igan, against liquor selling on Army transports and in Soldiers' Homes—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Michigan, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Simon Spears—to the Committee on Invalid Pensions.

By Mr. GARRETT: Paper to accompany bill for relief of J. H. Bradburry—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: Petition of citizens of Indiana, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GRAHAM: Petition of the Frankfort Business Men's Association, against amendments to the pure-food bill that may impair its usefulness—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Free Art League, for removal of the duty on art works—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of citizens of Decatur and Fremont counties, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HILL of Mississippi: Paper to accompany bill for relief of Walter Frazier Lockhart—to the Committee on Pensions.

By Mr. JOHNSON: Paper to accompany bill for relief of James McDavid—to the Committee on Pensions.

By Mr. KENNEDY of Nebraska: Petition of the Courier, Blair, Nebr., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILLIAM W. KITCHIN: Petition of Purity Council, No. 22, Daughters of Liberty, of Burlington, N. C., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LILLEY of Connecticut: Paper to accompany bill for relief of Mary Sullivan—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Elizabeth Baker—to the Committee on Pensions.

By Mr. LINDSAY: Petition of the Frankfort Business Men's Club, against amendments to the pure-food bill calculated to impair its efficiency as a law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Delaware Society, of New York, for naming a battle ship after the State of Delaware—to the Committee on Naval Affairs.

By Mr. LITTLEFIELD: Petition of the Arizona Sunday School Association, against gambling in the Territories of the United States, favoring the antigambling bill—to the Committee on the Territories.

Also, petition of the Savings Bank Association of Maine, against bill H. R. 48, relative to postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Pomona and local Granges, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MANN: Petition of the Illinois Manufacturers' Association, favoring bill S. 529 (the shipping bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Lake Pilots' Protection Association, Lodge No. 3, for the improvement of Dunkirk Harbor—to the Committee on Rivers and Harbors.

By Mr. NEVIN: Petition of 300 citizens of Dayton, Ohio, against all intoxicants in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Mrs. H. A. Wilbur et al., against the state of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of Henry B. Parker—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: Paper to accompany bill for relief of Rachel L. Dixon, heir of Cicero C. Hanna—to the Committee on War Claims.

Also, petition of citizens of Mangham, La., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. REID: Paper to accompany bill for relief of John Shaw—to the Committee on Military Affairs.

By Mr. REYNOLDS: Paper to accompany bill for relief of Elisha B. Foor—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Amick—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William H. Hawkins—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Henry F. Gibson—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Paper to accompany bill for relief of Frederick Sensel—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of the Merchants' Association of New York, for construction of a ship to destroy derelicts—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Delaware Society, of New York, for naming a battle ship the *Delaware*—to the Committee on Naval Affairs.

Also, petition of the American Free Art League, for repeal of the duty on art works—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of Buffalo, N. Y., against the Burton bill for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of George W. Gordon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John W. Jones—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of the Connecticut Branch of the Woman's American Baptist Home Mission Society, against a bill to remove all of the Alaska schools from the jurisdiction of the United States Bureau of Education and place them in charge of the governor of Alaska—to the Committee on Education.

Also, petition of the board of directors of the Connecticut State Prison, against any restriction of interstate transportation of prison-made products—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Everett C. Wheeler, of New York, for bill H. R. 12740, relative to a court of appeals for patent cases—to the Committee on the Judiciary.

Also, petition of the Delaware Society, of New York, for naming a battle ship the *Delaware*—to the Committee on Naval Affairs.

Also, petition of the Patent Law Association, for legislation for a special court of appeals in patent cases—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of the Methodist Episcopal Church—to the Committee on War Claims.

By Mr. THOMAS of Ohio: Petition of Neal Gallagher et al., for the merchant marine shipping bill (the Senate subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. WANGER: Petition of 57 citizens of Willow Grove, Maple Glen, Hatboro, Threetuns, Horsham, and Hallowell, Pa., for forest reservations in the White Mountains and Appalachian Mountains, and for repeal of the stone and timber act—to the Committee on Agriculture.

By Mr. WEBB: Paper to accompany bill for relief of Julius Rector—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *April 26, 1906.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

POSTAL SERVICE IN CALIFORNIA.

The VICE-PRESIDENT laid before the Senate a communication of the Postmaster-General, transmitting a draft of a joint resolution apropriating $100,000, to be expended, in the discretion of the Postmaster-General, for the rehabilitation of the postal service in the State of California, which has been interrupted by earthquake and fire; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

SEYMOUR HOWELL.

Mr. BURROWS. On yesterday the Vice-President laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting, in response to a resolution of the 23d instant, the papers in connection with the case of Maj. Seymour Howell *v.* The United States, and which were ordered to lie on the table. This case is now pending before the Committee on Claims of the Senate, and I move that the papers be taken from the table and referred to that committee to be considered in connection therewith.

The VICE-PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had

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passed the bill (S. 5514) to amend section 4472 of the Revised Statutes, relating to the carrying of dangerous articles on passenger steamers.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 14508. An act permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island, and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power; and

H. R. 16954. An act to provide for the reappraisement of certain lots in the town site of Port Angeles, Wash.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 11490. An act granting the Edison Electric Company a permit to occupy certain lands for electric-power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California;

H. R. 18025. An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes; and

H. R. 17217. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," regulating proceedings for condemnation of land for streets.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislature of the State of Kentucky, praying for the passage of a river and harbor appropriation bill at each session of Congress; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

IN SENATE, *February 20, 1906.*

Memorial of State legislature to Congress in regard to rivers and harbors.

Whereas the only national appropriations made for the benefit of commerce are those for rivers and harbors, which, for the past ten years, have averaged less than 3 per cent of the total appropriations of Congress, while Army, Navy, and pension bills have averaged over 40 per cent; and

Whereas a wise and proper development of our Great Lakes and river systems and the harbors of our coasts would cost large sums and be of incalculable benefit to commerce by cheapening and regulating transportation rates on land and water; and

Whereas for the past ten years river and harbor bills have carried an average appropriation of only $19,250,000 a year, which sum is wholly incommensurate with the great interests involved, and have been passed triennially instead of annually as other great appropriation bills: Therefore

Resolved by the general assembly of the Commonwealth of Kentucky, That in interest of commerce we memorialize Congress in favor of a broad and liberal policy toward the waterways of our nation. We favor the adoption of river and harbor bills at every session of Congress, and think they should carry at least $50,000,000 a year. We strongly urge the Senators and Representatives from this State to favor this policy and use their utmost endeavors to secure its adoption.

Resolved, That copies of this memorial be sent to the President and Vice-President and every Member of Congress from Kentucky.

Adopted. Attest:

WM. CROMWELL,
Chief Clerk of Senate.

The VICE-PRESIDENT presented a petition of Black Diamond Union, No. 2412, United Mine Workers of America, of Linton, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Hope Grange, Patrons of Husbandry, of Midland County, Mich., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. PLATT presented a petition of the Ithaca Motor Club, of Ithaca, N. Y., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the ratification of the proposed treaty between the United States and Santo Domingo; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Delaware Society, of New York City, N. Y., praying that one of the new battle ships be named in honor of the State of Delaware; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Troy Branch, National Indian Association, of Troy, N. Y., praying for the enactment of legislation for the relief of the landless Indians of northern and southern California; which was referred to the Committee on Indian Affairs.

Mr. PLATT (for Mr. DEPEW) presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the ratification of the treaty between the United States and Santo Domingo; which was referred to the Committee on Foreign Relations.

He also (for Mr. DEPEW) presented a petition of the Cayuga County Historical Society, of Auburn, N. Y., praying that an appropriation be made for the repair of the frigate *Constitution* and its restoration to service as a relic of the war of 1812; which was referred to the Committee on Naval Affairs.

He also (for Mr. DEPEW) presented a petition of the Business Men's Association of Schenectady, N. Y., praying for the enactment of legislation to establish a Federal court in the Chinese Empire; which was referred to the Committee on Foreign Relations.

He also (for Mr. DEPEW) presented a petition of the Literary Club of the Church of the Messiah, of Buffalo, N. Y., and a petition of the Professional Woman's League of Syracuse, N. Y., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also (for Mr. DEPEW) presented a petition of Nancy Hanks Council, No. 58, Daughters of Liberty, of New York City, N. Y., and a petition of America Council, No. 74, Daughters of Liberty, of Port Washington, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. LODGE presented a petition of sundry citizens of Boston, Mass., praying for the enactment of legislation for the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented petitions of sundry citizens of Bayonne and Pompton, N. J., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of the Woman's Home Missionary Society of Orange, N. J., remonstrating against the enactment of legislation providing for the education and care of the Indians and Eskimos in the Territory of Alaska by the governor of that Territory; which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of Newton, Orange, and Monmouth County, all in the State of New Jersey, 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.

He also presented petitions of the State board of agriculture of Trenton, of Union Grange, No. 154, Patrons of Husbandry, of Leesburg, and of Pomona Grange, Patrons of Husbandry, of Mullica Hill, all in the State of New Jersey, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. GALLINGER presented a petition of Merrimac Lodge, No. 266, Brotherhood of Railroad Trainmen, of Nashua, N. H., praying for the enactment of legislation to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Northeast Washington Citizens' Association, of Washington, D. C., praying for the enactment of legislation to regulate the practice of osteopathy in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of Columbia Typographical Union, No. 101, American Federation of Labor, of Washington, D. C., praying for the adoption of an amendment to the District of Columbia appropriation bill requiring that all work contracted for in the name of the District of Columbia be done in compliance with the national eight-hour law; which was referred to the Committee on Appropriations.

He also presented a petition of the legislative committee, American Federation of Labor, of Washington, D. C., praying for the enactment of legislation for the relief of the ship keepers at the Mare Island Navy-Yard, Cal.; which was referred to the Committee on Naval Affairs.

Mr. MARTIN presented a petition of J. E. B. Stuart Council, No. 115, Junior Order of United American Mechanics, of Danville, Va., and a petition of Fidelity Council, No. 58, Junior

Order of United American Mechanics, of West Point, Va., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. HEMENWAY presented a petition of Local Union No. 2412, United Mine Workers of America, of Linton, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. FULTON presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of legislation to consolidate third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a paper to accompany the bill (S. 5364) granting a pension to Lewis Cole; which was referred to the Committee on Pensions.

CASUALTIES TO RAILROAD EMPLOYEES, ETC.

Mr. TILLMAN. I present a communication from the Interstate Commerce Commission, together with a statement of personal injuries to employees, showing causes of accidents, hours on duty, and hours of rest, and also a statement showing train wrecks, with number of hours that trainmen were on duty and hours of rest previous to going on duty, as reported to the Commission since July 1, 1901. I move that the communication and accompanying statements be printed as a document.

Mr. KEAN. What is the paper?

Mr. TILLMAN. It is a report of the Interstate Commerce Commission, in response to a letter from myself asking for the causes of accidents, the number of railway employees injured, the hours of duty, and the hours off duty. It relates to the question of railroads.

The VICE-PRESIDENT. The Senator from South Carolina desires to have it printed as a document.

Mr. TILLMAN. Printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

APPROPRIATION FOR MARE ISLAND NAVY-YARD, CAL.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 5872) authorizing the Secretary of the Navy to employ additional laborers and mechanics at the navy-yard, Mare Island, California, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to employ such additional laborers and mechanics as may, in his judgment, be necessary for immediate service in the several departments of the navy-yard, Mare Island, California; and the sum of $300,000, or so much thereof as may be required, is hereby appropriated, out of any money in the Treasury not otherwise apropriated, for such purpose: *Provided*, That such appropriation shall be additional to the sums regularly appropriated for the employment of laborers and mechanics at the navy-yard, Mare Island, California, and shall be immediately available.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 11796) for the diversion of water from the Sacramento River, in the State of California, for irrigation purposes, reported it with amendments, and submitted a report thereon.

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

A bill (H. R. 4763) granting an increase of pension to John C. Matheny;

A bill (H. R. 13730) granting an increase of pension to Joseph Shroyer;

A bill (H. R. 15982) granting an increase of pension to Henrietta W. Wilson;

A bill (H. R. 3419) granting an increase of pension to John Biddle;

A bill (H. R. 12803) granting a pension to Emma C. Waldron;

A bill (H. R. 3347) granting an increase of pension to Orestes B. Wright;

A bill (H. R. 8711) granting an increase of pension to James F. Howard;

A bill (H. R. 4294) granting an increase of pension to Annie R. E. Nesbitt;

A bill (H. R. 16445) granting an increase of pension to Henry H. Sibley;

A bill (H. R. 5178) granting an increase of pension to Elijah Pantall;

A bill (H. R. 4230) granting an increase of pension to William H. Miles;

A bill (H. R. 15895) granting a pension to Harry D. McFarland;

A bill (H. R. 16024) granting an increase of pension to Katie B. Meister;

A bill (H. R. 16266) granting an increase of pension to Margaret A. Rucker;

A bill (H. R. 16514) granting an increase of pension to John W. Barton;

A bill (H. R. 16578) granting an increase of pension to Edward Lilley;

A bill (H. R. 11565) granting a pension to Sarah A. Brinker;

A bill (H. R. 7968) granting an increase of pension to Palmetto Dodson;

A bill (H. R. 7737) granting a pension to William H. Winters;

A bill (H. R. 8780) granting an increase of pension to Abraham M. Barr;

A bill (H. R. 8778) granting an increase of pension to George Henderson;

A bill (H. R. 11306) granting an increase of pension to John C. Parkinson;

A bill (H. R. 10727) granting an increase of pension to Aquilla M. Hizar;

A bill (H. R. 10686) granting an increase of pension to George W. Adams; and

A bill (H. R. 10358) granting an increase of pension to Charles Dorin.

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

A bill (H. R. 6864) granting an increase of pension to Henry Good;

A bill (H. R. 9833) granting an increase of pension to James C. Miller;

A bill (H. R. 9829) granting an increase of pension to William J. Thompson;

A bill (H. R. 11918) granting a pension to Mary A. Weigand;

A bill (H. R. 9606) granting a pension to Martha Jewell;

A bill (H. R. 9627) granting an increase of pension to Daniel Craig;

A bill (H. R. 9601) granting an increase of pension to John B. Page;

A bill (H. R. 10494) granting an increase of pension to Hannah C. Reese;

A bill (H. R. 9415) granting an increase of pension to John E. Murphy;

A bill (H. R. 9417) granting an increase of pension to George A. Havel;

A bill (H. R. 10250) granting an increase of pension to Ephraim Marble;

A bill (H. R. 7720) granting an increase of pension to Stephen M. Sexton;

A bill (H. R. 8518) granting an increase of pension to Samuel Meadows;

A bill (H. R. 7902) granting an increase of pension to Eugene Orr, alias Charles Southard;

A bill (H. R. 7837) granting an increase of pension to Mary J. McKim;

A bill (H. R. 12521) granting an increase of pension to Alice Eddy Potter;

A bill (H. R. 6238) granting an increase of pension to Jesse Woods; and

A bill (H. R. 6256) granting an increase of pension to Solomon Riddell.

Mr. ALGER, from the Committee on Military Affairs, to whom were referred the following joint resolution and bill, reported them severally without amendment, and submitted reports thereon;

A joint resolution (S. R. 47) granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan; and

A bill (S. 1211) to correct the military record of John Alspaugh.

Mr. GEARIN, from the Committee on Claims, to whom was referred the bill (S. 4421) for the relief of S. W. Langhorne and H. S. Howell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1343) for the relief of Well C. McCool, reported it with amendments, and submitted a report thereon.

Mr. GEARIN (for Mr. PATTERSON), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 601) granting an increase of pension to Israel E. Munger;

A bill (H. R. 16030) granting a pension to Virginia A. Hilburn;

A bill (H. R. 16985) granting an increase of pension to Gilson Lawrence;

A bill (H. R. 16583) granting an increase of pension to David R. Walden;

A bill (H. R. 16023) granting an increase of pension to Sheldon B. Fargo; and

A bill (H. R. 16437) granting an increase of pension to Samuel H. Frazier.

Mr. WARNER, from the Select Committee on Industrial Expositions, to whom was referred the amendment submitted by Mr. CARTER on the 19th instant, proposing to appropriate $350 for the preparation of a table of contents and index to the final report of the Louisiana Purchase Exposition Commission, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

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

A bill (H. R. 11898) granting a pension to Lars F. Wadsten, alias Frederick Wadsten;

A bill (H. R. 9578) granting an increase of pension to Alfred B. Menard;

A bill (H. R. 9556) granting an increase of pension to Thomas C. Jackson;

A bill (H. R. 9261) granting an increase of pension to William C. Herridge;

A bill (H. R. 9046) granting a pension to William Berry;

A bill (H. R. 7745) granting an increase of pension to Wheeler Lindenbower;

A bill (H. R. 8046) granting an increase of pension to James Thompson Brown;

A bill (H. R. 7821) granting an increase of pension to Mathias Brady;

A bill (H. R. 10456) granting an increase of pension to William T. Edgemon;

A bill (H. R. 7687) granting an increase of pension to Charles Hammond, alias Hiram W. Kirkpatrick;

A bill (H. R. 8948) granting an increase of pension to John W. Hammond; and

A bill (H. R. 9257) granting an increase of pension to Nathaniel M. Stukes.

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

A bill (H. R. 8277) granting an increase of pension to Samuel S. Garst;

A bill (H. R. 10924) granting an increase of pension to Thomas J. Sizer;

A bill (H. R. 10580) granting an increase of pension to Samuel Fish;

A bill (H. R. 10473) granting an increase of pension to John B. Gerard;

A bill (H. R. 10161) granting an increase of pension to Benjamin R. South;

A bill (H. R. 10173) granting an increase of pension to John H. Lockhart;

A bill (H. R. 10030) granting an increase of pension to Arby Frier;

A bill (H. R. 7540) granting an increase of pension to William F. Griffith;

A bill (H. R. 6985) granting a pension to Susan C. Smith;

A bill (H. R. 6452) granting an increase of pension to William H. Doherty;

A bill (H. R. 6213) granting an increase of pension to Hiram Linn;

A bill (H. R. 11593) granting an increase of pension to Evans Blake;

A bill (H. R. 11591) granting an increase of pension to John B. Hall;

A bill (H. R. 11532) granting an increase of pension to Andrew J. Speed;

A bill (H. R. 11374) granting an increase of pension to Fanny L. Conine;

A bill (H. R. 9791) granting an increase of pension to Amelia E. Grimsley;

A bill (H. R. 6919) granting an increase of pension to Joseph A. C. Curtis;

A bill (H. R. 6450) granting an increase of pension to Nannie L. Schmitt;

A bill (H. R. 8820) granting a pension to Inez Tarkington;

A bill (H. R. 8157) granting an increase of pension to Milton H. Wayne;

A bill (H. R. 1151) granting an increase of pension to Valentine Bartley;

A bill (H. R. 1245) granting an increase of pension to David Rankin;

A bill (H. R. 4679) granting an increase of pension to Franklin D. Clark;

A bill (H. R. 3333) granting a pension to William Simmons;

A bill (H. R. 5956) granting an increase of pension to Joseph H. Wagoner;

A bill (H. R. 5044) granting an increase of pension to Hiram G. Hoke;

A bill (H. R. 2721) granting an increase of pension to Ashford R. Matheny;

A bill (H. R. 4350) granting an increase of pension to Joseph W. Vance;

A bill (H. R. 2731) granting an increase of pension to James M. Eddy;

A bill (H. R. 17028) granting an increase of pension to Lorenzo D. Hartwell; and

A bill (H. R. 16179) granting an increase of pension to William N. J. Burns.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 15907) granting an increase of pension to Lewis De Laittre, reported it with an amendment, and submitted a report thereon.

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

A bill (H. R. 11367) granting an increase of pension to Manning Abbott;

A bill (H. R. 11361) granting an increase of pension to Thomas Hughes;

A bill (H. R. 8290) granting an increase of pension to Lloyd D. Bennett; and

A bill (H. R. 9993) granting a pension to George W. Warren.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 2624) granting an honorable discharge to Henry G. Thomas, deceased, Company C, Second Kentucky Cavalry, reported it with an amendment, and submitted a report thereon.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 1166) to correct the military record of Peleg T. Griffith, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4197) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis, reported it with an amendment, and submitted a report thereon.

Mr. BULKELEY, from the Committee on Military Affairs, reported an amendment to sections 1305 and 1308 of the Revised Statutes, relative to the deposit of savings of enlisted men in the Army, etc., intended to be proposed to the Army appropriation bill, and moved that it lie on the table and be printed; which was agreed to.

SUBPORT OF SPOKANE, WASH.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17757) extending to the subport of Spokane, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, to report it without amendment, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It extends the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, to the subport of Spokane, in the State of Washington.

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

BILLS INTRODUCED.

Mr. ALGER introduced a bill (S. 5874) for the relief of William B. McCloy; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally

read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5875) granting a pension to Amanda Chatterson; and

A bill (S. 5876) granting an increase of pension to Lizzie J. Hoadley.

