with the accompanying paper, was referred to the Committee on the Judiciary, and ordered to be printed.

WAGES OF SEAMEN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the draft of a bill to amend section 4542 of the Revised Statutes of the United States relating to bonds and oaths of shipping commissioners; which, with the accompanying paper, was referred to the Committee on the Judiciary, and ordered to be printed.

ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an additional estimate of appropriation for miscellaneous advertisements, War Department, \$21.42, to pay the amounts found due certain newspapers for publishing advertisements for proposals for dredging Skidaway Narrows, Georgia, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of William Moody *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Thomas T. Didier and Frederick W. Didier, heirs of Frederick B. Didier, deceased *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of James T. Bowling *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary J. Field, widow of William Field, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, one of its clerks, announced that the Speaker of the House had signed the enrolled bill (H. R. 5289) to provide for the selection of grand and petit jurors for the district courts in the Territory of Oklahoma, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. HOPKINS presented a petition of the Lake Seamen's Union of Chicago, Ill., praying for the enactment of legislation to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, and for the better protection of life; which was referred to the Committee on Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Elgin, of the congregation of the United Evan-

gelical Church of Forrester, and of the congregations of the Lutheran and United Brethren churches of Christ of Forrester, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. WETMORE presented a petition of the Providence Water Color Club, of Rhode Island, praying for the removal of the duty on works of art; which was referred to the Committee on Finance.

He also presented a petition of Winona Council, No. 1, Junior Order United American Mechanics, of Woonsocket, R. I., praying for the enactment of legislation to restrict immigration, and also for the revision of the naturalization laws; which was referred to the Committee on Immigration.

He also presented a petition of the congregation of the North Congregational Church of Providence, R. I., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Smithfield, R. I., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation for the relief of the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

Mr. CLARK of Wyoming presented letters from 358 citizens of Wyoming, remonstrating against the enactment of legislation granting any commission authority to fix railroad rates; which was referred to the Committee on Interstate Commerce.

Mr. PILES presented sundry papers to accompany the bill (S. 3535) to authorize the President to appoint John E. Phelps, late brigadier-general of volunteers, first lieutenant in the United States Army and place him on the retired list; which were referred to the Committee on Military Affairs.

Mr. ALGER presented a petition of the C. H. Blomstrom Motor Company and sundry citizens of Detroit, Mich., praying for the repeal of the tax on ethyl alcohol; which was referred to the Committee on Finance.

Mr. BURKETT presented the petition of E. A. Gerrard, of Monroe, Nebr., praying for the enactment of legislation to remove the tariff on linotype and composing machines; which was referred to the Committee on Finance.

He also presented a petition of the Cushman Motor Company, of Nebraska, praying for the enactment of legislation to remove the internal-revenue tax on ethyl alcohol; which was referred to the Committee on Finance.

He also presented an affidavit to accompany the bill (S. 3563) granting an increase of pension to Orin D. Sisco; which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1343) for the relief of Wells C. McCool; which were referred to the Committee on Claims.

Mr. RAYNER presented a petition of the Organization of the General Slocum Survivors, of New York City, N. Y., praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented a petition of the Woman's Twentieth Century Club of Baltimore, Md., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Maryland Lodge, No. 453, Brotherhood of Railroad Trainmen, of Baltimore, Md., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of Nanticoke Council, No. 110, of Galestown; of Eureka Council, No. 97, of Maryland; of Bozman Council, of Bozman; of Asbury Council, No. 151, of Lawton; of Old Glory Council, No. 192, of Baltimore; of Washington Council, No. 13, of Maryland; of Cornellia Council, No. 91, of Baltimore; of American Council, No. 80, of Baltimore; of Pride of the Potomac Council, No. 12, of Cumberland; of Queen City Council, No. 49, of Cumberland; of Aubrey Council, No. 143, of Aubrey; of Colora Council, No. 64, of Colora; of Western Star Council, No. 162, of Baltimore; of Lincoln Council, No. 160, of Randallstown; of Jefferson Council, No. 137, of Jefferson; of Rocky Ridge Council, No. 167, of Frederick County; of Harmony Council, No. 87, of Cecilton; of Pleasant Hill Council, No. 70, of Upper County; of Golden Rod Council, of Leiters-