Mr. PLATT (for Mr. DEPEW) introduced a bill (S. 5877) granting an increase of pension to Charles O'Bryan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 5878) for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5879) granting an increase of pension to John J. Duff; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5880) for the relief of the Bath Iron Works and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 5881) to amend and construe an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ended June 30, 1900, and for other purposes," in so far as the same relates to Virginia military, continental, or State land warrants; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GALLINGER introduced a bill (S. 5882) to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

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

A bill (S. 5883) granting an increase of pension to Eugene R. Eggleston;

A bill (S. 5884) granting an increase of pension to Cyrus Palmer;

A bill (S. 5885) granting an increase of pension to Mary Landfrit;

A bill (S. 5886) granting an increase of pension to Anna E. Hood; and

A bill (S. 5887) granting an increase of pension to Katharine McMonigal.

Mr. DICK introduced a bill (S. 5888) authorizing the President to place James Carroll on the retired list with the rank of major; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTUS introduced a bill (S. 5889) to authorize the construction of dams and power stations on the Coosa River, at Lock 2, Alabama; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

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

A bill (S. 5890) to authorize the South and Western Railroad Company to construct bridges across the Clinch River and the Holston River in the States of Virginia and Tennessee; and

A bill (S. 5891) to authorize the South and Western Railway Company to construct bridges across the Clinch River and the Holston River in the States of Virginia and Tennessee.

Mr. MARTIN introduced a bill (S. 5892) granting an increase of pension to Daniel W. Redfield; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 5893) for the relief of W. T. Flippin, administrator for John F. Flippin, deceased (with an accompanying paper);

A bill (S. 5894) for the relief of the trustees of Kent Street Presbyterian Church, of Winchester, Va.;

A bill (S. 5895) for the relief of Granville J. Kelly;

A bill (S. 5896) for the relief of the legal representatives of Alexander K. Phillips, deceased; and

A bill (S. 5897) for the relief of the trustees of Leavenworth Female College, of Petersburg, Va.

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

A bill (S. 5898) granting a pension to Louisa A. Clark;

A bill (S. 5899) granting an increase of pension to William Bunnell; and

A bill (S. 5900) granting an increase of pension to Joseph B. Williams.

Mr. PILES introduced a bill (S. 5901) to extend the time for the completion of the Alaska Central Railway, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

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

A bill (S. 5902) granting an increase of pension to George W. Webster (with an accompanying paper);

A bill (S. 5903) granting a pension to James C. Tryon;

A bill (S. 5904) granting an increase of pension to Leroy Rose;

A bill (S. 5905) granting a pension to Bert Cole (with accompanying papers);

A bill (S. 5906) granting an increase of pension to Frederick W. Odell (with accompanying papers);

A bill (S. 5907) granting an increase of pension to Ozen B. Nichols; and

A bill (S. 5908) granting an increase of pension to Thomas H. Wells (with accompanying papers).

Mr. WARNER introduced a bill (S. 5909) for the relief of Charles Yust; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5910) for the relief of August Gloeser; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BRANDEGEE introduced a bill (S. 5911) to determine and increase the efficiency of submarine boats for the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FRYE introduced a bill (S. 5912) granting an increase of pension to Nathaniel Green; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLARKE of Arkansas introduced a bill (S. 5913) to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TILLMAN introduced a bill (S. 5914) for the relief of the trustees of the College of Beaufort, of Beaufort, S. C.; which was read twice by its title, and referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 5915) granting an increase of pension to Rosanna Sweeney; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 5916) granting an increase of pension to Wilhelmina Paque; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5917) granting an increase of pension to Julia M. Bailey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

INDUSTRIAL HOME SCHOOL PROPERTY.

Mr. HALE. The bill (S. 5873) to provide for the transfer to naval control of that portion of the Industrial Home School property lying within the limits of the Naval Observatory circle and the establishment of the Industrial Home School upon a new site to be selected by the Commissioners of the District of Columbia, which I introduced yesterday, was by mistake referred to the Committee on the District of Columbia. I ask that that reference be vacated, and that the bill be referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Maine? The Chair hears none, and it is so ordered.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted the following amendments, intended to be proposed by him to the District of Columbia appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed:

An amendment providing for the construction of a plant for the occasional chemical treatment of Potomac water necessary to produce clear and wholesome water, etc.;

An amendment proposing to increase the compensation of the first assistant sealer of weights and measures of the District of Columbia from $1,200 to $1,500; and

An amendment proposing to increase the total appropriation for the department of insurance, District of Columbia, from $8,700 to $9,300.

Mr. BURKETT submitted an amendment providing for the expenditure of $400,000 at Fort Robinson, Nebr., in construc-

tion of barracks and officers' quarters, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for improving Massachusetts avenue from a point adjacent to the Naval Observatory to the District of Columbia line northwest, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DUBOIS submitted an amendment proposing to appropriate $1,000 for paving Florida avenue between P and Q streets NW., etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BULKELEY submitted an amendment authorizing the appointment of a chaplain for the Corps of Engineers, United States Army, intended to be proposed by him to the Army appropriation bill; which was ordered to lie on the table, and be printed.

PRACTICE OF PHARMACY AND SALE OF POISONS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, and 49; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the Senate insert: "*Provided*, That applicants shall be not less than twenty-one years of age, and shall have had at least four years' experience in the practice of pharmacy or shall have served three years under the instruction of a regular licensed pharmacist, and any applicant who has been graduated from a school or college of pharmacy recognized by said board as in good standing shall be entitled to examination upon presentation of his diploma;" and the Senate agree to the same.

J. H. GALLINGER,
E. J. BURKETT,
THOMAS S. MARTIN,
Managers on the part of the Senate.

P. P. CAMPBELL,
E. L. TAYLOR, Jr.,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask unanimous consent that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. SPOONER. Mr. President, I am reluctant to ask further attention of the Senate to the question involved in the proviso to the amendment offered by the distinguished Senator from Texas [Mr. BAILEY] to this bill prohibiting the court in a suit brought under the provisions of the amendment for a review of the rate fixed by the Interstate Commerce Commission from granting, pending the final decree, an interlocutory injunction suspending the order. The question is a very grave one to my apprehension. It is my conviction that if the amendment were adopted it would very seriously imperil the rate-fixing provision of this bill if enacted into law.

The subject is a great deal broader, however, than in its application to this measure. It is, to me, the largest question which has been presented to the Senate, take it all in all, since I have had the honor to be a member of this body. Its main support (and no proposition could have better, or abler) has come from the distinguished Senator from Texas. His argument, in concentrated form, I find in a few words printed upon the pamphlet copy of his speech recently delivered:

> The power to create and the power to destroy must, in the nature of things, include the power to limit and control.

Applied to the question I am proposing to discuss, that proposition seems to me not only unsound but dangerous, from the standpoint of the Constitution, as restricting the exercise, untrammeled by legislation, of the judicial power of the Constitution by the courts of the United States.

The question is a narrow one, although many things have been discussed, and I am responsible in part for the scope of the debate. It is not whether Congress has the power to destroy the Federal courts. I deny that, unless others are created at the same time in which *eo instanti* is vested some of the judicial power of the Constitution, but I pass that for the moment. The question is not whether Congress may confer jurisdiction of the enumerated cases of the Constitution over Federal courts or withhold it. I admit that. I do not for a moment question, nor have I questioned, under the decisions, that Congress may confer jurisdiction over one of the enumerated controversies or all of them upon one or all of the Federal courts, and withdraw it.

The power of Congress to confer and withdraw the jurisdiction is not here, as I understand it, in dispute, but by confounding *jurisdiction* with *judicial power*, treating the two words as representing the same thought and meaning the same thing, this motto is logical in saying that the power which the Congress has over the *jurisdiction* it has also over the exercise of the judicial *power* jurisdiction existing; that in a case over which the court has jurisdiction Congress has authority to limit and control the *judicial power*. I do not challenge the accuracy of these words, for if the power exists at all to limit or control the *judicial power* of the court in a case over which it has jurisdiction, the limit and extent of that control is to be determined by the Congress.

DISTINCTION BETWEEN "JUDICIAL POWER" AND "JURISDICTION."

Now, Mr. President, that leads me to this question: Is there or is there not a distinction between *judicial power* and *jurisdiction* in its relation to this and kindred questions?

The Senator from Texas reprobated a little the tendency of lawyers to indulge in subtle distinctions. When as able a lawyer as he is sneers at lawyers for indulging in subtle distinctions, it must, I think, necessarily arise from a consciousness of necessity to indulge in some looseness of speech if not in looseness of thought. Distinctions in the law are multitudinous. Lawyers have to deal with them. The courts are always dealing with them. I have not known many which in the last analysis were not important. I have in my life followed some which seemed to me too subtle to be sound back to their origin—a laborious work—to find where first they sprung into existence and were recognized or asserted by a court; and in almost every case I have found the origin of these distinctions to be in a finer sense of justice and their foundation to lie in necessity for ampler judicial remedies.

The Senator from Texas credited also, asserting, however, that it is of no value to the patentees, the invention of the distinction between *judicial power* and *jurisdiction* to the distinguished Senator from Pennsylvania [Mr. KNOX] and myself. I would have to be very, very old to establish any claim to the invention of that distinction. I find it clearly enough marked in Blackstone, the words "judicial power" being used in the same sense that they were used by the framers of the Constitution, and the word "jurisdiction" also used in the same sense, which is familiar to every lawyer, and which originating in the Constitution so far as this question is concerned is carried through the decisions. Chief Justice Holt defined *judicial* power thus:

> Whenever a power is given to examine, hear, and punish it is a judicial power, and they in whom it is reposed act as judges.

Mr. President, to me it is written plainly in the Constitution, and no sophistry can eliminate it or confuse it. Very many of the men who framed the Constitution were great and learned lawyers. It has been said of this instrument, and I think it is true, that tautology is a stranger to it; that almost, if not every, word in it has its distinct significance, and it has been said by the courts many times in construing it that every word must be given significance.

Mr. President, the judicial power of the United States is an indivisible thing. "Jurisdiction" may be distributed, and has been and may be changed and redistributed. There are fourteen sorts of jurisdiction. One finds them all in Bouvier. I have found but one meaning substantially imputed to the words "judicial power." The States possessed all the judicial power, and by the Constitution they surrendered to the United States that which is set forth in that instrument. The Constitution says (Art. III):

> SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. * * *

Then, section 2 provides:

SEC. 2. The *judicial power* shall extend to all cases, in *law* and *equity*, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime *jurisdiction;* to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have *original jurisdiction.* In all the other cases before mentioned, the Supreme Court shall have *appellate jurisdiction,* both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Did the framers of the Constitution use the two words in the same sense? Did they not, Mr. President, use the words "original jurisdiction" in the sense with which lawyers are so familiar? What does it mean? It means that a suit "may be begun" in that court. The judicial power extends to such suit when brought within this original jurisdiction of the Supreme Court:

In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction only.

Does that mean appellate "judicial power?" It means what it says, Mr. President—appellate *jurisdiction.* What is this? Manifestly the *right* to exercise the judicial power on appeal.

It is the essential criterion of appellate jurisdiction that it revises and corrects the proceedings in a cause already instituted and does not create that cause. (Marbury *v.* Madison.)

It seems perfectly obvious that the framers of the Constitution did not use the two words "judicial power" and the word "jurisdiction" as synonymous.

What is the distinction? The Senator from Texas seems to think—although I observe he qualifies the statement and limits it to its applicability to this question—that the words "judicial power" and the word "jurisdiction" mean and were intended to mean precisely the same thing. Do they? All through the books one finds the words in the opinions somewhat loosely used. Now and then we find "distribution of judicial power," but in the great mass of opinions, Mr. President, the distribution of judicial power comes through the distribution of the *subjects of jurisdiction.* Given jurisdiction in an inferior court over the cases enumerated in the Constitution, or part of them, the *judicial power* lodges in that court, I think, without any words conferring it in the act of Congress. The Constitution says the "judicial power *shall extend* to all cases in law and equity arising," etc. The Senator from Texas and I do not differ as to the definition of the words "judicial power." I adopted the definition given by Mr. Justice Miller, and the Senator is content with that.

It is the power of a court to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case before it for decision.

That is not *the right to hear a case at all;* that is not the *right* to *exercise the judicial power* in any given case. That, to my view, is *jurisdiction.* But the *judicial power* to be exercised in the case over which the court has *jurisdiction* is the power to hear and determine and carry into effect the determination. Of course, parties are essential to a *case.*

Mr. President, Chief Justice Marshall, in the Canter case (1 Pet., 511), dealt with this question somewhat. He kept, as I read it, the distinction between judicial power and jurisdiction always in mind.

The Constitution and laws of the United States give *jurisdiction* to the district courts over all cases in admiralty; but *jurisdiction* over the case does not constitute the *case itself.* We are therefore to inquire whether cases in admiralty and cases arising under the laws and Constitution of the United States are identical.

If we have recourse to that pure fountain from which *all the jurisdiction of the Federal courts is derived* we find language employed which can not be well misunderstood.

And that jurisdiction can not be diminished by Congress, nor can it be enlarged by Congress. It is written in the Constitution which limits the judicial power of the United States, and as it is written so it must remain, Mr. President, until by an amendment of the Constitution it is enlarged or contracted.

The Constitution declares that "the judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority," etc.

* * * * * * *

The Constitution certainly contemplates these as three distinct classes of cases, and if they are distinct, the grant of *jurisdiction* over one of them does not confer *jurisdiction* over either of the other two. The discrimination made between them in the Constitution is, we think, conclusive against their identity.

* * * * * * *

It has been contended that by the Constitution the judicial power of the United States extends to all cases of admiralty and maritime *jurisdiction,* and that the whole of this judicial power must be vested "in one Supreme Court, and in such inferior courts as Congress shall from time to time ordain and establish." Hence it has been argued that Congress can not vest admiralty *jurisdiction* in courts created by the Territorial legislature.

We have only to pursue this subject one step further to perceive that this provision of the Constitution does not apply to it. The next sentence declares that "the judges, both of the Supreme and inferior courts, shall hold their office during good behavior." The judges of the superior courts of Florida hold their offices for four years. These courts, then, are not *constitutional* courts, in which the judicial power conferred by the Constitution on the General Government can be deposited. They are incapable of receiving it.

Even if they are given jurisdiction over the same cases, power to exercise the same functions, they are not vested—and I presume that will not be contested—with the judicial power of the Constitution, and they are incapable of receiving it.

They are legislative courts, created in virtue of the general right of sovereignty which exists in the Government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States.

The *jurisdiction* with which they are invested is not a part of that *judicial power* which is defined in the third article of the Constitution, but is conferred by Congress in execution of those general powers which that body possesses over the Territories of the United States. (The American and Insurance Companies *v.* 356 Bales of Cotton, 1 Pet., 510.)

It has seemed to me that the Senator from Texas treats the inferior courts of the United States as statutory courts purely in the same sense, so far as unlimited control of Congress over them is concerned, as the Territorial courts in Florida referred to by Chief Justice Marshall.

Take the case, Mr. President—and I will only consume a moment on these cases—of Cohens *v.* Virginia (6 Wheaton, 262). This was a great opinion, perhaps in some respects an "essay," but one of the monuments—so regarded by the profession, and I think by the people—of the learning of Chief Justice Marshall. The first point in that case upon which this great opinion was delivered was the point of *jurisdiction,* it being insisted, based on the fact that a State was the defendant, and the contention that no writ of error lay from the Supreme Court to a State court, that the court could not entertain the case, Chief Justice Marshall says:

The first question to be considered is whether the *jurisdiction* of this court is excluded by the character of the parties, one of them being a State and the other a citizen of that State.

The second section of the third article of the Constitution defines the extent of the *judicial power* of the United States. *Jurisdiction* is given to the courts of the Union in two classes of cases. In the first their *jurisdiction* depends on *the character of the cause,* whoever may be the parties. This class comprehends all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority. This clause extends the *jurisdiction* of the court—

Did not the Chief Justice appreciate the difference in meaning between the word "jurisdiction" and the words "judicial power?" Was it absent from his mind, Mr. President? Not in this case or any other which I now remember—

This clause extends the *jurisdiction* of the court to all cases described, without making in its terms any exception whatever and without any regard to the condition of the party. If there be any exception, it is to be implied against the express words of the article.

In the second class the *jurisdiction* depends entirely on the *character of the parties.* In this are comprehended "controversies between two or more States, between a State and citizens of another State," and "between a State and foreign states, citizens, or subjects." If these be the *parties,* it is entirely unimportant what may be the *subject of the controversy.* Be it what it may, *these parties have a constitutional right to come into the courts of the Union.*

If these parties designated in the Constitution have a constitutional right to come into the courts of the Union, then there is surely a correlative constitutional duty in Congress to provide *courts of the Union.*

The *jurisdiction* of the court, then, being extended by the letter of the Constitution to all cases arising under it or under the laws of the United States, it follows that those who would withdraw any case of this description from that *jurisdiction* must sustain the exemption they claim on the spirit and true meaning of the Constitution, which spirit and true meaning must be so apparent as to overrule the words which its framers have employed.

I will not take the time, Mr. President, to read further, but ask permission of the Senate to incorporate some extracts in my remarks.

The VICE-PRESIDENT. Without objection, permission will be granted.

Mr. SPOONER. I have here the case of Osborne et al. *v.* The Bank of the United States (9 Wheat., 819), which is a very interesting case, in which Chief Justice Marshall deals completely with this question.

The appellants contest the jurisdiction of the court on two grounds:
First. That the act of Congress has not given it.
Second. That, under the Constitution, Congress can not give it.

He proceeds with an argument, which I need not stop to read:

If we examine the Constitution of the United States we find that its framers kept this great political principle in view. The second article vests the whole executive power in the President; and the third article declared: "The *judicial power shall extend to all cases*

in law and equity arising under the Constitution, the laws of the United States, and treaties made or which shall be made under their authority."

This clause enables the *judicial* department to *receive jurisdiction* to the *full extent of the Constitution*, laws, and treaties of the United States when *any question* respecting them shall assume such a form that the *judicial power* is capable of acting on it. That *power* is capable of acting only when *the subject is submitted to it by a party who asserts his rights in the form prescribed by law.*

It then becomes a *case*, and the Constitution declares that the *judicial power* shall extend to all cases arising under the Constitution, laws, and treaties of the United States, etc.

* * * * * * *

The Constitution establishes the Supreme Court and defines its *jurisdiction.* It enumerates cases in which its *jurisdiction* is original and exclusive; and then defines that which is appellate, but does not insinuate that in any such case the power can not be exercised in its original form by courts of original *jurisdiction.* It is not insinuated that the judicial power, in cases depending on the character of the cause, can not be exercised in the first instance in the courts of the Union, but must be exercised in the tribunals of the State.

All through the opinion runs the plainly recognized distinction between *judicial power* and *jurisdiction*, Mr. President. Mr. Justice Curtis, one of the ablest lawyers who ever adorned the American bar or ever sat upon the bench of the Supreme Court of the United States, deals with this subject, and there is no confusion of ideas in his text upon it. In his lectures he says:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."

You will perceive that the Constitution establishes "one Supreme Court," but leaves it for Congress to ordain and establish, from time to time, such inferior courts as it may think proper.

In this connection, before I come to the article which *distributes the jurisdiction* among the courts, it is necessary to read the second section of the third article, which determines to what subjects the judicial power of the United States shall extend.

* * * * * * *

Now, turning back to the second section of the third article of the Constitution, allow me to read: "The judicial power shall extend to all cases in law and equity." In the first place, what is meant by "cases?" That, you will find, was discussed, and there is an opinion of Chief Justice Marshall thereon, in Osborn *v.* The Bank of the United States, 9 Wheaton, 738. The conclusion to which the court came, and substantially the definition which was there given, is that a "case," within the meaning of the Constitution, is a subject on which the *judicial power is capable of acting*, and which *has been submitted to it by a party in the forms required by law.*

The latter gives the jurisdiction.

I find in an old report an opinion which was delivered by the supreme court of Pennsylvania in the case of Silver *v.* The County of Schuylkill, in 1859, by Chief Justice Lowrie. (32 Pa. State Reports, 356.) It was a very able bench, and there was no dissent from the opinion. Judge Strong, afterwards an associate justice of the Supreme Court of the United States, of great distinction, sat on that bench at that time.

Those who raise a question of jurisdiction as the ground of objection to the judgment of a court ought to notice a confusion of ideas in the use of the word "jurisdiction" and to draw the proper distinctions.

Jurisdiction is often confounded with judicial power, or its equivalent, judicial competence; yet there is a clear distinction between the terms. The *judicial power* of a court extends to all those classes of cases which that court may hear and determine. The *jurisdiction* of a court is confined to cases actually brought before it, and admits of various degrees, for jurisdiction of a case, as a cause in court, vests the court with authority to call in the parties and to bring it to a hearing in some form so as to determine *the cause in court*, though the determination of the case itself may be beyond its competence. The jurisdiction by which a case may be determined is measured by the judicial power of the court and not by the form in which the case is brought before it. This is a question of regularity of practice and not of power, competence, or authority.

It is not questioned that the common pleas has judicial competence to hear and determine cases of taxation. And when a case of that kind is instituted in court by appeal the court obtains *jurisdiction* to hear and determine it. This, therefore, is a case within the competence of the court and a cause within its jurisdiction, and the court was bound to determine it.

* * * * * * *

It is argued that the whole proceeding was beyond the jurisdiction of the court, for the reason that the commissioners had no authority to increase the valuation, and therefore it was void and furnished no basis for a valid appeal. We need not say whether this reason is well founded or not, for it does not support the conclusion—the want of jurisdiction of the court. It is the cause in court that is in question. The subject-matter of it was within the judicial power of the court, and it was instituted in court by appeal, and thus the jurisdiction attached.

The italics are in the opinion.

Mr. Justice Johnson, Mr. President, in 1808, had occasion to deal somewhat with this subject. It was in a time of embargo, and, sitting at the circuit, he granted a mandamus to compel the collector of the port of Charleston, S. C., to issue clearance papers to the master of the *Resource.* Mr. Rodney, then Attorney-General, wrote a letter to the President of the United States, criticising the opinion and contending that the circuit court had no power to issue the writ of mandamus in that case. The letter, so far as it is here, is a very interesting one. That letter was *published*, which made it a public criticism emanating from the executive department of the decision of the judge in the discharge of his duty. Mr. Justice Johnson took the bench to deliver himself of some observations on the letter, in which he said:

In pursuing my remarks on the Attorney-General's letter, I feel an embarrassment resulting from what I hope he will excuse me for denominating a WANT OF PRECISION OF LANGUAGE. JURISDICTION IN A CASE IS ONE THING; THE MODE OF EXERCISING THAT JURISDICTION IS QUITE ANOTHER.

If a court possessed the learning and infallibility of the angels, if every step in the cause were sound and the decision what it ought to be, without *jurisdiction* the judgment would be a nullity. Why? Because without *jurisdiction* the court had no right to try the case at all; no right to exercise over it the *judicial power*, the power to hear and determine and carry into effect its judgment or decree.

Mr. Justice Johnson continues:

The jurisdiction of the court, as is properly observed by the Attorney-General, must depend upon the *Constitution and laws* of the United States. We disclaim all pretensions to any other origin of our jurisdiction, especially the unpopular grounds of *prerogative* and *analogy to the King's Bench.*

That *judicial power*, which the Constitution vests in the United States and the United States in its courts, is all that its courts exercise. In the Constitution it is laid down that "the judicial power of the *United States*" shall extend to all cases in law or equity arising under this Constitution, etc.

THE TERM "JUDICIAL POWER" CONVEYS THE IDEA BOTH OF EXERCISING THE FACULTY OF JUDGING AND APPLYING PHYSICAL FORCE TO GIVE EFFECT TO A DECISION.

And I maintain, Mr. President, and I think shortly I will be able to establish, that the power to carry a decree or judgment into effect is a part of the *judicial power* without which it would not be the judicial power of the Constitution at all.

The term *power* could with no propriety be applied, nor could the judiciary be denominated a department of *government*—

Italicized—

without the means of enforcing its decrees. In a country where laws govern, courts of justice necessarily are the medium of action and reaction between the government and the governed. The basis of individual security and the bond of union between the ruler and the citizen must ever be found in the judiciary sufficiently independent to disregard the will of power—

He exhibited the spirit of the real judge—

and sufficiently energetic to secure to the citizen the full enjoyment of his rights. To establish such a one was evidently the object of the Constitution. *But* to what purpose establish a *judiciary with power* to take cognizance of certain questions of right, *but not power to afford such redress as the case evidently requires.*

Suppose Congress had vested in the circuit court a certain jurisdiction, without prescribing by what forms that jurisdiction should be exercised, would it not follow that the court must itself adopt a mode of proceeding adapted to the exigency of each case? *It must do so or refuse to act.*

He then calls attention to the fact that Congress had acted, and proceeds to construe the act of Congress. In view of Congressional action providing necessary judicial machinery for the inferior courts, the question what the courts might have done without it is an abstraction, although Mr. Justice Johnson clearly sustains the concession of the Senator from Texas, that without legislation there exists inherent power to issue execution, and punish for contempt. It will be remembered that in the case of Florida *v.* Georgia (17 How., 478), the court said:

But the Constitution prescribes no particular mode of proceeding, nor is there any act of Congress upon the subject. And at a very early period of the Government a doubt arose whether the court could exercise its original jurisdiction without a previous act of Congress regulating the process and mode of proceeding. But the court, upon much consideration, held, that although Congress had undoubtedly the right to prescribe the process and mode of proceeding in such cases, as fully as in any other court, yet the omission to legislate on the subject could not deprive the court of the jurisdiction conferred; that it was a duty imposed upon the court, and in the absence of any legislation by Congress the court itself was authorized to prescribe its mode and form of proceeding, so as to accomplish the ends for which the jurisdiction was given.

There was no difficulty in exercising this power where individuals were parties; for the established forms and usages in courts of common law and equity would naturally be adopted. But these precedents could not govern a case where a sovereign State was a party defendant.

Mr. BAILEY. If it will not interrupt the Senator——

Mr. SPOONER. It will interrupt me, but not disagreeably.

Mr. BAILEY. The episode to which the Senator from Wisconsin alludes was a very interesting one at the time, and still remains so; but we have a recent episode more interesting than that one, because in that case it was the Attorney-General who criticised the judge, while in this recent case the criticism comes from the President himself. I would ask the Senator from Wisconsin if Judge Humphrey has resumed the bench to respond to the criticism of his judgment?

Mr. SPOONER. Does the Senator from Texas pretend to have jurisdiction to ask me that question and require me to answer it?

Mr. BAILEY. No; I have judicial power to do it. [Laughter.]

Mr. SPOONER. I think the Senator's distinction as to judicial power in this instance is better than mine.

Mr. President, I am perfectly willing to say that I stand with all my heart and soul as an American citizen and as an American Senator for the distinction which the Constitution makes between the three independent, equal, and coordinate branches of the Government; and I look upon it as fundamental that neither shall invade in any way the functions of the other; and it will be a sorry day for this country if the time ever comes when the courts of the United States shall be terrorized by either the Congress or an Executive. The place to correct the errors of inferior courts, if any be committed, is in the great tribunal created by the Constitution for that purpose. But that is apart from what I wish to say.

Was Mr. Justice Johnson wrong in his definition of judicial power? This, to my mind, is the heart of the controversy. Jurisdiction is the right to sit in the case at all. Judicial power involves, as he says, the exercise of the *faculty of judging*. The one Congress can regulate. Can Congress limit or control the other? Given, Mr. President, the inferior court of the United States, clothed with jurisdiction over a class of controversies, having jurisdiction over a *case* included in that class of controversies, is it within the power of Congress constitutionally to control the power to hear, determine, and carry into effect its judgment or decree? Is there any *part* of it to be controlled? It is not susceptible of being sliced like a watermelon and the pieces tossed here and there. It is an entirety—the power to hear; the power to determine, to decide, which involves the exercise of the mental faculties and the application of all the knowledge of law possessed by the judge, aided by the argument of the lawyers. Nothing can be stricken out of the *judicial power* leaving anything remaining. Neither, Mr. President, can the power to execute its judgment or decree be eliminated any more than "the faculty of judging" the two elements enter into it, and the only judgment the court exercises on the question of *jurisdiction* is decision as to whether it possesses it or not.

Take the appellate jurisdiction of the Supreme Court of the United States. It can be regulated by Congress. That court exercises such appellate jurisdiction as Congress declares it may. The McArdle case, to which the Senator from Texas referred the other day, illustrates the distinction between *judicial power* and *jurisdiction*. From the standpoint of to-day the action of Congress then is deeply to be deplored. I do not like—probably I was content with it then—legislative interference with cases pending in the courts anywhere. But in the McArdle case the right of appeal was given in habeas corpus. The case was taken to the Supreme Court of the United States. It was argued on either side by a great lawyer, Senator Carpenter, of Wisconsin, and Judge Sharkey, of Mississippi, both by nature and study fit to grace any judicial position. And the point of jurisdiction was made and argued and the court decided—the merits of the case? No. Only the question whether it had a right to consider at all the merits of the appeal; whether it had *jurisdiction* or not; and it decided that it had *jurisdiction*. Thereupon the Congress passed an act taking away the appellate jurisdiction of the Supreme Court in that case, practically. The court dismissed the appeal for want of jurisdiction. It had lost *jurisdiction* over that case. Had it lost any of its *judicial power* of the Constitution? That was not conferred by Congress, nor can it be taken away by Congress. It remained, as to such a case, dormant until *jurisdiction* was restored.

The Supreme Court in cases on appeal looks into the record at the outset to see whether *jurisdiction* in the inferior court is affirmatively shown. If it be not so shown the court, of its own motion, dismisses the appeal, for in that event it has no right to consider the appeal at all, being without jurisdiction; but it thereby loses none of the judicial power vested in it by the Constitution. A State court has jurisdiction of a cause where the parties are citizens of different States. A petition is filed under the removal act to transfer it to a circuit court of the United States. The filing of the petition, with the apropriate bond, ousts the *jurisdiction* of the State court. It had judicial power and jurisdiction before the removal. It lost the latter by the removal. It lost none of its judicial power. Congress can not deprive a State court of any of its judicial power. It is only a question of *jurisdiction*.

Mr. President, in the Sewing Machine case (18 Wall., 577), to which the Senator from Texas referred, we find as clear an exposition of the distinction between judicial power and jurisdiction as one need want. Proceedings under the removal acts illustrate the distinction. The court says:

The circuit courts do not derive their judicial power *immediately* from the Constitution, as appears with sufficient explicitness from the Constitution itself, as the first section of the third article provides that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." Consequently the *jurisdiction* of the circuit court in every case must depend upon some act of Congress, as it is clear that Congress, inasmuch as it possesses the power to ordain and establish all courts inferior to the Supreme Court, may also define their *jurisdiction*.

It should have said "*must* also define their jurisdiction," for it is conceded that if jurisdiction is not found in the act, the court has no right to exercise judicial power over that controversy or case.

Courts created by statute can have no *jurisdiction* in controversies between party and party but such as the statute confers. Congress, it may be conceded, may confer such *jurisdiction* upon the circuit courts as it may see fit, within the scope of the *judicial power* of the Constitution, not vested in the Supreme Court.

Why use the two words if there be no distinction between them?

But as such tribunals are neither created by the Constitution nor is their *jurisdiction* defined by that instrument, it follows that inasmuch as they are created by an act of Congress it is necessary, in every attempt to define their power, to look to that source as the means of accomplishing that end. Federal judicial power, beyond all doubt, has its origin in the Constitution, but the organization of the system and the *distribution of the subjects of jurisdiction*—

That comes along down. Here and there are looseness and confusion about it, but not often—

among such inferior courts as Congress may from time to time ordain and establish *within the scope of the judicial power*, always have been, and of right must be, the work of the Congress. (Case of the Sewing Machine Companies, 18 Wall., p. 577.)

In the case of Sheldon *v.* Sill, which the Senator from Texas cited in his first speech, the distinction is clearly recognized. Mr. Justice Grier, delivering the opinion of the court, said:

It must be admitted that if the Constitution had ordained and established the inferior courts and distributed to them their respective powers—

There the word "powers" is used instead of "jurisdiction," as generally used—

they could not be restricted or divested by Congress. But as it has made no such distribution, one of two consequences must result, either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court, or that Congress, having the power to establish the courts, must define their *respective jurisdictions*. The first of these inferences has never been asserted, and could not be defended with any show of reason, and if not, the latter would seem to follow as a necessary consequence. And it would seem to follow also that, having a right to prescribe, Congress may withhold from any court of its creation *jurisdiction* of any of the enumerated controversies.

That can not be disputed.

Courts created by statute can have no *jurisdiction* but such as the statute confers. No one of them can assert a just claim to *jurisdiction* exclusively conferred on another, or withheld from all.

In Rhode Island *v.* Massachusetts, 12 Peters, 652, where the question of jurisdiction was raised in the Supreme Court, the court defined it a little differently:

However late this objection has been made or may be made in any cause in an inferior or appellate court of the United States, it must be considered and decided *before any court can move one further step* in the cause, any movement is necessarily the exercise of *jurisdiction*.

They must first determine their right to try the case at all, first determine whether the parties are before the court at all, or whether the court has jurisdiction over the subject-matter at all, and if either is wanting the court has no power to move a step.

Here is the definition the Senator read:

Jurisdiction is the power to hear and determine the subject-matter in controversy between parties to a suit—

The "parties to the suit" give jurisdiction in respect of *parties*, the court having jurisdiction over the subject-matter. Now, this follows—

to *adjudicate* or *exercise any judicial power* over them; the question is, whether, on the case before the court, their *action* is judicial or extrajudicial, *with or without the authority of law*, to *render a judgment or decree upon the rights of the litigant parties*.

If the law confers the power to render a judgment or decree, then the court has *jurisdiction;* what shall be *adjudged* or *decreed* between the parties, and with which is the *right of the case*, is *judicial action*, by hearing and determining it.

Is there no distinction, Mr. President, between the *right* to hear and determine and the judicial power of determining? The one Congress may regulate. The other is sacred, in my judgment, under the Constitution, from the touch of Congress, and if it be held otherwise, there being no limit to the interference, the power being conceded, the courts—intended by the Constitution to be independent, to pass upon the constitutionality of acts of Congress—will have ceased to be independent. They will be solely dependent, not only for jurisdiction, but for *power of judgment*, upon Congress. And then there would have come about, to all intents and purposes, one situation of evil which our forefathers fled from, and that was the blending of judicial and legislative functions. If they brought one lesson here from over the sea it was that first the

judges should not be dependent upon the will of an Executive or a Congress for their tenure of office, and, second, that the whole judicial power of the United States should be vested by the Constitution in the *courts* and none of it in *Congress* or in legislatures.

The court continues:

Before we can proceed in this cause we must, therefore, inquire whether we CAN *hear and determine the matters in controversy between the parties*, who are two States of this Union, sovereign within their respective boundaries, save that portion of power which they have granted to the Federal Government, and foreign to each other for all but Federal purposes. * * *

I will not read the remainder.

It was necessarily left—

The court says—

to the legislative power to organize the Supreme Court, to define its powers consistently with the Constitution as to its original jurisdiction, and to distribute the residue of the judicial power—

Which I claim can only be done through distributing the subjects of jurisdiction—

between this and the inferior courts which it was *bound to ordain and establish*.

Mr. Justice Story, delivering the opinion of the court in Ex parte Watkins says:

But the *jurisdiction* of the court can never depend upon its decision upon the merits of the case brought before it, *but upon its right to hear and decide it at all*. (7 Pet., 571.)

I take some definitions of jurisdiction from Words and Phrases Judicially Defined, which I think are accurate. It gives many which I think are inaccurate. I indicate the separate extracts by letters.

(*a*)

JURISDICTION.—*Subject-matter in controversy:* Jurisdiction is the power to hear and determine the subject-matter in controversy between parties to a suit, *or* to *adjudicate* or *exercise* ANY *judicial power over them*. (Citing Ritter *v.* Kunkel, 39 N. J. Law, 259, with other cases.)

(*b*)

"Jurisdiction" is defined to be "*the right to adjudicate concerning the subject-matter in a given case.*" There must be, therefore, a subject-matter presented which is within a *jurisdiction*. That subject must be so presented in the case before the court as to justify action thereon. (Citing Dodd *v.* Una, 5 Atl., 155, and other cases.)

(*c*)

As authority to declare the law: "Jurisdiction" in courts is the power and authority to declare the law. The very word, in its origin, imports as much. It is derived from "juris" and "dico"—"I speak by the law." And that sentence ought to be inscribed in living light on every tribunal of criminal power. It is the right of administering justice through the laws, by the means which the law has provided for that purpose. (Citing Johnson *v.* Hunter, 40 F. E., 448, and other cases.)

Bouvier's Law Dictionary, which the Senator highly and justly commended, defines jurisdiction as follows:

"Jurisdiction" is the *right* of a judge to pronounce a *sentence of the law* in a case or issue before him, acquired *through due process of law*. (Citing Chicago Title and Trust Co. *v.* Brown, 183 Ill., 42.)

In other words, the right to exercise the judicial power in a given case.

Jurisdiction does not depend upon the correctness of the decision made. (Citing People *v.* Talmadge, 194, Ill., 67, and other cases.)

No court ever loses jurisdiction for errors of law in rendering its judgment or decree or which occur pending the proceeding, within certain limits, immaterial here.

Continuing from "Words and Phrases:"

(*d*)

The mere grounds upon which the determination is reached may or may not be correct in themselves. These may be supported by evidence inadmissible when tested by the rules governing the introduction of evidence. The reasons given for the conclusion arrived at may or may not be such as address themselves to the judgment of others, but erroneous rules entertained, or incorrect reasons assigned, or evidence erroneously admitted in deciding the controversy do *not make a case of want of jurisdiction*. (Citing Central Pacific Co. *v.* Board of Equalization, 43 Cal., 365.)

(*e*)

If the petitioner states such a case in his petition that on demurrer the court would render judgment in his favor, it is an undoubted case of *jurisdiction*. The court would be *then* bound to hear and determine, and its judgment, however erroneous, would bind parties and privies, and would be conclusive of the right established, and could be impeached only in an appellate tribunal. (Citing Goodman *v.* Winter, 64 Ala., 410.)

(*f*)

Jurisdiction does not relate to the rights of the parties as between each other, but to the *power of the court*. The question of its exercise is an abstract inquiry, *not involving* the *existence of an equity to be enforced*, nor the *right of the plaintiff to avail himself of it if it exists*. It precedes these questions, and a decision upholding the *jurisdiction* of the court is entirely consistent with a *denial of any equity either* in *plaintiff or in anyone else*. The case we are considering illustrates the distinction I am endeavoring to point out as well as any supposed case would. It presents these questions: Have the plaintiffs shown a right to the relief which they seek? And has the court authority to determine whether or not they have shown such a right? A wrong determination of the question first stated is error, but can be reexamined only on appeal. The other question *is the question of jurisdiction*. (Citing People *v.* Sturtevant, 9 N. Y., 263.)

(*g*)

It is not the *particular decision* given which makes up *jurisdiction*, but it is *the authority to decide the question at all*. Otherwise the distinction between the *erroneous exercise of jurisdiction* on the one hand, and the *total want of it on the other*, must be obliterated. (Citing Chase *v.* Christianson, 41 Cal., 253.) The distinction is between a lack of power or *want of jurisdiction in the court* and a *wrongful or defective execution of the power*. In the first instance, all acts of the court not having jurisdiction or power are void, in the latter only voidable. (Citing Paine's Lessee *v.* Mooreland, 15 Ohio, 435.)

(*h*)

Jurisdiction of a court is the power to hear and determine the particular case involved. If this power to hear and determine the particular case does not exist, then, to confer actual *jurisdiction* of the particular case or subject-matter thereof, the judicial power of the court must be invoked or brought into action by such measures and in such manner as is required by the local law of the tribunal. When this is done, it is then coram judice. (Citing Basset Min. Co. *v.* Schoolfield, 10 Colo., 46.)

(*i*)

It is not enough that the court should have jurisdiction of the subject-matter. It must have jurisdiction of, or power to try, the individual cause. (Citing Yates *v.* Lansing (N. Y.) 9 Johns., 395.)

(*j*)

By "jurisdiction," as applied to judicial proceedings, is meant the right to act. (Citing Bumstead *v.* Read, 31 Barb., 661.)

(*k*)

Jurisdiction means the power to act judicially; to determine any question presented in a controversy between parties. (Citing King *v.* Poole, 36 Barb., 244.)

(*l*)

Jurisdiction means legal power to make a judicial decision. (Citing Browning *v.* Wheeler, 24 Wend., 258.)

It is said in re Sawyer (124 U. S., 220):

As this court has often said, "Where a court has jurisdiction, it has a *right* to decide every question which occurs in the cause; and whether its decisions be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court. But if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void." (Elliott *v.* Peirsol, 26 U. S., 1 Pet., 328, 340, and other cases.)

It is axiomatic that jurisdiction over the subject-matter must be vested in a judicial tribunal by the law of the land, or it does not possess it. Consent of parties can not confer it, although such consent gives jurisdiction over themselves. And the court, having jurisdiction over the subject-matter and over the parties, may exercise the *judicial power* in the case and bind the parties to it by its judgment or decree.

But, Mr. President, I will not spend more time on the question whether there is a distinction between "judicial power" and "jurisdiction." With due deference to those who differ from me, I think the distinction is an obvious one. I do not see the force of the qualification made by the Senator from Texas, that while there is in some aspects such a distinction, there is none applicable to the question here involved. If it is not important in the matter which we are here discussing, it is impossible to imagine a controversy in which it would be of the slightest significance. I read again Mr. Justice Miller's definition of *judicial power:*

It is the power of a court to decide and pronounce judgment and carry it into effect between persons and parties who bring a case before it.

"JUDICIAL POWER" INVOLVES POWER TO CARRY INTO EFFECT JUDGMENTS AND DECREES.

Now, Mr. President, a part of that definition of judicial power is the *power to carry its judgments into effect*, the power in an action at law to issue execution, the power upon a decree in equity to utilize the usual equitable processes and orders for carrying into effect the decree. Whether upon the creation of inferior courts they would have possessed, in the absence of legislation, the power to issue executions and other processes is immaterial for my purposes. I am willing to concede for the purposes of the argument that they would not. If the Congress had failed, therefore, to provide process and judicial machinery to enable the courts to effectually exercise the judicial power, it might be said that it had failed to organize the courts of the United States, and that they would remain without power to enforce their judgments until Congress supplied the necessary machinery, or they would have been without the judicial power of the Constitution under the agreed definition. I am not called upon to dispute that at all. The Congress did early, after creating the inferior courts, pass process acts conferring upon the courts the right "to issue writs of sciere facias, habeas corpus, and all other writs not specially provided by statute, which may be necessary for the exercise of their respective jurisdictions and agreeable to the principles and usages of law."

Under what power was this legislation enacted? Not under the power to constitute tribunals inferior to the Supreme Court. Not under, as an implication, the power in the judicial article to "ordain and establish" inferior courts. Not as involved in the power to create and destroy. Not at all. But, Mr. Presi-

dent, under this clause of the Constitution, subdivision 18 of section 8, Article I:

To make all laws which shall be necessary and proper for *carrying into execution* the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Chief Justice Marshall in Wayman *v.* Southard et al. (10 Wheat., 1), delivering the opinion of the court, says (the question being involved):

The Constitution concludes its enumeration of granted powers with a clause authorizing Congress to make all laws which shall be necessary and proper for *carrying into execution the foregoing powers* and all *other powers vested by this Constitution in the Government of the United States or in any Department or officer thereof.* The judicial department is invested with *jurisdiction* in certain specified cases, in all which it *has power to render judgment.*

That a power to make laws for *carrying into execution all the judgments which the judicial department has power to pronounce,* is expressly conferred by this clause, seems to be one of those plain propositions which reasoning can not render plainer. The terms of the clause neither require nor admit of elucidation. The court, therefore, will only say that no doubt whatever is entertained on the power of Congress over the subject. The only inquiry is, How far has this power been exercised?

The thirteenth section of the judiciary act of 1789, chapter 20, describes the jurisdiction of the Supreme Court and grants the power to issue writs of prohibition and *mandamus* in certain specified cases. The fourteenth section enacts "that all the before-mentioned courts of the United States shall have power to issue writs of *scire facias, habeas corpus,* and all *other writs not specially provided by statute which may be necessary for the exercise of their respective jurisdictions* and agreeable to the principles and usages of law." The seventeenth section authorizes the courts "to make all necessary rules for the orderly conducting of business in the said courts," and the eighteenth empowers a court to suspend execution in order to give time for granting a new trial.

These sections have been relied on by the counsel for the plaintiffs.

The words of the fourteenth are understood by the court to comprehend executions. An execution is a writ, which is certainly "agreeable to the principles and usages of law."

There is no reason for supposing that the general term "writs" is restrained by the words "which may be necessary for the exercise of their respective jurisdictions" to *original process,* or *to process anterior to judgments. The jurisdiction of a court is not exhausted by the rendition of its judgment, but continues until that judgment shall be satisfied.* Many questions arise on the process subsequent to the judgment in which jurisdiction is to be exercised. It is, therefore, no unreasonable extension of the words of the act to suppose an execution necessary for the exercise of jurisdiction. Were it even true that jurisdiction could technically be said to terminate with the judgment, an execution would be a writ necessary for the perfection of that which was previously done, and would, consequently, be necessary to the beneficial exercise of jurisdiction. If any doubt could exist on this subject the eighteenth section, which treats of the authority of the court over its executions as actually existing, certainly implies that the power to issue them had been granted in the fourteenth section. The same implication is afforded by the twenty-fourth and twenty-fifth sections, both of which proceed on the idea that the power to issue writs of execution was in possession of the courts. So, too, the process act, which was depending at the same time with the judiciary act, prescribes the forms of execution, but does not give a power to issue them.

On the clearest principles of just construction, then, the fourteenth section of the judiciary act must be understood as giving to the courts of the Union, respectively, a power to issue executions on their judgments.

Mr. Justice Iredell in his dissenting opinion in the case of Chisholm *v.* Georgia (2 Dallas, 432) traced the power to pass the process acts to the same source, and declared it to be the constitutional duty of Congress to enact such laws, and intimated a restriction upon their power. He says:

I conceive that all the courts of the United States must receive, not merely their organization as to the number of judges of which they are to consist, but all their authority, as to the manner of their proceeding from the legislature only. This appears to me to be one of those cases, with many others, in which an article of the Constitution can not be effectuated without the intervention of the legislative authority. There being many such, at the end of the special enumeration of the powers of Congress in the Constitution is this general one: "*To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.*" None will deny that an act of legislation is necessary to say at least of what number the judges are to consist; the President, with the consent of the Senate, could not nominate a number at their discretion. *The Constitution intended this article so far at least to be the subject of a legislative act.* Having a right thus to establish the court, and it being capable of being established in no other manner, I conceive it necessarily follows that they are also to direct the manner of its proceedings. Upon this authority there is, that I know, but one limit; that is, "that they shall not exceed their authority." If they do, I have no hesitation to say that any act to that effect would be utterly void, because it would be inconsistent with the Constitution, which is a fundamental law paramount to all others, which we are not only bound to consult, but sworn to observe, and therefore where there is an interference, being superior in obligation to the other, we must unquestionably obey that in preference. *Subject to this restriction, the whole business of organizing the courts and directing the methods of their proceeding where necessary, I conceive to be in the discretion of Congress.* If it shall be found on this occasion, or on any other, that the remedies now in being are defective, for any purpose it is their duty to provide for, they no doubt will provide others. It is their duty to legislate, so far as is necessary, to carry the Constitution into effect. It is ours only to judge. We have no reason, nor any more right to distrust their doing their duty, than they have to distrust that we all do ours. There is no part of the Constitution that I know of that authorizes this court to take up any business where they left it, and in order that the powers given in the Constitution may be in full activity, supply their omission by making new laws for new cases, or, which I take to be the same thing, applying old principles to new cases materially different from those to which they were applied before.

Now, Mr. President, the power conferred by section 18 is not an unlimited power. The Senator from Texas seemed to think that after Congress had created inferior courts, clothing them with jurisdiction, Congress could prevent their issuing execution and carrying into effect their decrees and judgments. I dissent from that proposition. Could Congress prohibit by a valid act the circuit and district courts of Pennsylvania from issuing any executions or other process to carry into effect their judgments or decrees? I do not doubt that it could not.

This eighteenth subdivision from which Congress obtained power to pass the process acts, as I said, does not confer an unlimited power. It was the provision to enable the Congress "to make all laws which shall be *necessary* and *proper* for *carrying into execution the foregoing powers* and all *other powers vested* by this Constitution in the Government of the United States, or *in any department or officer thereof,*" which includes, of course, the judicial department. That clause of the Constitution has been under review by the Supreme Court of the United States more than once. First, it arose in the case of McCulloch *v.* Maryland (4 Wheat., 316), and of it Chief Justice Marshall said:

Let the *end* be *legitimate,* let it be *within the scope of the Constitution,* and all means which are *appropriate,* which are *plainly adapted to that end,* which are *not prohibited,* but *consist with the letter and spirit* of the Constitution, are *constitutional.*

That was adopted by the court in the Legal Tender cases (110 U. S., 421). They say in addition:

But, admitting it to be true, what does it prove?

That is, whether the power which Congress had exercised was necessary or appropriate.

Nothing more than that Congress had the choice of means for a legitimate end, each appropriate and adapted to that end, though, perhaps, in different degrees. What then? Can this court say that it ought to have adopted one rather than the other? Is it our province to decide that the means selected were beyond the constitutional power of Congress because we may think that other means to the same ends would have been more appropriate and equally efficient?

The question is for the court to decide whether Congress has in a given case exceeded its power under section 18.

When the law is not prohibited, and *is really calculated to effect* any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground.

* * * * * * *

It may be conceded that Congress is not authorized to *enact laws in furtherance even of a legitimate end* merely because they are useful or because they make the Government stronger. There must be *some relation between the means and the end;* some *adaptedness or appropriateness of the laws to carry into execution the powers created by the Constitution.*

If the Congress should prohibit existing courts from issuing executions or other process to carry into effect their judgments, it would not be in harmony with the letter or spirit of the Constitution, and the Supreme Court would, in my judgment, be compelled to say "the Congress has continued the existence of these judicial tribunals, has thereby testified that there is continuing public necessity for the exercise of the judicial power of such courts; that the attempt to emasculate them is indirect; that the *end* is not *legitimate;* that the purpose is ulterior; that the act is not to *carry into execution* any powers conferred by the Constitution on the judicial department of the Government, but is *obstructive* and therefore unconstitutional."

The language of Chief Justice Marshall in Wayman *v.* Southard, just quoted upon this subject, does not stand alone in the decisions of that court. The accuracy of Justice Miller's definition of judicial power, which treats as a part of it the power to carry into effect its judgments and decrees, is well maintained in the decisions of the court. Congress may take away the jurisdiction, but where the jurisdiction exists it can not emasculate the judicial power by rendering it impossible for it to enforce its judgments and decrees.

EXECUTIONS.

The express determination of this court is that the jurisdiction of a court is not exhausted by the rendition of a judgment, but continues until that judgment shall be satisfied; consequently a writ of error will lie when the party is aggrieved in the foundation, proceedings, judgment, or execution of a suit in a court of record. (Wayman *v.* Southard, 10 Wheat., 93; Suydam *v.* Williamson, 20 How., 437; 2 Tidd's Pr., 1134; Co. Litt., 288b.)

Process subsequent to judgment is as essential to jurisdiction as process antecedent to judgment, else the judicial power would be incomplete—

"The *judicial power* would be incomplete"—

and entirely inadequate to the purposes for which it was conferred by the Constitution. Congress, it is conceded, possesses the uncontrolled power to legislate in respect both to the form and effect of executions and other processes to be issued in the Federal courts. (United States *v.* Johnson County; United States *v.* Henry County, 73 U. S., 166.)

In Central National Bank *v.* Stevens (169 U. S., 464, 465), the court say:

But it has been frequently determined by this court that the jurisdiction of a court is not exhausted by the rendition of the judgment, but continues until the judgment shall be satisfied.

* * * * * * *

An execution is the end of the law. It gives the successful party the fruits of his judgment. (United States *v.* Nourse, 9 Pet., 828.)

But it is scarcely necessary to quote authorities to show that to deprive a court of the power to execute its decrees is to *essentially* impair its jurisdiction. *Juris effectus in executione consistit.* (Co. Litt., 289.)

An interesting case upon this subject, for another reason than the merits of the opinion, is that of Gordon *v.* The United States (117 U. S., Appendix, p. 697). The opinion was the last judicial utterance of Chief Justice Taney, against whom I was in his prime prejudiced, but of whom I long ago grew to think that he was a very great lawyer and jurist. Without going into a statement of the case, it is sufficient to say that the court held that it would not take cognizance of appeal from a court which could not issue execution or other process to carry into effect its judgment, and to which the Supreme Court could not issue a mandate which it could carry into effect; that—

Congress can not authorize or require this court to express an opinion on a case where its *judicial power* could not be exercised and where its judgment would not be final and conclusive upon the rights of the parties and process of execution awarded to carry it into effect.

It is added, and this is the point to support which I cite the case:

The award of execution is a part, and an essential part, of every judgment passed by a court exercising judicial power. It is no judgment, in the legal sense of the term, without it. Without such an award the judgment would be inoperative and nugatory, leaving the aggrieved party without a remedy. It would be merely an opinion, which would remain a dead letter, and without any operation upon the rights of the parties, unless Congress should at some future time sanction it and pass a law authorizing the court to carry its opinion into effect. Such is not the *judicial power* confided to this court in the exercise of its appellate *judisdiction;* yet it is the *whole power that the court* is allowed to exercise under this act of Congress.

It is true the act speaks of the judgment or decree of this court. But all that the court is authorized to do is to certify its opinion to the Secretary of the Treasury, and if he inserts it in his estimates, and Congress sanctions it by an appropriation, it is then to be paid, but not otherwise. And when the Secretary asks for this appropriation, the propriety of the estimate for this claim, like all other estimates of the Secretary, will be opened to debate, and whether the appropriation will be made or not will depend upon the majority of each House. The *real and ultimate judicial power* will, therefore, be exercised by the legislative department, and not *by that department to which the Constitution has confided it.*

Referring to the decision in Hunt *v.* Pallas (4 How., 589) in which a motion was made for writ of error to be directed to the judges of the State court, which motion was overruled, the court is quoted as saying:

It would be useless and vain for this court to issue a writ of error and bring up the record and proceed to judgment upon it when, as the law now stands, no means of process is authorized by which our judgment could be executed.

He also adds:

The court has uniformly refused to take jurisdiction when there was not a court of the United States in existence in possession of the original record to which we were authorized by law to send a mandate to carry into effect the judgment of this court.

After going into the theory of the Constitution as to our judicial system and the line of demarcation between the coordinate branches of the Government, he says:

The Constitution of the United States delegates no judicial power to Congress. Its powers are confined to legislative duties and restricted within certain prescribed limits.

In In re Sanborn, petition for writ of mandamus (148 U. S., 220), to command the allowance of an appeal by John B. Sanborn from certain findings of fact and conclusions of law of the Court of Claims, the decision in the case of Gordon *v.* The United States was approved by the court as follows:

This subject came, for the first time, before this court in the case of Gordon *v.* United States (69 U. S., 2 Wall., 561, 17:921), wherein it was held that as the law then stood no appeal would lie from the Court of Claims to this court. The reasons for this conclusion are stated in the opinion of Chief Justice Taney, reported in the Appendix to 117 United States, 697, and interesting as his last judicial utterance. Briefly stated, the court held that as the so-called judgments of the Court of Claims were not obligatory upon Congress or upon the executive department of the Government, but were merely opinions which might be acted upon or disregarded by Congress or the Departments, and which this court had no power to compel the court below to execute, such judgments could not be deemed *an exercise of judicial power,* and could not, therefore, be revised by this court.

What is true of executions to carry into effect judgments at law is true as to the necessary process for carrying into effect decrees in equity. (Root *v.* Woolworth, 150 U. S., 400.)

It is my belief that if this amendment were adopted and became a part of the law, dealing with this class of cases, the court would be obliged to hold it to be unconstitutional; and I very much fear that if it were incorporated in a provision for judicial review the court would decline to take that emasculated jurisdiction at all, which would leave the act without provision for judicial review, and therefore void so far as the rate-fixing section is concerned, as being without due process, as in the case of C., M. & St. P. *v.* Minnesota, 134 U. S. But I will briefly advert to this later.

I do not care to spend more than a moment on the case of Fink *v.* O'Neil, which in the Senator's first speech he elaborated, and also in his second, except to say that there was not involved in that case at all the power of Congress to prohibit an existing inferior court from issuing execution. The court said that there was no inherent right to issue execution; that the inferior courts of the United States had no prescriptive power in that regard, but the sole question there was not whether the execution might issue or not, *for it had issued,* and a bill was filed to prevent any *further proceeding under the levy* upon the ground that the property seized was exempt under the constitution and laws of the State of Wisconsin from seizure and sale under any execution or other process from the State courts. The Supreme Court held that Congress had conformed the practice as to executions to the laws of the State and had provided that executions from the Federal court should only be leviable as executions from the State courts where leviable, and that the *exemption laws of Wisconsin had since the enactment of that statute been the Federal law in Wisconsin upon that subject.*

So it was not a question whether Congress *could* prohibit the issue of execution or whether that court lawfully issued execution, but whether execution could be levied upon property which was exempt under the constitution of the State.

Mr. President, I come now to another proposition. The Constitution contains words which, if the Senator from Texas is right, in my judgment involve an assertion by him practically of Congressional power to amend it.

"LAW," "EQUITY," AND "ADMIRALTY" IN THE CONSTITUTION.

The judicial power *shall extend* to all cases in LAW and EQUITY arising under this Constitution and * * * to *all cases of* ADMIRALTY *and* MARITIME JURISDICTION.

Have those words any permanent significance? They were incorporated in the Constitution with intelligent purpose. They were put there, Mr. President, by men who understood them, and they were put there to remain until eliminated in the manner provided by the Constitution for amending that instrument. "LAW," "EQUITY," "ADMIRALTY AND MARITIME JURISDICTION." They were not defined, but they are there. What do they mean? It was not intended that Congress should define them, and Congress has never attempted to define them. "Law" was a word of well-understood signification at that day, as it is to-day. It referred to the enforcement in the courts of common law of rights through the intervention of a common-law jury. "Equity" was well understood. "Admiralty" and "maritime juridiction" were perhaps not so definitely understood, but they mean something. What they mean is for the *courts,* not the *Congress,* to say. The Supreme Court has had occasion more than once to pass upon the meaning of the phrase "admiralty and maritime jurisdiction," and they took occasion to consider not only what it means in the Constitution, but what *power Congress has* over it.

In the Belfast *v.* Boon (74 U. S., 624), the court says:

Difficulties attend every attempt to define the exact limits of admiralty jurisdiction, but it can not be made to depend upon the power of Congress to regulate commerce as conferred in the Constitution. They are entirely distinct things, having no necessary connection with one another, and are conferred in the Constitution by separate and distinct grants. (The Genesee Chief, 12 How., 452.)

Congress may regulate commerce with foreign nations and among the several States, but the judicial power, which, among other things, *extends to all cases of admiralty and maritime jurisdiction, was conferred upon the Federal Government by the Constitution, and Congress can not enlarge it, not even to suit the wants of commerce nor for the more convenient execution of its commercial regulations.* (The St. Lawrence, 1 Black, 526; 66 U. S., XVII., 182.)

Remarks, it is conceded, are found in the opinion of the court in the case of Allen *v.* Newberry (21 How., 245; 62 U. S., XVI., 111) inconsistent with these views, but they were not necessary to that decision, as the contract in that case was for the transportation of goods on one of the western Lakes, where the jurisdiction in admiralty is restricted by an act of Congress to steamboats and other vessels employed in the business of commerce and navigation between ports and places in different States and Territories. (The Hine *v.* Trevor, 4 Wall., 555; 71 U. S., XVIII., 451.)

That was under the extended jurisdiction which the court adopted ultimately, because the jurisdiction of England was too narrow, being confined to the ebb and flow of the tides.

In the Lottawanna (21 Wall., 558–609) Mr. Justice Bradley, speaking for the court, said:

The principal question presented by the appeal, therefore, is whether the furnishing to a vessel on her credit at her home port needful repairs and supplies creates a maritime lien.

* * * * * * *

That we have a maritime law of our own, operative throughout the United States, can not be doubted. The *general system of maritime law which was familiar to the lawyers and statesmen of the country*

when the Constitution was adopted was most certainly intended and referred to when it was declared in that instrument that the judicial power of the United States shall extend "to all cases of admiralty and maritime jurisdiction." But by what criterion are we to ascertain the precise limits of the law thus adopted? The Constitution does not define it. It does not declare whether it was intended to embrace the entire maritime law as expounded in the treaties, or only the limited and restricted system which was received in England, or lastly, such modification of both of these as was accepted and recognized as law in this country. Nor does the Constitution attempt to draw the boundary line between maritime law and local law, nor does it lay down any criterion for ascertaining that boundary. *It assumes that the meaning of the phrase "admiralty and maritime jurisdiction" is well understood. It treats this matter as it does the cognate ones of common law and equity, when it speaks of "cases in law and equity," or of "suits at common law," without defining those terms, assuming them to be known and understood.*

* * * * * * *

The question is discussed with great felicity and judgment by Chief Justice Taney, delivering the opinion of the court in the case of the St. Lawrence, 1 Black, 526, 527 (66 U. S., XVII, 183), where he says: "Judicial power, in all cases of admiralty and maritime jurisdiction, is delegated by the Constitution to the Federal Government in general terms, and *courts of this character had then been established in all commercial and maritime nations*, differing, however, materially in different countries in the powers and duties confided to them, the extent of the jurisdiction conferred depending very much upon the character of the government in which they were created; and this circumstance, with the general terms of the grant, rendered it difficult to define the exact limits of its power in the United States. This difficulty was increased by the complex character of our Government, where separate and distinct specified powers of sovereignty are exercised by the United States and a State independently of each other within the same territorial limits. And the reports of the decisions of the court will show that the subject has often been before it, and carefully considered, without being able to fix with precision its definite boundaries; *but certainly no State law can enlarge it, nor can an act of Congress or rule of court make it broader than the judicial power may determine to be its true limits.* And this boundary is to be ascertained by a reasonable and just construction of the words used in the Constitution, taken in connection with the whole instrument, and the purposes for which admiralty and maritime jurisdiction was granted to the Federal Government."

* * * * * * *

The question as to the true limits of maritime law and admiralty jurisdiction is, undoubtedly, as Chief Justice Taney intimates, *exclusively a judicial* question, and *no State law or act of Congress can make it broader, or, it may be added, narrower than the judicial power may determine those limits to be.* But what the law is within those limits, assuming the general maritime law to be the basis of the system, depends on what has been received as law in the maritime usages of this country and on such legislation as may have been *competent* to affect it.

To ascertain, therefore, what the maritime law of this country is, it is not enough to read the French, German, Italian, and other foreign works on the subject, or the codes which they have framed, but we *must have regard to our own legal history, Constitution, legislation, usages, and adjudications as well.* The decisions of this court illustrative of these sources, and giving construction to the laws and Constitution, are especially to be considered; and when these fail us, we *must resort to the principles by which they have been governed.*

It never was intended by the framers of the Constitution, in the judicial clause of that instrument, Mr. President, to leave the courts of the United States to be shorn, directly or indirectly, of the judicial power conferred by the Constitution. It never was intended by the framers of that instrument that the *judicial power* of the Government should ever be *subject to Congress* save as to the distribution of subjects of jurisdiction:

Congress undoubtedly has authority under the commercial power, if no other, to introduce such changes as are likely to be needed. The scope of the maritime law, and that of commercial regulation are not coterminous, it is true, but the latter embraces much the largest portion of ground covered by the former. Under it Congress has regulated the registry, enrollment, license, and nationality of ships and vessels; the method of recording bills of sale and mortgages thereon; the rights and duties of seamen; the limitations of the responsibility of shipowners for the negligence and misconduct of their captains and crews, and many other things of a character truly maritime. And with regard to the question now under consideration, namely, the rights of material men in reference to supplies and repairs furnished to a vessel in her home port, there does not seem to be any great reason to doubt that Congress might adopt a uniform rule for the whole country, though, of course, this will be a matter for consideration should the question ever be directly presented for adjudication.

* * * * * * *

Be this however as it may, and whether the power of Congress is or is not sufficient to amend the law on this subject—if amendment is desirable—this court is bound to declare the law as it now stands. And according to the maritime law, as accepted and received in this country, we feel bound to declare that no such lien exists as is claimed by the appellees in this case. The adjudications of this court, before referred to, which it is unnecessary to review, are conclusive on the subject; and we see no sufficient ground for disturbing them.

In the St. Lawrence Meyer *v.* Tupper, 1 Black, 522, the court say, through Mr. Chief Justice Taney:

Yet Congress may undoubtedly prescribe the forms and mode of proceeding in the judicial tribunals it establishes to carry this power into execution; and may authorize the court to proceed by an attachment against the property or by the arrest of the person, as the legislature shall deem most expedient to promote the purposes of justice.

In Butler *v.* Steamship Company (130 U. S., 527), through Mr. Justice Blatchford, the court says:

These quotations are believed to express the general, if not unanimous, views of the members of this court for nearly twenty years past; and they leave us in no doubt that, whilst the general maritime law, with slight modifications, is accepted as law in this country, it is subject to such amendments as Congress may see fit to adopt. One of the modifications of the maritime law, as received here, was a rejection of the law of limited liability. We have rectified that. Congress has restored that article to our maritime code. We can not doubt its power to do this. As the Constitution extends the judicial power of the United States to "all cases of admiralty and maritime jurisdiction," and as this jurisdiction is held to be exclusive, the power of legislation on the same subject must necessarily be in the national legislature, and not in the State legislature. *It is true we have held that the boundaries and limits of the admiralty and maritime jurisdiction are matters of judicial cognizance, and can not be affected or controlled by legislation,* whether State or *national.* (Chief Justice Taney, in the St. Lawrence, 66 U. S.; 1 Black, 522, 526, 527; 17: 180, 182, 183; the Lottawanna, 88 U. S.; 21 Wall., 558, 575, 576; 22: 654, 662.) But within these boundaries and limits the law itself is that which has always been received as maritime law in this country, with such amendments and modifications as Congress may from time to time have adopted.

Mr. President, what power over admiralty and maritime jurisdiction, recognized and established by the Constitution, does the Congress possess? Certainly not the power of *life and death.* The Supreme Court has held the words in the Constitution, that "the judicial power shall extend to all cases of admiralty and maritime jurisdiction," is a *constitutional* recognition of a system of jurisprudence already existing, understood and *established* as a part of the judicial power and jurisdiction of the courts of the Union, and that the scope of the jurisdiction is beyond the power of Congress to either enlarge or contract or control, that being solely a *judicial question.* Midway the limits fixed by the court the Congress may, as indicated in the opinions, legislate, but that it can essentially impair or destroy the admiralty and maritime jurisdiction, to which the Constitution says the judicial power shall extend, seems settled in the negative.

"CASES IN LAW AND EQUITY."

The Constitution says that the judicial power shall extend to all cases in *law* and *equity.* What about them? Has the Congress more power to limit and control the jurisprudence at *law* or in *equity* than it has in cases of "admiralty and maritime jurisdiction?" Is there any ground for the contention that the latter is imported into the Constitution and established as a permanent system of jurisprudence and the former are not? The phrase "admiralty and maritime jurisdiction" was, as the court has said, difficult of definition. Not so much so the word "law;" not at all so the word "equity."

Neither of the three was made more permanent by the Constitution than the other two, and all three are *established* by it, to be eliminated from it only by amendment to the instrument itself. Each represents an entirely different and separate jurisprudence, well established and understood and administered in this country before the Constitution was adopted.

What does the word "law" represent in the second section of Article III? In Fenn *v.* Holme (62 U. S., 481) the court say:

In the act of Congress "to establish the judicial courts of the United States" this distribution of law and equity powers is frequently referred to, and by the sixteenth section of that act, as if to place the distinction between those powers beyond misapprehension, it is provided "that suits in equity shall not be maintained in either of the courts of the United States in any case where plain, adequate, and complete remedy may be had at law," at the same time affirming and separating the two classes or sources of judicial authority. In every instance in which this court has expounded the phrases, proceedings at the common law and proceedings in equity, with reference to the exercise of the judicial powers of the courts of the United States, they will be found to have interpreted the former as signifying the application of the definitions and principles and rules of the common law to rights and obligations essentially legal, and *the latter, as meaning the administration with reference to equitable as contradistinguished from legal rights, of the equity law as defined and enforced by the court of chancery in England.*"

In Parsons *v.* Bedford et al. (3 Pet., 446, 447) the Supreme Court, speaking of the word "law" in the Constitution, and the light thrown on it by the seventh amendment, say:

The Constitution had declared, in the third article, that the judicial power should extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority, etc. It is well known that in civil suits, in courts of equity and admiralty, juries do not intervene, and that courts of equity use the trial by jury only in extraordinary cases. When, therefore, we find that the amendment requires that the right of trial by jury shall be preserved in suits at common law, the natural conclusion is, that the distinction was present in the minds of the framers of the amendment. By common law they meant what the Constitution denominated in the third article—LAW—not merely suits which the common law recognized among its old and settled proceedings, but suits in which legal rights were to be ascertained and determined, in contradistinction to those where equitable rights alone were recognized and equitable remedies administered.

The same doctrine is recognized in the case of Strother *v.* Lucas, in 6 Pet., pages 768, 769 of the volume, and in the case of Parish *v.* Ellis, 16 Pet., pages 453, 454.

Is it more difficult to define "law" and "admiralty" and "maritime jurisdiction" than it is to define the word "equity?" It would seem under the decisions that the test as to whether a suit is to be on the law or equity side of the court depends upon the question whether, the amount being sufficient, the parties are entitled to a determination of the facts by a com-

mon-law jury. It has been repeatedly decided that the word "equity" in the Constitution referred to the system of equitable jurisprudence as administered by the high court of chancery of England at the time the Constitution was adopted. Certainly the Constitution treated it as a separate system of jurisprudence, not requiring definition, but established and well understood. The word of necessity means *something* in the Constitution. It is permanent in that instrument, unless taken therefrom by the States by amendment, and for over a hundred years the courts *sitting in equity* have administered that jurisprudence as established and understood at the time of the adoption of the Constitution. It is unnecessary to cite authorities to support this proposition.

Of course, where States have given larger equitable remedies, the courts of the United States sitting in equity in cases of diverse citizenship will effectuate such remedies, if they be in harmony with the established principles of equity jurisprudence. (Gormley *v.* Clark, 134 U. S., 338.)

So, many acts of Congress have given rise to controversies which the courts have held were cognizable in equity within the meaning of that word in the Constitution as they have construed it, but in the last analysis the system of equity jurisprudence, as recognized and established as a part of American jurisprudence by the Constitution, has been administered and must continue to be administered until the Constitution is changed.

In Wright *v.* Ellison (68 U. S., 16) Mr. Justice Swayne, for the court, says that—

This is a suit in equity. The rules of equity are as fixed as those of law, and this court can no more depart from the former than the latter. Unless the complainant has shown a right to relief in equity, however clear his rights at law, he can have no redress in this proceeding. In such cases the adverse party has a constitutional right to trial by jury. The objection is one which, though not raised by the pleadings nor suggested by counsel, this court is bound to recognize and enforce.

In Van Norden *v.* Morton (99 U. S., 378) the court say:

We think the rule is settled in this court that whenever a new right is granted by statute, or a new remedy for violation of an old right, or whenever such rights and remedies are dependent on State statutes *or acts of Congress*, the jurisdiction of such cases as between the law side and the equity side of the Federal courts *must* be determined by the *essential character of the case*, and unless it comes within some of the *recognized heads of equitable jurisdiction* it must be held to belong to the other.

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The case of Thompson *v.* Railroad Company (6 Wall., 134) had been removed from the State courts into the circuit court of the United States. In the latter a bill in chancery was filed and a decree rendered in favor of the complainant. On appeal this court held that the case had no feature of equitable cognizance, and it was ordered to be dismissed without prejudice. It was conceded that if the case had remained in the State court the plaintiff could have recovered. The court said: "The remedies in the courts of the United States are at common law or in equity, not according to the practice of the State courts, but *according to the principles of common law and equity, as distinguished and defined in that country from which we derive our knowledge of these principles*. And although the forms of proceeding and practice in the State courts shall have been adopted in the circuit courts of the United States, yet the adoption of the State practice must not be understood as *confounding the principles of law and equity* nor as authorizing legal and equitable claims to be blended together in one suit. (Citing Robinson *v.* Campbell, 3 Wheat., 212, and Bennett *v.* Butterworth, 11 How., 669, to which we beg leave to add Jones *v.* McMasters, 20 How., 8, and Basey *v.* Gallagher, 20 Wall., 680.)

In Fontain *v.* Ravenel (58 U. S., 369), Mr. Justice McLean, speaking for the court, says:

The courts of the United States can not exercise any equity powers, except those conferred by acts of Congress and those judicial powers which the high court of chancery in England, acting under its judicial capacity as a court of equity, possessed and exercised at the time of the formation of the Constitution of the United States. Powers not judicial, exercised by the chancellor merely as the representative of the sovereign, and by virtue of the King's prerogative as *parens patriae* are not possessed by the circuit courts.

The seventh amendment threw a bright light upon the word "law" as it is used in the Constitution, and drew clearly the distinction between law and equity, but the equity jurisprudence represented by the word "equity" in the Constitution referred to a system of jurisprudence very definitely settled, as administered by the high court of chancery in England, and by courts of chancery in the States at the time the Constitution was adopted.

It has been settled that the scope of the admiralty and maritime jurisdiction recognized by the Constitution is a judicial, not a legislative question. Is the scope of the judicial power of the Constitution in *equity* to be defined or controlled by Congress? Obviously not. Its scope is a judicial question. How far may the Congress, if at all, limit or control its scope? Can Congress lawfully enact a law forbidding the circuit courts of the United States to entertain an original bill for injunction? That was from the beginning a part of the jurisdiction in equity, as I understand it. That is *preventive* relief, *and without it there could be none*. It goes back to the *interdict*, Mr. President, of the Roman law, and from its adoption down through the history of English jurisprudence it was a jurisdiction to afford preventive relief, where the common law courts could only afford redress for past wrongs.

Can Congress pass a valid act prohibiting the circuit courts of the United States having jurisdiction in equity, from taking cognizance of an original bill to compel the performance of a contract, or forbidding the court in such case to restrain by appropriate order or writ the party defendant from conveying the property to a *bona fide* purchaser or otherwise pending the final decree?

Can the Congress pass a valid law lawfully prohibiting the Federal courts of the United States, sitting in equity, from entertaining or from taking cognizance of an original bill to preserve a trust estate, or for an accounting, or to enjoin the trustee or guardian who has fallen into evil ways from despoiling and wasting the trust estate?

If Congress has the power to obliterate one of the *original heads of equity jurisdiction*, as they existed when the Constitution was adopted, it has the power to strike them all down, because if the power be once admitted, Mr. President, the boundary at which the power of Congress shall cease is to be determined by the Congress, not by the courts.

And so we would have the Congress amending the Constitution by striking the word "equity" therefrom, which is an impossibility. The Constitution says (it can not be repeated too often) "the judicial power *shall* extend to all cases in *law* and *equity* arising," etc.

In Noonan *v.* Braley (67 U. S., 497) the court say:

The equity jurisdiction of the courts of the United States is derived from the Constitution and laws of the United States. Their powers and rules of decision are the same in all the States. Their practice is regulated by themselves and by rules established by the Supreme Court. This court is invested by law with the power to make such rules. In all these respects they are unaffected by State legislation.

Congress may change the practice and procedure, but can they deprive the court, having jurisdiction in equity, of any power essential to the beneficial exercise of that jurisdiction?

Do Senators think that Congress has the constitutional power to provide that the facts in chancery cases shall be found by a *common-law jury* instead of by the chancellor, as has always been the rule? The Supreme Court of the United States long ago held that the seventh amendment did not apply to equity. (Shields *v.* Thomas, 18 How., 253.) The testimony is differently taken in courts of suits in equity than in courts of law. Sometimes a feigned issue was sent out of equity to be tried by a common-law jury, but it has always been the law, Mr. President, that the chancellor treated the findings of the jury as advisory only and not binding on his conscience. There have been attempts in the States to require the determination by a jury of the facts in equity cases, but the courts each time—and they were very able courts—have held such laws to be unconstitutional.

Let me call attention to what Mr. Justice Miller says in his work on the Constitution as to whether Congress may disturb, contract, or enlarge the equity jurisdiction—and when I say "jurisdiction" I refer to "jurisdiction *in equity*." He says (p. 488):

Not only did the *framers of the new Constitution* follow as well as they might the general polity of the English system, but they evinced an ardent desire to preserve the principles which had been accepted as part of the general administration of the law among our ancestors. This is shown in many of the provisions of the Constitution. Among others the *article concerning the judicial powers of the new Government establishes its jurisdiction as extending to all cases in admiralty and in law and in equity*, thus recognizing the English separation of these three classes of legal controversies as being governed by a separate jurisdiction. At least such has been the construction placed upon that instrument by the courts of the country without much question. It has been repeatedly decided that the jurisdiction in equity, which was a very peculiar one under the English system of legal administration, remains in the courts of the United States as it was at the time they separated from that country, and that one of the distinctive features of the difference between law and equity, namely, that at law there is a right to a trial by jury and in equity there is none, has continued to the present day. *And it is a very grave question, one which has never been brought to the attention of the courts, because Congress has never attempted to exercise any such authority, whether the Congress of the United States can make any change in the equitable jurisdiction of the courts of the United States; and if so, to what extent it can be done.*

In this connection I quote from a Wisconsin case (Callahan *v.* Judd *et al.*, 23 Wis., 343). In that State there was a class of mortgages called "farm mortgages." A great fraud had been perpetrated upon a large number of farmers in Wisconsin. In order to promote the construction of a railroad through their farms or in close proximity to them, they had been induced to give their negotiable notes, secured by mortgage upon their farms, in payment for stock of the railway company. I believe there was a little agreement attached or pinned to the notes in some way, providing that they should not be negotiated until the

stock paid dividends, or something like that. That is my recollection. Of course the notes were put at once into the hands of bona fide holders—nonresidents, many of them—and suits were brought to foreclose the mortgages. The railroad company did not ever pay any dividends; but a great many farmers lost their farms, and there was great excitement in the State. The courts, of course enforcing the law, rendered decrees of foreclosure. The legislature passed an act *prohibiting the courts from trying any action to foreclose a mortgage in which there were questions or issues of fact, without the intervention of a jury, except upon the written stipulation of the parties and giving to a verdict of the jury the same force and effect as in actions at common law.*

The court held the law to be invalid; and I read a brief extract from the opinion. It was a very strong court. Mr. Justice Payne, who wrote the opinion, has been dead many years. He was a man whose intellectual force and knowledge of the law would have made him a conspicuous member of the bench of the Supreme Court of the United States. He says:

I think the act invalid, and my reasons are briefly as follows: The power to decide questions of fact in equity cases belonged to the chancellor just as much as the power to decide questions of law—

Just as the power to decide whether in equity cases justice demands that the status quo shall be maintained until final judgment belongs to the chancellor, and always did belong to the chancellor—

It was an inherent part and one of the constituent elements of equitable jurisdiction. If, therefore, it shall appear that, by the Constitution, the equitable jurisdiction existing in this State is vested in the courts, I think it will necessarily follow that it would not be competent for the legislature to divest them of any part of it and confer it upon juries. If they can do so as to a part, I do not see why they may not as to the whole.

Who *can* see? If the legislative judgment can be lawfully substituted for the *judgment of the chancellor with knowledge* of the facts as to what remedial justice is demanded in a particular cause over which the court has jurisdiction in equity, where is the limit?

If they can say that in an equity case no court shall render any judgment except upon the verdict of a jury on questions of fact, I can see no reason why they may not say that the jury shall also be allowed to decide questions of law.

But the constitution, in section 2, article 7, provides that "the judicial power of this State, both as to matters of law and equity, shall be vested in a supreme court, circuit courts, courts of probate, and justices of the peace. The legislature may also vest such jurisdiction as shall be deemed necessary in municipal courts." * * *

In order to determine the meaning of the phrase "judicial power as to matters of law and equity," it is only necessary to recur to the system of jurisprudence established in this country and derived from England, in which the courts had certain well-defined powers in those two classes of actions. In actions at law they had the power of determining questions of law, and were required to submit questions of fact to a jury. When the Constitution, therefore, vested in certain courts judicial power in matters at law, this would be construed as vesting such power as the courts, under the English and American system of jurisprudence, had always exercised in that class of actions. It would not import that they were to decide questions of fact, because such was not the judicial power in such actions. And the constitution does not attempt to define judicial power in these matters, but speaks of it as a thing *existing and understood*—

Just as the Constitution of the United States speaks of it—

But to remove all doubts, in actions at law the right of a trial by jury is expressly preserved by another provision—

As it is by the Constitution of the United States—

But, as already stated, the power of a *court of chancery to determine questions of fact, as well as of law, was equally well established and understood.* And when the constitution vested in certain courts judicial power as to matters in equity, it clothed them with this power, as one of the *established elements of judicial power in equity, so that the legislature can not withdraw it and confer it upon juries.*

* * * * * * *

The plain object of this provision was to enable the legislature to distribute the jurisdiction in both matters at law and in equity as between the circuit courts and the other courts in the State, giving to the circuit courts such original jurisdiction and such appellate jurisdiction as it might see fit. But the jurisdiction there intended was jurisdiction of the suit.

It may well be that the legislature may deprive the circuit courts of original jurisdiction in actions for the foreclosure of mortgages. It is unnecessary to determine whether it could or not. *But it is quite certain that this clause contains no authority for it, while leaving those courts jurisdiction of this class of actions, to attempt to withdraw from them an acknowledged part of the judicial power and vest it in the jury.* (See Freeman *v.* McCollum, 20 Wis., 360.)

I turn also, for I think there is great wisdom in it——

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. Does the Senator from Wisconsin insist that in the absence of a constitutional amendment providing for trial by jury Congress would have no right or power to abolish the trial by jury?

Mr. SPOONER. There was much fear about it. There was grave dispute about it. It was argued by many, as I recollect, that the word "law" was to be construed so as to import a common-law jury. But to make that absolutely certain—the States demanded that the seventh amendment——

Mr. BAILEY. The Senator has well said that every word and phrase in the Constitution means something, and that would mean absolutely nothing if in the absence of it Congress would be as powerless as it is when it is written in the Constitution.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. SPOONER. Certainly.

Mr. KNOX. I desire to call the attention of the Senator from Texas to the fact that there is a case—I can not recall the name of it now, but I have come across it within the last few weeks—holding that the right of trial by jury is sacred and would exist independent of the provision contained in the Constitution.

Mr. SPOONER. The seventh amendment?

Mr. KNOX. Yes, sir.

Mr. BAILEY. So there is a case holding the law of a State void even before the State had a written constitution—the celebrated Rhode Island case. But nobody believes that that isolated case is the law, and neither can those of us who believe that every sentence of the Constitution means something and was written in there for a purpose believe that without this amendment Congress would still be powerless to abolish the right of trial by jury, and that it was not written into the Constitution so as to disable Congress from abolishing the right of trial by jury.

Mr. SPOONER. I think the Senator——

Mr. BAILEY. Will the Senator permit me?

Mr. SPOONER. Certainly.

Mr. BAILEY. I want to add a word. I do believe there is this limitation upon the power of Congress in respect to equity courts. I do not believe that with this amendment guaranteeing the right of trial by jury in actions at common law Congress could confer upon courts of equity jurisdiction which would defeat the constitutional guaranty of right of trial by jury. My opinion is that the only limitation upon the power of Congress in that respect——

Mr. SPOONER. Does the Senator think that Congress can pass a valid act for a common-law jury in equity cases, giving the same effect to the verdict of the jury as is given under the seventh amendment to the Constitution?

Mr. BAILEY. My own opinion is that Congress could abolish all courts of equity if it chose, just as many of the States have abolished them.

Mr. SPOONER. In the States which abolished the distinction I think they adopted constitutional amendments or else they were authorized by the constitution to do it by legislative act. I do not think Congress can take away from the chancellor the power which he has always exercised—one of the peculiarities of the chancery system—and transfer the decision of questions of fact to a jury making the verdict more than advisory.

Mr. BAILEY. If it will not interrupt the Senator——

Mr. SPOONER. No.

Mr. BAILEY. When the people who adopted the Constitution were so far dissatisfied with its guaranties as to insist upon an amendment that secured the right of trial by jury, it seems to me that undoubtedly they recognized the right of Congress to abolish the right of trial by jury in the absence of that limitation, and if Congress could abolish the right of trial by jury, as immemorial and as sacred as that right is, it seems to me it could surely extend it to a case in equity, although I am aware that there are two or three State decisions to the contrary.

Mr. SPOONER. Will the Senator tell me what limit he thinks there is to the power of Congress over the equity jurisprudence or jurisdiction recognized by the Constitution, as construed by the Supreme Court?

Mr. BAILEY. My own opinion is that Congress could abolish it; that Congress could forbid every court in the United States from exercising it. The Senator, I am aware, has just demanded to know, with a good deal of vehemence, if Congress could deny courts of equity the right to entertain certain actions—an action for accounting, an action to preserve a trust. I only remind the Senator that a little earlier in his speech he said that Congress could either grant or withhold jurisdiction over these cases; and if Congress can merely, by withholding jurisdiction, disable the courts of the United States from entertaining a bill for an accounting surely by express enactment it could do it. It needs no express enactment in a case like that, because if a suitor comes to the court with his bill for an accounting and the party on the other side says the court is without jurisdiction, the court itself must look to the statute book

and find some statute which authorizes it to entertain that bill of accounting.

Mr. SPOONER. I have never contended that Congress might not withdraw from the circuit courts the equity jurisdiction and confer it upon existing courts or might not vest equity and law jurisdiction and the admiralty jurisdiction in one court. I have denied—and if I am vehement it is more my misfortune than my fault—and I do deny, the power of Congress to obliterate the inferior courts of the United States, and it is my belief that any act of Congress which abrogated the district and circuit courts of the United States without substituting for them courts to exercise some of the jurisdiction of the Constitution would be held by the Supreme Court to be void.

I am not ready to believe that we are in England, living under a parliament. I am not ready to believe that the Senator from Texas does not exalt, beyond justification in law, the power of Congress over the courts. Does the Senator agree with me that the Congress could not pass a valid act prohibiting the circuit and district courts of Pennsylvania from issuing process to carry into effect their judgments or decrees?

Mr. BAILEY. Does the Senator wish me to answer now?

Mr. SPOONER. Not unless the Senator chooses to. I have no right to interrogate him. I beg pardon.

Whether a case is a case in equity or not depends upon whether it falls within one of the heads of the ancient equity jurisdiction which was imported into the Constitution. It does not depend upon a legislative characterization of it. When the Constitution says that the judicial power of the United States SHALL extend to all cases in LAW and EQUITY in the enumerated classes, does it mean something or nothing? The courts have said repeatedly that whether a case is a case at law or a case in equity is to be determined by the essential features of the case itself.

And, Mr. President, nothing is gained in the way of argument, it seems to me, by assuming impossibilities. I assume in all I say that the time will never come, as it never has come, when there will be found a Congress sitting under this Dome oblivious to the duties imposed by the Constitution. The Senator said the other day that Congress could repeal all laws on the statute books relating to crime. What of it? That is a mere abstraction. They would have to reckon with the people. Congress could starve the executive department. It would not need to pass any law to do it. All that would be needed would be *omission* to act. Congress could shut up the courts by starving all the court officials and neglecting to appropriate money to pay the judges. Congress could omit to appropriate money to pay the Cabinet, to pay the President, to pay the Army, to keep up the administrative department. What of it? Does that argue anything concerning the matter now before the Senate?

As Mr. Justice Iredell said, it is our duty to assume that the constitutional function of the Congress will be performed—as we know it always will be—and the question is not whether the Congress could do this or could do that; the question is whether in a suit in equity, *pending in one of the courts of the United States having jurisdiction of the subject-matter and the parties*, Congress *can pass a valid law taking from the chancellor the inherent function of a chancellor to find the facts, and require him to delegate that power or itself confer that power upon a common-law jury of twelve and make that jury's verdict have the effect of a common-law verdict.* I think it could not be done. I think the Senator can not maintain the proposition, and I believe on reflection he will not assert it—that Congress has power to do away with the whole equity jurisprudence recognized and established by the Constitution. Of course it is an impossibility.

Suppose Congress should pass an act *requiring* in a *class* of cases the chancellor to grant a preliminary injunction; would that be a valid enactment? It is for the chancellor, under the system, to determine upon investigation, having the facts before him, whether the law or the rules of equity require that a preliminary injunction should be granted, or should be denied. Where does Congress get the power, invading the judicial domain in equity, to substitute *its judgment* for the *judgment of the chancellor* or to interfere with any step which shall be taken in an equity suit?

Mr. BAILEY. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. BAILEY. The Senator from Wisconsin, I believe, agrees with me that the inferior courts of the United States can entertain jurisdiction of no cause except Congress has by law authorized them to do so. I believe the Senator assents to that proposition.

Mr. SPOONER. Admit it.

Mr. BAILEY. Then, of course, it follows naturally that if Congress confers upon the inferior courts of the United States jurisdiction only in certain cases it withholds or, if you choose to use the other word, it withdraws jurisdiction in all other cases. Let us apply the rule. Suppose Congress authorizes the courts of the United States to entertain jurisdiction in no matter of equity. The Senator from Wisconsin agrees that the chancellor is without any jurisdiction, and that effect is simply accomplished, not by affirmatively denying him the right, but by failing affirmatively to give him the right. Therefore it does seem to me a strange course of reasoning which asserts that Congress can deny jurisdiction, and yet in another breath admits that the jurisdiction does not exist except upon the affirmative action of Congress.

Mr. SPOONER. Mr. President——

Mr. BAILEY. If the Senator will permit me, I say that if Congress may withhold from the jurisdiction of inferior courts all or any part of those cases enumerated in the Constitution, then it is utterly impossible to maintain that a given law which denies them jurisdiction is unconstitutional. If the law affirmatively denying them is unconstitutional, then surely any provision in the law that provides for the exercise of any part of the jurisdiction would be void unless it provided for the exercise of every part of the jurisdiction.

Mr. SPOONER. The Senator falls back each time upon the *power of life and death*. He falls back for a basis of contention upon an impossible assumption. I am not discussing that question. It is not involved here in any way. *His amendment provides, of which this proviso is a part*, for *the filing of an original bill in the circuit court for an injunction to restrain putting into force a rate fixed by the Interstate Commerce Commission; and on the assumption that the court is clothed with the judicial power to hear and determine that case and to render its decree and carry it into effect I am discussing this question*—not *upon what would be done or could be done if there were no such courts.*

Mr. President, is it contended that the Congress can lawfully enact, as a part of the Senator's amendment, a provision requiring a trial by jury and a verdict upon the facts in the case which by his amendment he authorizes to be brought? That is the precise question I am now discussing. Is it contended that in this case, *which the Senator is providing for bringing, this suit in equity*, Congress can *exercise any function which from time immemorial has devolvel upon the chancellor?* It has always been the function of the chancellor to determine whether in a suit brought for a permanent injunction a preliminary order was required to *prevent the doing of the wrong* complained of *until a hearing upon the testimony and the determination of the merits.* That is not a decision of the cause, as the Senator seemed to think the other day. That rests in the *sound discretion* of the chancellor, and always has so rested. The power should be exercised with caution. It does not involve a decision upon the merits. (High on Injunctions, 4th ed., secs. 1–6, pp. 2–10.)

Now, for Congress in such a case to "decide" by act in advance that if a motion is made for a preliminary injunction to maintain the status quo, no matter what the showing may be, the chancellor *shall deny it*, while he may be convinced it should be granted, is a legislative usurpation of a judicial function; and if it may be done in such a case, tell me, some one, where the power ceases? Can Congress lawfully pass an act that hereafter in all cases in equity where the court is of the opinion that justice requires a preliminary injunction, the maintenance of the status quo, upon that being made to appear, the suit shall be dismissed? Why not? In thousands of cases if the wrong were not prevented *in limine* a permanent injunction would be as idle as the wind that blows. It would be a solemn farce. It would bring the court of equity into contempt.

Suppose the trustee of an estate is about to-morrow, if not prevented, to take all that is left of the assets and embark it in a gamble, leaving penniless those for whom the decedent toiled and wrought all his life. It is the function of equity to protect that trust estate. Of what avail would equity be if in the beginning the wrong could not be prevented? Equity takes cognizance of bills to prevent, in violation of confidence, the publication of trade secrets. Of what avail would that be without the power of the chancellor, which has always been exercised, to grant in a proper case *preliminary* preventive process? Equity will take cognizance of a case, the citizenship being diverse, to prohibit a lawyer from violating the confidence of a client. Of what avail would it be if equity may not *at once* prevent that violation of confidence?

Take the case I put when I last addressed the Senate on this subject, where, by fraud, negotiable paper has been obtained from some man and he is in time, by his bill in equity, *if the preventive writ is granted*, to save himself from financial destruction by preventing the negotiation of that paper. Of what

avail would the permanent injunction be if the chancellor could not prevent *in limine* the wrong which the suit was brought permanently to prevent? If Congress, in a suit pending in equity, in an *existing* Federal court, may say to the chancellor by law, "No matter what the case may be, no matter what showing is made, if any motion is made for a preliminary writ, *you shall deny it*," why may not the Congress in another case say, "No matter what showing may be made, no matter how convinced the chancellor is that the writ ought not in justice to issue, *it shall be granted?*" Where is the limit?

Once admit the power—not the power to destroy the courts; I am assuming their existence, as the Senator's amendment does—once admit the power of Congress to say *what steps shall be taken in the progress of a lawsuit and what decisions shall be made on motions and petitions*, what is left of the judiciary? Anything? And applied to cases arising *under this bill*—for I have been speaking on general principles—but applied to cases arising under this bill, the proposition is one which is fatal, I think, to the bill. The men who are seeking to perfect this bill, who are anxious, as I am, that it shall contain no unconstitutional provision, are not to be classed as enemies of the bill. I am working here under my oath to do what I think is my duty. I believe this is an unconstitutional provision. I believe you can not, under the fifth amendment, take private property for public use and *deprive the owner of any remedy essential to his protection.*

The Congress, the Supreme Court has held, can not pass a lawful act taking private property for public use unless it contains an appropriation. Suppose it did and this power over the courts is unlimited, and it takes the property, and its officers are in possession of it, with no provision for payment; can the Congress pass a valid law under which the party is denied relief in equity? Can it pass a valid law that its agents in possession shall not be subject to any possessory action at law? That would not be "due process."

Going back, it was attempted in Michigan by an act to take the power to find the facts from the chancellor and vest it in a common-law jury. The question came up in the case of Brown *v.* Buck (75 Mich., 274). It is not obiter; it is a part of the *ratio decidendi.* The question was whether that was a valid enactment, and the supreme court of Michigan say:

> This leads to the inquiry whether it is competent for legislation to bring about any such radical change as is here attempted. We think it is not. The decisions of the United States Supreme Court before referred to do not bind State practice, but they nevertheless to some extent indicate the real difficulty. That tribunal did not decide that under the United States Constitution there could be no change in equitable procedure—

No one claims that—

> because the whole body of chancery practice has been repeatedly amended and simplified by that court.

It has all been done under the power delegated to the court.

> Their rulings mean neither more nor less than that there are various kinds of interests and controversies which can not be left without equitable disposal, without either destroying them or impairing their value. It is within the power of a legislature to change the formalities of legal procedure.

Formalities, Mr. President; *formalities* of legal procedure. Yes. These may be changed. The body of jurisprudence and the things which inhere in it and are essential to its beneficial exercise are not mere matters of practice or formal procedure.

> *But it is not competent to make such changes as to impair the enforcement of rights.* In rude times, when there is no business and no variety of property rights, very simple remedies are sufficient. But where the ordinary remedies have become inadequate to deal with more extended or peculiar interests, such as multiply in all civilized countries, different methods and different tribunals become necessary. The universally recognized basis of equitable jurisprudence, found in statutes and constitutions as well as in the reports and text writers, is the inadequacy of the common law to deal with these subjects. A principal basis of that inadequacy was the nature of the tribunal passing on the facts.
>
> In common-law issues fact and law can be readily separated; but in the great majority of equity proceedings it is impossible to make any such separation. The functions of judges in equity cases in dealing with them is as well settled a part of the judicial power and as necessary to its administration as the functions of juries in common-law cases. Our constitutions are framed to protect all rights. When they vest judicial power they do so in accordance with all of its essentials—

Barring the formal procedure, all of its *essentials*—

> and when they vest it in any court they vest it as *efficient for the protection of rights*, and not *subject to be distorted or made inadequate.* is as sacred as the right of trial by jury.

I assert, Mr. President, that this is a sound and golden sentence which is the law in the last analysis:

> The right to have equity controversies dealt with by equitable methods is as sacred as the right of trial by jury.

Let me read it again:

> THE RIGHT TO HAVE EQUITY CONTROVERSIES DEALT WITH BY EQUITABLE METHODS IS AS SACRED AS THE RIGHT OF TRIAL BY JURY.

If it be not so, Mr. President, there is nothing in equity jurisprudence.

> Whatever may be the machinery for gathering testimony or enforcing decrees, the facts and the law must be decided together, and when a chancellor decides to have the aid of a jury to find out how facts appear to such unprofessional men it can only be done by submitting single issues of pure fact, and they can not foreclose him in his conclusions unless they convince his judgment.

It is said that there is no *inherent* power in equity under our Federal system. There are many inherent powers in equity. In the case of Vidal *v.* The Executors of Girard, Vidal being a relative, suit was brought in the circuit court of the United States of Pennsylvania to interfere with the bequest for education made by Stephen Girard, which the court held to be a charity within the doctrine of equity. (Vidal et al. *v.* Girard's Executors, 2 How., 194.) It was claimed by very eminent lawyers that there was no jurisdiction in equity; I do not mean over the case, but *in equity;* in other words, that it was not a case where, upon the principles of equity, the court could grant relief. It was argued with supreme ability and surpassing learning, and the court *inter alia* say:

> Sir John Leach, in the case of a charitable use before the statute of Elizabeth (Attorney-General *v.* The Master of Brentwood School, 1 Mylne & Keen, 376), said: "Although at his time no legal devise could be made to a corporation for a charitable use, yet lands so devised were in equity bound by a trust for the charity, which a court of equity would then execute." In point of fact, the charity was so decreed in that very case, in the twelfth year of Elizabeth. But what is still more important is the declaration of Lord Redesdale, a great judge in equity, in The Attorney-General *v.* The Mayor of Dublin (1 Bligh. R., 312, 347, 1827), where he says: "We are referred to the statute of Elizabeth with respect to charitable uses as creating a new law upon the subject of charitable uses. That statute only created a new jurisdiction; it created no new law. It created a new and ancillary jurisdiction, a jurisdiction created by commission, etc.; but the proceedings of that commission were subject to appeal to the lord chancellor, and he might reverse or affirm what they had done or make such order as he might think fit for reserving the controlling jurisdiction of the court of chancery as it existed before the passing of that statute, and there can be no doubt that by information by the Attorney-General the same thing might be done."
>
> He then adds: "The right which the Attorney-General has to file an information is a right of prerogative. The King, as *parens patriæ*, has a right, by his proper officer, to call upon the several courts of justice, according to the nature of their several jurisdictions, to see that right is done to his subjects who are incompetent to act for themselves, as in the case of charities and other cases." So that Lord Redesdale maintains the jurisdiction in the broadest terms, as founded in the *inherent* jurisdiction of chancery independently of the statute of 43 Elizabeth. In addition to these *dicta* and doctrines, there is the very recent case of The Incorporated Society *v.* Richards (1 Drury & Warren R., 258), where Lord Chancellor Sugden, in a very masterly judgment, upon a full survey of all the authorities, and where the point was directly before him, held the same doctrine as Lord Redesdale, and expressly decided that there is *an inherent jurisdiction* in equity in cases of charity, and that charity is one of those objects for which a court of equity has at all times interfered to make good that which at law was an illegal or informal gift; and that cases of charity in courts of equity in England were valid independently of and previous to the statute of Elizabeth.

They found abundant authority for the proposition that independent of that statute, *as an inherent element of equity jurisdiction*, the courts of chancery in England had administered such trusts. So, rejecting the *prerogative* element of jurisdiction, the court upon the principle that the jurisdiction *inhered* in equity granted the relief sought.

It was held the same way in Fontain *v.* Ravenel, an interesting case which I will not take the time to read, although later I want to refer to it for another purpose. There the court held that prerogative suits in equity on the relation of the attorney-general, representing the King as parens patriæ, were no part of the equity system of the United States; but they sustained as inhering in equity jurisprudence on general principles the power to grant the relief sought in the bill.

Right here, if the Senator from Texas will do me the honor to give me his attention, he will find the principle which applies to *mandamus* and to *habeas corpus.* They were each high prerogative writs across the sea, and as it has been decided, as it was here in equity, there is distinction between the inherent jurisdiction in equity and the *prerogative* jurisdiction.

So our courts very properly have drawn the distinction as to the common-law writs *prerogative*, and they have held that the *sovereign* possesses them, and the sovereign in this country is represented not by the *courts*, but by the *Congress*, and that therefore when the *prerogative* jurisdiction shall be conferred upon the courts it is for the *Congress* to decide.

I want to read a little of what Chief Justice Taney says in the case of Fontain *v.* Ravenel (17 How., 369), in a concurring separate opinion. I read it because it is a succinct and fine statement:

> It remains to inquire whether the Constitution has conferred this *prerogative* power on the courts of equity of the United States.
>
> The second section of the article of the Constitution declares that the judicial power of the United States shall extend to all cases in law and equity specified in the section. These words obviously confer *judicial power and nothing more*, and can not, upon any fair construction, be held to embrace the *prerogative powers which the King, as parens patriæ, in England, exercised through the courts.* And the chancery jurisdiction of the courts of the United States as granted by the Constitution extends only to cases over which the courts of chan-

cery had jurisdiction in its *judicial* character as a court of equity. The wide discretionary power which the chancellor of England exercises over infants or idiots or charities has not been conferred.

These prerogative powers which belong to the sovereign as parens patriæ *remain with the States.* (Fontain *v.* Ravenel, 58 U. S., p. 80.)

If I may be pardoned one moment, I should like to refer to another case, for it is an interesting one. This was a case in which a bill was filed to *declare and enforce a resulting trust.* The Territory of Minnesota, under the authority of Congress, had passed an act in relation to resulting trusts. I will say that in the act of Congress it was provided that the laws passed by the Territorial legislature should remain in force *until* disapproved by the Congress, which had not been done. An agent receiving money from his principal for the entering of land at the land office took the title in his own name and refused to convey. Suit was brought to declare the trust and enforce it. This point was made in the case:

With regard to the fourth objection, of a want of jurisdiction in the courts of the United States, in the absence of express statutory provisions, to recognize and enforce a resulting trust like that presented by the present case, it is a sufficient response to say that the jurisdiction of the courts of the United States is properly commensurate with every right and duty created, declared, or necessarily implied, by and under the Constitution and laws of the United States. Those courts are created courts of common law and equity, and under whichsoever of these classes of jurisprudence such rights or duties may fall, or be appropriately ranged, they are to be taken cognizance of and adjudicated according to the settled and known principles of that division to which they belong.

By the language of the Constitution it is expressly declared (Art. III, sec. 2, clause 1) that the judicial power of the United States shall extend to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority. By the statute which organized the judiciary of the United States, it is provided that the circuit courts shall have jurisdiction of suits of a civil nature "at common law or in equity." (Vide 1 Stat. L., p. 78, sec. 11.) In the interpretation of these clauses of the Constitution and the statutes, this court has repeatedly ruled that by cases at common law are to be understood suits in which legal rights are to be ascertained and determined, in contradistinction to those where equitable rights alone are recognized and equitable remedies are administered. (Vide Parsons *v.* Bedford, 3 Pet., 447, and Robinson *v.* Campbell, 3 Wheat., 212.) That by cases in equity are to be understood suits in which relief is sought according to the principles and practice of equity jurisdiction, as established in English jurisprudence. (Vide the case of Robinson *v.* Campbell, just cited, and the United States *v.* Howland, 4 Wheat., 108.)

Relief is sought according to the established principle of equity and the practice of equity jurisdiction as established in English jurisprudence.

Here, then, is an exposition, both of the Constitution and laws of the United States, with reference both to the jurisdiction and powers of their courts and to the instances in which it is their duty to exercise those powers; and the inquiry forces itself upon us, *Who shall or can have the authority to deprive them of those powers and that jurisdiction?* Or can those courts, consistently with their duty, refuse to exert those powers and that jurisdiction for the protection of rights arising under the Constitution and laws, in the acceptation in which both have been interpreted and sanctioned? (Irvine *v.* Marshall, 61 U. S., p. 994.)

Mr. President, I will be greatly obliged if I may be allowed to yield the floor for to-day. I will not take much time to-morrow. I will not interfere with the Senator from Arkansas at all. I am very tired.

Mr. CLARKE of Arkansas. It will be entirely agreeable to me to address the Senate next Monday.

Mr. SPOONER. I will not take very much time further. If the Senate is willing to allow me to go on to-morrow, I shall be much obliged.

Mr. HALE. The Senator from Arkansas does not propose to go on?

Mr. CLARKE of Arkansas. Not now.

Mr. BAILEY. I suggest that it would be entirely agreeable to everyone for the Senator from Wisconsin to conclude to-morrow, and then, if there is time left, the Senator from Arkansas can proceed to-morrow. Otherwise, of course, it would be entirely agreeable to the Senate for the Senator from Arkansas to speak Monday.

Mr. SPOONER. I prefer to go on now rather than have a day lost.

Mr. BAILEY. There will be no question about the Senator going on to-morrow.

Mr. HALE. I do not think the Senator need feel that the day has been lost. It is now nearly 4 o'clock; and the Senator began very early. I think we can all realize that it would be more convenient for him to continue his remarks in the morning, and for one, unless something else is before the Senate, I will suggest or move that the Senate proceed to the consideration of executive business.

Mr. CLARKE of Arkansas. Before that motion is put, I desire to say that if the Senate will be in session on Saturday I can take the floor then, or I can take it at another time. Any time that will be agreeable to the Senate will suit me.

Mr. SPOONER. I want to consult entirely the convenience of the Senator from Arkansas. He may go on in the morning and I will follow him.

Mr. CLARKE of Arkansas. Oh, no.

Mr. HALE. I will say to the Senator from Arkansas that I have no right, nor has anyone, to settle it, but I think it is the general feeling of the Senate that as we have taken one day off this week there should be a session on Saturday.

Mr. CLARKE of Arkansas. There will be a session on Saturday?

Mr. HALE. I have no doubt that there will be.

Mr. CLARKE of Arkansas. After the Senator from Wisconsin gets through I will determine what course to pursue.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-two minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 27, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 26, 1906.

ASSISTANT TREASURER.

Julius Jacobs, of California, to be assistant treasurer of the United States at San Francisco, Cal. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 26, 1906.

APPOINTMENT IN THE NAVY.

James P. Haynes, a citizen of Kentucky, to be an assistant surgeon in the Navy from the 16th day of April, 1906.

PROMOTIONS IN THE NAVY.

Commander Charles E. Vreeland to be a captain in the Navy from the 13th day of April, 1906.

Boatswain Dennis J. O'Connell, to be a chief boatswain in the Navy from the 30th day of January, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

MISSISSIPPI.

William F. Jobes to be postmaster at Brookhaven, in the county of Lincoln and State of Mississippi.

NEW YORK.

Fred A. Wright to be postmaster at Glen Cove, in the county of Nassau and State of New York.

WEST VIRGINIA.

Henry W. Deem to be postmaster at Ripley, in the county of Jackson and State of West Virginia.

SURVEY OF ALASKAN-CANADIAN BOUNDARY.

The injunction of secrecy was removed April 26, 1906, from a convention between the United States and Great Britain, signed at Washington on April 21, 1906, providing for the survey of the Alaskan-Canadian boundary along the one hundred and forty-first meridian of west longitude.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 26, 1906.*

The House met at 12 o'clock noon.

The Rev. WILLIAM COUDEN, of Somerville, Mass., offered the following prayer:

Almighty God, in the name of Him who came not to destroy but to fulfill, do we offer our prayer this morning. Bless, we beseech Thee, this nation that Thou hast raised up. Comfort those who are in misfortune. Guide those who are in prosperity. Let us as a people live to Thy glory. To this end, our Lord, bless this body of servants here assembled. Let there be no denial of duty, no betrayal of trust here; but let there be in all their deliberations faithfulness and honor, righteous resolve, and noble effort in end and method. Let the business of this House be transacted without that which is a reproach to any people, and with wisdom from on high. Amen.

The Journal of the proceedings of yesterday was read.

The SPEAKER. As many as are in favor of approving the Journal will say "aye;" those opposed "no."

The Journal was approved.

CHANGES OF REFERENCE.

On motion of Mr. BABCOCK, the Committee on the District of Columbia was discharged from the further consideration of the bill (H. R. 18417) for the relief of the Eastern Dispensary and Casualty Hospital; and the same was referred to the Committee on Appropriations.

On motion of Mr. BABCOCK, the Committee on the District of Columbia was discharged from the further consideration of the bill (S. 5131) incorporating the Archæological Institute of America; and the same was referred to the Committee on Foreign Affairs.

DELEGATE FROM ALASKA.

Mr. BRICK. Mr. Speaker, I submit a conference report on the bill (S. 956) providing for an Alaskan Delegate, and I ask that the statement be read in lieu of the whole report.

The SPEAKER. The gentleman from Indiana calls up the conference report on the Alaskan Delegate bill, and asks that the statement be read in lieu of the report. Is there objection?

Mr. WILLIAMS. I object.

The SPEAKER. The gentleman from Mississippi objects. The Clerk will proceed to read the report.

The Clerk read the conference report and statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with the following amendment, in lieu of and as a substitute for the amendment of the House, to wit:

"An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska.

"*Be it enacted, etc.*, That the people of the Territory of Alaska shall be represented by a Delegate in the House of Representatives of the United States, chosen by the people thereof in the manner and at the time hereinafter prescribed, and who shall be known as the Delegate from Alaska. Such Delegate shall at the time of his election have been for seven years a citizen of the United States, and shall be an inhabitant and qualified voter of the District of Alaska, and shall be not less than twenty-five years of age, and when duly chosen and qualified shall possess the same powers and privileges and be entitled to the same rate of compensation as the Delegates in the House of Representatives from the Territories of the United States: *Provided, however*, That such Delegate, in lieu of all other allowances, shall, in addition to his salary, receive the sum of one thousand five hundred dollars per annum, which shall cover all mileage and other expenses except stationery allowance and compensation for clerk hire.

"SEC. 2. That the first election for Delegate from Alaska shall be held upon the second Tuesday of August, in the year nineteen hundred and six, and that all subsequent elections for such Delegate shall be held on the second Tuesday in August in each year when there is a general election for Members of the House of Representatives, and that at said first election there shall be elected a Delegate who shall hold his office for the unexpired portion of the Fifty-ninth Congress, which term of office is hereinafter designated as the 'short term;' and also at said first election there shall be elected a Delegate who shall hold his office for the full term of the Sixtieth Congress, which term of office is hereinafter designated as the 'long term.'

"That the Delegate chosen at said first election for the short term shall hold his office from the date of his election certificate during the remainder of the Fifty-ninth Congress; and the Delegate chosen at said first election for the long term shall hold his office for the full term of the Sixtieth Congress; that the Delegate chosen at each subsequent election shall hold his office for the same term as the Members of the House of Representatives chosen at the general election in the same year.

"That the salary and allowances of the Delegate chosen for the short term at said first election shall begin with the date of his election certificate, and shall extend throughout and until the close of the Fifty-ninth Congress. The salary and allowances of the Delegate chosen for the long term at said first election shall begin at the commencement of the term of the Sixtieth Congress and extend throughout and until the close thereof. The salary and allowances of the Delegate chosen at each subsequent election shall be for the full term of the Congress to which he is elected a Delegate.

"SEC. 3. That all male citizens of the United States twenty-one years of age and over who are actual and bona fide residents of Alaska, and who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents continuously for thirty days next preceding the election in the precinct in which they vote, shall be qualified to vote for the election of a Delegate from Alaska.

"SEC. 4. That each incorporated town in the district of Alaska shall constitute an election district, and where the population of such town exceeds one thousand inhabitants the common council may, in their discretion, at least thirty days before the election, divide the district into two or more voting precincts and define the boundaries of such precinct; and the said common council shall also appoint, at least thirty days before the election, three judges of election and two clerks for each voting precinct, all of whom shall be qualified voters of the precinct; and no more than two judges and one clerk shall belong to the same political party. The common council shall also, at least thirty days before the date of the election, provide a suitable polling place for each voting precinct, and give due notice of the election by posting a written or printed notice in three public places in each precinct, specifying the time and place of the election, and in case there are one or more newspapers of general circulation published in the town, then a copy of said notice shall also be published in one of such newspapers at least once a week for two successive weeks next prior to the date of the election.

"SEC. 5. That all of the territory in each recording district now existing or hereafter created situate outside of an incorporated town shall, for the purposes of this act, constitute one election district; that in each year in which a Delegate is to be elected the commissioner in each of said election districts shall, at least thirty days before the date of said first election, and at least sixty days before the date of each subsequent election, issue an order and notice, signed by him and entered in his records in a book to be kept by him for that purpose, in which said order and notice he shall—

"First. Divide his election district into such number of voting precincts as may in his judgment be necessary or convenient, defining the boundaries of each precinct by natural objects and permanent monuments or landmarks, as far as practicable, and in such manner that the boundaries of each can be readily determined and become generally known from such description, specify a polling place in each of said precincts, and give to each voting precinct an appropriate name by which the same shall thereafter be designated: *Provided, however*, That no such voting precinct shall be established with less than thirty qualified voters resident therein; that the precincts established as aforesaid shall remain as permanent precincts for all subsequent elections, unless discontinued or changed by order of the commissioner of that district.

"Second. Give notice of said election, specifying in said notice, among other things, the date of such election, the boundary of the voting precincts as established, the location of the polling place in the precinct, and the hours between which said polling places will be open.

"Said order and notice shall be given publicity by said commissioner by posting copies of the same at least twenty days before the date of said first election, and at least thirty days before the date of each subsequent election. Said copies shall be posted as follows: One at the office of the commissioner in said district, and three copies to be posted in three conspicuous public places in each of said voting precincts as established, one of which shall be the designated polling place in each precinct; and said commissioner shall also mail a certified copy of said order and notice to the governor of Alaska at his official residence.

"That at least thirty days prior to the date of the holding of such election the commissioner shall select, notify, and appoint from among the qualified electors in each voting precinct three judges of election for said precinct, no more than two of whom shall be of the same political party. Said commissioner shall notify all of said judges of election of their appointment as such, so that each and all of them shall receive said notice at least ten days before the date of the election.

"SEC. 6. That the judges of election of each voting precinct shall constitute the election board for said precinct and shall supervise and have charge of the election therein. They shall secure and provide a place for holding the election and a suitable ballot box. They shall pass upon the qualification of the voter and, if he be found qualified, receive and deposit his ballot in the ballot box, and shall canvass and make a return of the votes cast, as hereinafter provided.

"That the members of said election board in each precinct, before entering upon the duties of their office, shall each severally take an oath, which shall be reduced to writing, before

an officer qualified to administer oaths, to honestly, faithfully, and promptly perform the duties of their positions; and if no officer qualified to administer oaths be present or available, then any one of said duly appointed or selected judges of election may administer the necessary oath to said other two judges, and he shall afterwards in turn be sworn by one of them.

"That each of said judges shall have authority to administer any oath to the voter necessary or proper under this act, and said judges shall have equal authority; and in case of any question or disagreement over any matter during the course of said election the decision of the majority of said judges shall govern.

"That two of the three judges of election in each voting precinct, outside of incorporated towns, to be selected by a majority of said judges, shall also perform the duties of clerks of election for that precinct; the two judges performing the duties of clerks shall be of different political parties; it shall be the duty of the clerks at each voting precinct to make a full written record of such election as held in that precinct, and each of them shall keep a correct duplicate register and enter therein the names of the voters and the fact that they have voted, or have offered to vote and were refused, and a brief statement of the reasons for said refusal.

"SEC. 7. That each of the candidates for the office of Delegate herein provided for, at any election held hereunder, shall be entitled to one watcher at each voting precinct, who shall be permitted to be present within the place of voting at such precinct, and in some place therein where he may at all times be in full view of every act done. Such watcher shall have the right to be so present at all times from the opening of the polls until the ballots are finally counted and the result certified by the election board. Each watcher shall be required to present to the election board proper credentials, signed by the candidate he represents, showing him to be the duly authorized watcher for such person.

"SEC. 8. That in case any of the judges of election selected as herein provided for any precinct shall fail to appear and qualify at the time and place designated for the election for which they shall be appointed, then, in that event, the qualified voters present may, by a majority viva voce vote, select a suitable person or persons to fill the vacancy or vacancies in said election board; and the person or persons so selected shall qualify and serve on said election board, with the same powers and in the same manner as if appointed as hereinbefore provided.

"SEC. 9. That the election boards herein provided for shall keep the several polling places open for the reception of votes from eight o'clock antemeridian until seven o'clock postmeridian on the day of election. The voting at said election shall be by printed or written ballot. The ballot at said first election shall be substantially in the following form:

"'For Delegate from Alaska.

"'For the short term (here insert the name of the person voted for).

"'For the long term (here insert the name of the person voted for).'

"At all elections after said first election the ballot shall be substantially in the following form:

"'For Delegate from Alaska.

"'(Here insert the name of the person voted for.)'

"Such ballot shall be folded by the voter so as not to disclose the vote, and by him handed to any one of the judges of election, who shall immediately, in the presence of the voter and of all the members of the election board, deposit the same, folded as aforesaid, in the ballot box, where the same shall remain untouched until the polls are closed. At the time the ballot is so deposited the clerks of election shall each of them enter in his duplicate register the name of the voter and the fact that he has voted.

"SEC. 10. That any person offering to vote may be challenged by any election officer or any other person entitled to vote at the same polling place, or by any duly appointed watcher, and when so challenged, before being allowed to vote he shall make and subscribe to the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age and a citizen of the United States; that you are an actual and bona fide resident of Alaska, and have been such resident during the entire year immediately preceding this election, and have been a resident in this voting precinct for thirty days next preceding this election, and that you have not voted at this election," and further naming the place from which the voter came immediately prior to living in the precinct in which he offers to vote, and giving the length of time of his residence in the former place. And when he has made such an affidavit he shall be allowed to vote; but if any person so challenged shall refuse or fail to take such oath and sign such affidavit, then his vote shall be rejected; and any person swearing falsely in any such affidavit shall be guilty of perjury and shall, upon conviction thereof, suffer punishment as is prescribed by law for persons guilty of perjury.

"SEC. 11. That the election board at each polling place, as soon as the polls are closed, shall immediately publicly proceed to open the ballot box and count and canvass the votes cast, and they shall thereupon, under their hands and seals, make out in duplicate a certificate of the result of said election, specifying the number of votes, in words and figures, cast for each candidate, and they shall then immediately carefully and securely seal up in one envelope one of said duplicate certificates and one of the registers of voters, all the ballots cast, and all affidavits made, and mail such envelope, with said papers inclosed, at the nearest post-office by registered mail, if possible, duly addressed to the governor of Alaska at his place of residence, with the postage prepaid thereon.

"The other duplicate certificate and register of voters, with the oaths of the judges of election, the judges of election shall at once seal up in an envelope addressed to the clerk of the district court for the division in which the precinct is situate, at his place of residence, with the postage thereon prepaid, and deposit the same in the nearest post-office by registered mail, if possible. And the said clerk shall, as soon as he receives the said duplicate certificate, at once make out and duly mail to the governor of Alaska a certified copy of such certificate.

"The clerks of the district court for the various divisions of Alaska and the governor of Alaska shall each retain and carefully preserve all such documents received by them until the end of the term for which the Delegate chosen has been elected.

"SEC. 12. That the governor, the surveyor-general, and the collector of customs for Alaska shall constitute a canvassing board for the Territory of Alaska to canvass and compile in writing the vote specified in the certificates of election returned to the governor from all the several election precincts as aforesaid.

"The said canvassing board shall commence the performance of its duties at the office of the governor within ten days after the third Tuesday of October in each year in which an election is held under and by virtue of this act, and shall continue with such work from day to day until the same is completed; and said canvass shall be publicly made.

"In case it shall appear to said board that no election return as hereinbefore prescribed has been received by the governor from any precinct in which an election has been held, the said board may accept in place thereof the certified copy of the certificate of election for such precinct received from the clerk of the court, and may canvass and compile the same with the other election returns.

"Said board, upon the completion of said canvass, shall declare the person who has received the greatest number of votes for Delegate to be the duly elected Delegate from Alaska for the term for which he has been so elected, and shall issue and deliver to him in writing under their hands and seals a certificate of his election.

"SEC. 13. That each newspaper in Alaska authorized to publish the notice of election provided for herein shall be entitled to receive therefor not more than ten dollars for the publication of the notice of any one election; that each commissioner in the Territory of Alaska is authorized to contract for the proper posting of all elections notices, as provided herein, in each voting precinct created in his said election district, and that not more than the sum of ten dollars shall be allowed at each election for the posting of said notices in any one voting precinct in Alaska; that not more than ten dollars at each election shall be allowed for the rental of a proper polling place in each voting precinct in Alaska; that each of the judges of election who shall qualify and serve as such in any precinct on said election day and each of the clerks of election in an incorporated town shall be entitled to a compensation of five dollars for all services performed.

"SEC. 14. That the compensation for said newspaper publications, the proper posting of said notices, the rental of said polling places, the fees of the judges and clerks of election in each precinct, together with the cost of securing a ballot box and the cost of necessary postage and stationery, shall be certified with proper vouchers and receipts attached by the various election officials to the judge of the district court in the said judicial division in which said voting precinct is situate, and the same shall be audited by said judge and shall be paid by the

clerk of the court of said division out of the same fund and in the same manner as the incidental expenses of said district court are paid.

"SEC. 15. That any person who, by any means, shall hinder, delay, prevent, or obstruct any other person from qualifying himself to vote or from lawfully voting at any election herein provided for, or who shall knowingly personate and vote or attempt to vote in the name of any other person, or who shall vote more than once at the same election, or shall vote at a place where or at a time when he may not lawfully be entitled to vote, or shall do any unlawful act to secure an opportunity to vote, for himself or for any other person, or who, by or through any force, threat, intimidation, bribery, reward or offer thereof, unlawfully vote himself or procures another to vote, or prevents or induces another to refrain from exercising his right of suffrage, or induces by any means any officer of an election to do any unlawful act or omit to do his duty in any manner, or who, directly or indirectly, in any manner shall fraudulently change or cause to be changed the returns or the true and lawful result of any election hereunder or shall attempt to do the same, or who shall delay, cause to be delayed, or connive at the delay of election returns in any manner or attempt to do so, shall be guilty of a crime, and upon the conviction thereof shall be punished by a fine of not more than five hundred dollars nor less than one hundred dollars, or imprisoned not more than three years, or both, in the discretion of the court, and pay the costs of the prosecution; and every officer of an election held hereunder who neglects to perform or violates any duty imposed upon him as such officer, or knowingly does any unauthorized act with the intent to affect the election or the result thereof, or who shall permit, make, or connive at any false count or certificate of election, or who shall conceal, withhold, destroy, or willfully delay the returns of election, or connive at the same being done, or who shall aid, counsel, or procure any person to do or attempt to do any act made a crime hereinbefore, or shall attempt to do any of the acts hereinbefore mentioned, shall be guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment of not more than five years, or both, in the discretion of the court, and shall pay all costs of the prosecution; and jurisdiction of all such matters is hereby conferred upon the district court of Alaska.

"SEC. 16. That this act shall take effect upon its passage.

"Amend the title so as to read: 'An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska.'"

And that the House agree to the same.

ABRAHAM L. BRICK,
LLEWELLYN POWERS,
JAMES T. LLOYD,
Managers on the part of the House.

KNUTE NELSON,
WM. P. DILLINGHAM,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska, submit the following statement in explanation of the effect of the action agreed upon and recommended in the conference report:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment in lieu of and as a substitute for the amendment of the House, the effect of which is as follows:

1. The words "Territory of Alaska" are substituted instead of "district of Alaska," in the enacting clause and elsewhere where the whole domain of Alaska is referred to.

2. Provision is made for the selection at the first election of a Delegate for a long and a short term, the Delegate for the short term to hold for the unexpired portion of the Fifty-ninth Congress and the one for the long term for the full term of the Sixtieth Congress. The Senate bill did not provide for a long and a short term, leaving an interregnum.

3. That each incorporated town shall constitute an election district, and when it has over 1,000 inhabitants the common council may divide it into two or more precincts; and that in such incorporated towns there shall be two clerks in addition to three judges upon the election board at each precinct; and that outside of the incorporated towns, in the election precincts in the country, two of the judges shall act as election clerks in addition to their duties as judges, instead of two election clerks at every precinct, as provided in the Senate bill, and instead of two of the judges acting as election clerks in the towns and country, as provided by the House amendment.

4. That each election board shall immediately send to the governor of Alaska all affidavits as well as a duplicate certificate and one register of voters and all ballots cast, instead of sending the affidavits to the district court in the district in which the precinct is located, thus giving the canvassing board, of which the governor is a member, the full knowledge of all that happened at the election, including such affidavits.

5. That the United States commissioner in each election district outside of the towns mentioned before shall divide the district into election precincts and provide the polling places and give election notices, as provided in the House amendment, instead of the district judges doing the work, as provided in the Senate bill.

6. That each candidate may have a watcher of the election in each precinct, which was not provided for in the Senate bill, but which was allowed in the House amendment.

7. That the House amendment provisions as to salary and recompense of Delagate are adopted instead of the Senate provisions, to wit, such Delegate to receive a salary of $5,000 per annum and, in lieu of all other allowances except clerk hire, the sum of $1,500.

8. That the governor, surveyor-general, and collector of customs for Alaska shall constitute a canvassing board instead of the Senate bill provision of the governor and one of the district judges of Alaska.

The House amendment to the Senate bill is, otherwise than in these changes mentioned, in effect adopted in the agreement of the conference.

A. L. BRICK,
LLEWELLYN POWERS,
JAS. T. LLOYD,
Managers on the part of the House.

The question was taken, and the conference report was adopted.

On motion of Mr. BRICK, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

VIEWS OF MINORITY ON H. R. 17941.

Mr. BENNET of New York. I desire to file the views of the minority on the bill H. R. 17941.

The SPEAKER. Time was given, was it not, in which to file the views of the minority of this bill?

Mr. BENNET of New York. Yes.

The SPEAKER. The Chair would state to the gentleman that the proper way to do that is by filing the document at the desk.

Mr. BENNET of New York. Very well.

CHINESE-EXCLUSION LAWS.

Mr. ADAMS of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ADAMS of Pennsylvania. A privileged question, to report a resolution of inquiry.

The SPEAKER. The gentleman from Pennsylvania rises to a privileged question.

Mr. ADAMS of Pennsylvania. I am instructed by the Committee on Foreign Affairs to report back House resolution 408, with sundry amendments, and with the recommendation that as amended it do pass.

The SPEAKER. The gentleman, by direction of the Committee on Foreign Affairs, reports the following resolution with amendments, which will be read by the Clerk.

The Clerk read as follows:

Whereas it has been frequently alleged that the officials of the Bureau of Immigration, Department of Commerce and Labor, have been unnecessarily severe in the administration of the Chinese-exclusion laws so far as those laws affect the rights of the exempt classes of Chinese persons and persons of Chinese descent to enter the United States and its Territories: Therefore, be it

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, requested to send to the House of Representatives, for its information, all available documents, data, and statistics showing what action has been taken by the Bureau of Immigration in enforcing the Chinese-exclusion laws, and also the methods employed by Chinese cooly laborers and their agents in their efforts to surreptitiously gain admission into the United States and its Territories and to circumvent the provisions of said Chinese-exclusion laws.

With the following amendments:

Amend by striking out the preamble.

In line 3, after the word "Representatives," insert the words "if not incompatible with public interests."

In line 3 strike out the words "for its information."

In line 6, after the word "methods," insert the words "if any."

In line 6, after the word "employed," insert the words "to evade such laws."

Strike out all of lines 6, 7, 8, and 9, beginning with the word "by," in line 6.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the resolution as amended be passed.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The resolution was agreed to.

The SPEAKER. The question is on striking out the preamble.

The question was taken; and the preamble was stricken out.

CARRIAGE OF DANGEROUS ARTICLES ON PASSENGER STEAMERS.

The SPEAKER laid before the House the bill (S. 5514) to amend section 4472 of the Revised Statutes, relating to the carrying of dangerous articles on passenger steamers, a similar bill being on the House Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4472 of the Revised Statutes of the United States be, and the same is hereby, amended by inserting, after the word "passengers," wherever it occurs in said section, the words "for hire."

Mr. GOULDEN. Mr. Speaker, I move to substitute that bill for H. R. 17879. This bill has been considered and unanimously reported by the Committee on Merchant Marine and Fisheries in Report No. 3354, on file, which explains the matter fully.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. GOULDEN, a motion to reconsider the last vote was laid on the table.

On motion of Mr. GOULDEN, a similar bill (H. R. 17879) was laid on the table.

MINORITY VIEWS ON IMMIGRATION.

Mr. BENNET of New York. Mr. Speaker, I do not think that I made myself quite plain when I addressed the Speaker a few minutes ago. The time had been given me to file the views, but the time had expired, and under these circumstances I ask unanimous consent to present the views of the minority.

The SPEAKER. The gentleman from New York asks unanimous consent that he may file the views of the minority on the bill H. R. 9741. Is there objection?

Mr. WILLIAMS. I reserve the right to object.

Mr. GILBERT of Kentucky. Reserving the right to object, Mr. Speaker, I would like to inquire what the bill is?

The SPEAKER. The Clerk will read the title to the bill.

The Clerk read as follows:

A bill (H. R. 18941) to regulate the immigration of aliens into the United States.

Mr. WILLIAMS. Mr. Speaker, I do not think that I ought to carry my determination to resist requests for unanimous consent to the extent of objecting to requests for filing minority views. I therefore shall not object to this or similar cases.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

THE AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER of Vermont in the chair.

Mr. WADSWORTH. Mr. Chairman, before proceeding with general debate I ask unanimous consent to have inserted in the RECORD, as a part of my remarks, a list of the newspapers and National Granges protesting against the free distribution of seed.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

The following is the matter referred to:

Hon. R. R. HITT,
Representative from Illinois to House of Representatives:

As there was some discussion during the last Congress as to the appropriation for the free distribution of seeds to farmers, we, the undersigned farmers and voters, pray that you will give the following your consideration:

As that appropriation was created to distribute rare and uncommon seeds and as it only distributes common seeds that can be purchased by the farmer for two (2) or three (3) cents a packet, it is therefore only an expense to the United States Government and of no practical benefit to the farmer.

And as the Government is annually running millions in debt in order that the farmer may have a rural mail delivery, which is of some benefit, we, the undersigned farmers, pray that you use your influence to abolish the above-named appropriation.

RICHARD N. KELLEY.	WM. HOLLAND.
ERNEST J. SIEGEL.	JOE M. FARRELL.
OLIVER H. LONG.	J. B. FOX.
POLEY CLAY.	GEO. LEPPER.
GEO. R. RANDALL.	L. E. RUSSELL.

Resolution adopted by the twentieth annual closing Wisconsin Farmers' Institute, held at Plymouth March 13, 14, and 15, 1906.

Resolved, That the Round-up Farmers' Institute of Wisconsin urge the Congressmen and Senators from Wisconsin to vote to abolish the free distribution of common seeds by the Government and to favor the appropriation of more money in the introduction of valuable new seeds and plants and in the improvement of plants and animals by breeding.

The following was adopted at the thirty-fourth annual session of the State Grange of Illinois, December 12–14, 1905, and we request your favorable attention thereto:

Resolved, As practical and independent farmers, that we call upon Congress to abolish its petty, annoying, and needless practice of broadcasting free and common garden seeds all over the rural districts, and that the control of seed distribution be placed under the Department of Agriculture and limited to experimental work.

OLIVER WILSON, *Master*,
JEANNETTE E. YATES, *Secretary*,
Illinois State Grange.

John S. Crawford, Patrick Crosby, M. E. Stemler, Alfred Woolley, E. Lyle, L. H. Stemler, S. Crine, G. Heiser, Chas. H. Ludwig, J. H. Douglass, C. C. Hulsat, L. Giese, L. Ott, James Meinzer, Jacob Matthews, Hollie Matthews, John Ott.

We, the above-signed officers, etc., of Olive Branch Grange, desire to be placed on record as being against the free distribution of seeds, and respectfully ask you to use your influence against the same.

JOHN S. CRAWFORD, *Secretary*,
Matawan, N. J.

NEW YORK, *March 2, 1906.*

Hon. GEORGE H. LINDSAY, M. C.,
Washington, D. C.

DEAR SIR: We recommend action of House Committee on Agriculture regarding free distribution of ordinary varieties of vegetable seeds.

Yours, truly,

J. M. THORBURN & Co.

NEW YORK, *March 31, 1906.*

Hon. JAMES W. WADSWORTH,
House of Representatives, Washington, D. C.

DEAR SIR: As the time is nearly at hand when the appropriation for seed distribution will come before the House, we take the liberty of writing to you our final word on the question.

The Congressmen who have written to us stating they would vote for the appropriation are in two classes, one swayed entirely by their constituents, the other by the aspersions of the Department of Agriculture upon the seed trade and by their constituents. The first may be disposed of in a sentence. If it is wrong in essence to continue the practice, as they all admit, the responsibility is theirs; it is a weak admission that they will vote for it because urged to do so by some of their constituents.

The second phase of the situation requires more extended treatment. A letter from a Congressman, received only to-day, admitted the uselessness in themselves of the seeds for practical gardening purposes, but insists that they have a "stimulating effect." His letter continues: "So soon as the Agricultural Department has driven seedsmen to furnishing good seeds—that is to say, seeds that will grow—there will be no further occasion for a continuance of this gratuity." These are the sentiments of the honorable Secretary of Agriculture, repeatedly expressed recently; they are couched in almost the same language as he has used. Privately, to one seedsman, he took the opposite side. Publicly he has this year stated that he does not want the distribution of common garden seeds continued, asserts that Congress is to blame for it, and yet he charges that seedsmen are not sending out as good seeds as the Department and wants the distribution to continue until "the evil" is abolished.

At the hearing before your committee the adulterations of alfalfa, red clover, and Kentucky blue grass by some dealers was testified to by Doctor Galloway. A bill, we understand, is before Congress now aiming to control that matter; so it is disposed of. We ask how the free distribution of common garden seeds can affect it? Doctor Galloway testified: "We send out seed that must necessarily be better than the ordinary seed that the seedsmen can secure." In a recent circular letter to Congress relative to the methods of the seedsmen and the Department we explained away any vagueness contained in the foregoing statement. The effect of the testimony as it stands is to create a false impression, and it would not stand cross-examination by a practical seedsman. In answer to Mr. CANDLER, Doctor Galloway testified as follows: "Yes; we have men now who are as expert as any in the seed business. It is a regular business now." No, Doctor Galloway, it is not a regular business now, for the good reason that you have no competition; no customer who pays for your goods and is therefore a sharp critic. You yet lack the great essentials of a business. He does not claim to have better men, better methods of growing, better land, better facilities of any kind than the seedsmen, yet asserts the product is better.

The question, then, is, Do the seedsmen furnish good seeds? The answer is plain: It is to his interest to furnish the best obtainable, which every first-class seedsman does. About five years ago the contract for furnishing seeds was awarded to A. C. Nellis, of the so-called "New York Market Gardeners' Association," who had neither store nor warehouse, was simply a jobber, and could hardly be classed as a seedsman. Owing to the manner in which he was allowed to carry out his contract, the Department received just censure from all quarters. We believe he had the contract two years in succession. The experience of the Department at that time, which finally resulted in litigation with the contractor, is, we believe, largely responsible for the attitude exhibited toward the seedsmen now. For the past two or three years, then, the Department has been engaged in driving the seedsmen to furnish good seeds, as observed by the Congressman quoted.

Now, let us present some facts bearing on this. The assertion that the seedsmen do not send out good seeds—the best that careful, honest, watchful effort can produce or obtain—impeaches the veracity and insults the intelligence of the 40,000 market gardeners, 13,000 florists, 2,000 nurserymen, 10,000 private gardeners, 2,500 seed growers, and the vast number of high-class amateur growers in the country who purchase their supplies of seeds annually from the seedsmen. These men are critical to a degree; they pay for what they get, and their testimony is of more value than the ex parte statement of any bureau-

crat. We venture to assert that not one of the professional gardeners or florists uses an ounce of seeds from the Department. The vegetables on sale in every market in the country, the flowers grown by florists, which are raised from seeds, the crops grown by the seed growers, the gardens of the critical amateurs, all refute in the strongest way possible the assertions and insinuations of the Secretary of Agriculture relative to the quality of the seeds sent out by seedsmen.

Now, for the sake of argument, we will suppose that the Department really means that by sending out good seeds they will raise the standard sent out by the seedsmen. To accomplish that object it is imperative that instead of the few varieties issued by them now, as testified to by Doctor Galloway, they must compete with the seedsmen in every item. Unless the user of seeds can get the varieties he wants from the Department he must get them from the seedsman. A package of free Government seeds now before us contains five varieties of vegetables. We offer approximately 500. We offer aproximately 1,200 varieties of flower seeds. To carry out the object aimed at the Department must be prepared to supply more even than that number of sorts, for other seedsmen have some which we do not offer, as we have some which they do not catalogue, and each house has its own clientage to a certain extent.

Instead, then, of sending out the little package, as at present, the Department, to meet the seedsmen squarely, would have to catalogue what they had and send catalogues to every prospective user of seeds in the country, asking them to send in their order for what they required. The failures to grow, and there would always be failures no matter what the quality of the seeds, would have to be replaced and the causes explained. The countless requests for advice would have to be answered, pamphlets of instructions would have to be issued, Congressmen would be deluged with complaints of failure arising from natural causes, negligence, or carelessness; they would be importuned even for vegetables to take the place of the prospective crop which failed. If the Department is not ready to face this eventuality, the men in charge are not sincere in their threats or they are not farsighted enough to see where their present attitude on the matter is leading them.

Is Congress ready and willing to go that far? If it is, we can promise that eventually the programme will have to be abandoned. If it is not, then it should have the courage to stop the further distribution of common seeds at once and confine the Department to scientific and true missionary work in plant industry.

In conclusion, we wish to say that we hope the justice of our appeal, coupled with the inherent sense of right in every man, will avail to cause the Congress to grant the relief we ask. We are few; we are weak; but we rely on Congress not to thrust us aside and trample on us. We respectfully request that you present our petition and our views to Congress.

Very respectfully, yours, PETER HENDERSON & CO.

SPRINGFIELD, MASS., *April 12, 1906.*

Hon. F. H. GILLETT,
Representative Second Massachusetts District,
Washington, D. C.

DEAR SIR: As seedsmen trying to do a legitimate business, we have for the past few years felt to a great extent the unreasonable and foolish waste of public money and an attempt by the Government to cripple an industry which needs support and encouragement.

We refer to the free distribution of seed packets by Congressmen here, there, and everywhere, without any knowledge as to whether they are destined to go into the ground or are carelessly thrown into the wastebasket.

We feel confident, owing to the strong appeals from seedsmen and also many others of high authority, that you will see the gross injustice of such an appropriation and will do all in your power to blot out such an unmistakable wrong.

Yours, respectfully, E. M. LYMAN & SON.

BRISTOL, PA., *March 2, 1906.*

Hon. GEORGE F. HUFF,
Greensburg, Pa.

DEAR SIR: As citizens and landowners in Pennsylvania, we ask you to support by voice on the floor of the House and by your vote the expurgation by the Committee on Appropriations of the item in the agricultural bill covering the purchase of free seeds.

Very truly,

D. LANDRETH SEED CO.

ROCHESTER, N. Y., *March 24, 1906.*

Hon. J. W. WADSWORTH,
Washington, D. C.

DEAR SIR: Inclosed please find clipping taken from a recent issue of the Democrat and Chronicle of our city, in regard to the abolition of the distribution of free seeds by the Government. We trust you fully realize the great injustice in this wholesale distribution of seeds in direct opposition to a legitimate industry, and knowing that you are a broad-minded man, have every reason to believe that this will receive your best efforts in stopping this gross outrage and aid in the elimination of any appropriation in that line, with the exception of what is necessary for the purpose of new and valuable varieties which is true text of the Department.

We remain, yours, very truly, CROSMAN BROTHERS.

[Inclosure.]

THE FREE-SEED HUMBUG.

It is announced from Washington that the House Committee on Agriculture has stricken out, this year, the appropriation for free-seed distribution, and, unless it shall be replaced by the House, the annual folly of expending nearly $300,000 for a practically useless purpose will be omitted.

It is very difficult to find a reasonable excuse or apology for the annual distribution of seeds. It has come to be regarded by Members of Congress, by the supposed beneficiaries, and, indeed, by everybody except the growers who raise and sell the seeds, as a hugh joke. In times past the sending of a few packages of white beans or grass seed was regarded as a personal recognition of a constituent by a Member of Congress, and it proved to be a convenient method of reminding the constituent that he had not been forgotten. The Government paid for the seeds and they were carried free under the Congressman's frank. Then it grew into a gigantic business in itself, although of little value to the individual recipient of the bounty. It is stated that over 50,000,000 packages of seeds were sent out last year, the appropriation being $290,000. To this must be added the cost of transportation and expenses incident to shipment.

It goes without saying that, so far as the legitimate seed industry is concerned, it brings in a competitor who is not handicapped by the necessity of selling the seeds, and to the extent to which they are furnished free the industry is affected. The truth seems to be that the original design of the seed distribution has been sadly perverted. The seeds first sent out from the Patent Office were of new and presumably choice varieties, obtained by the Government for the purpose of improving the quality of grains, fruits, and vegetables. These new varieties of seeds were greatly appreciated by the recipients, and the general results are known to have been beneficial in the introduction and propagation of new varieties.

All that is now changed. Seeds are bought in the open market in bulk, and the matter of value or novelty is not taken greatly into account. Thus, a farmer might receive a package of beans which he had himself raised and sold. But he would no longer labor under the hallucination that they would aid him in improving his seed. There will be little regret if the action of the House Committee in striking out the appropriation stands.

RAVENNA, OHIO, *March 12, 1906.*

Hon. THOMAS E. SCROGGY, M. C.,
Washington, D. C.

DEAR SIR: We believe the Committee on Agriculture has acted wisely in expunging from the general agricultural bill the appropriation for the purchase of seeds for free distribution. We hope when this bill comes up for passage you will use your influence to prevent this unjust appropriation from being incorporated in it.

This unwise distribution of seeds is not only a serious hindrance to the legitimate seed trade, but is also a useless expenditure of public funds. If the seedsmen of the country had this trade, which should by rights be theirs, it would add quite a revenue to the Post-Office Department and help in a measure to make up the deficiency in this Department.

Hoping you will give your good office to sustain the action of the Committee on Agriculture, and assuring you that we, as well as thousands of our friends will appreciate such action, we are,

Very respectfully, yours,

FORD SEED CO.
J. H. FORD, *Manager.*

PHILADELPHIA, *March 30, 1906.*

Hon. E. F. ACHESON,
House of Representatives, Washington, D. C.

DEAR SIR: We ask your aid in the abolishment of the annual appropriation for the distribution of free seeds. We not only consider the distribution of common garden seeds unjust to seedsmen, who conduct a legitimate business, and pay large amounts each year to the Government for duties on importations and for postage on catalogues, merchandise, etc., but also an unjust expenditure of the public money, which could be used to great advantage for other purposes. It is also a fact that the law which created the Department of Agriculture does not authorize the distribution of common seeds, the intention only being to introduce in the United States such promising varieties as were being grown successfully in foreign countries and thus test their adaptability for use in this country.

Besides being a great waste of the public money and class legislation, it is also a great burden to the mail service, and the franking privileges cost the Government a large sum of money each year.

We have no objection to the expenditure of $40,000 for purchasing seeds of new and rare varieties, but earnestly request your aid in abolishing this yearly appropriation for the distribution of common garden seeds.

Thanking you in advance for your efforts in this direction, we have the honor to remain,

Yours, very truly,

HENRY A. DREER (Incorporated).

NEW YORK, *March 2, 1906.*

Hon. TIMOTHY D. SULLIVAN,
House of Representatives, Washington, D. C.

DEAR SIR: We noticed in the public press that a majority of the House Committee on Agriculture has reported unfavorably, and so struck out from the agricultural appropriation bill the item of $242,000 designed to continue for another year the free-seed distribution. It is needless to say that the seed trade, and we believe all right-minded people, view with pleasure this action by the committee. We sincerely hope and trust that the bill will pass the House as presented by the committee, and we respectfully request, if consistent with your ideas on the subject, that you use your best efforts to have the bill passed as reported by the committee.

Considering the manner in which this pernicious practice has been ventilated the past few years, we feel that it is unnecessary for us to enlarge upon it at the present time. We know that your sense of justice and fair play will operate to convince you that the action taken by the committee should be indorsed.

Yours, respectfully, PETER HENDERSON & CO.

SCRANTON, PA., *March 21, 1906.*

Hon. T. H. DALE,
Washington, D. C.

MY DEAR SIR: I write to ask you to use your vote against the free distribution of seeds. One of our Scranton papers had a long article against this unappreciative expense. The great majority who receive these common seed do not appreciate free-gift business. The law has become an abuse instead of its original intent. Our Government ought to be above such an abuse of its trust.

The original law, enacted in 1862, authorized the Department of Agriculture to distribute new and valuable seeds and plants only. This authority has been stretched into annually increasing proportions and has departed entirely from the idea embodied in the law. No attempt has been made to work strictly along the lines laid down originally; only the commonest kinds of seeds have been sent out, and in such enormous quantities as to seriously hamper the postal service. They have been distributed at random, causing a reckless waste of public money.

Trusting you may look into this,

I am, very truly, G. R. CLARK.

WEST NEW BRIGHTON, *March 26, 1906.*

Hon. T. D. SULLIVAN,
House of Representatives, Washington, D. C.

DEAR SIR: Will you kindly secure a printed pamphlet covering examination of employees of the Department of Agriculture by the House Committee on Agriculture which took place the early part of January and has since been printed. We should also like to have a copy of the proposed appropriation bill as reported by the Committee on Agriculture. We trust you will use your efforts against any appropriation for the free distribution of seeds, as it is a farce without any practical good, either to the trade or the beneficiary. We have taken the liberty to write this letter to you because our interests are in your district, and believe we are seeking information through the proper channel.

Thanking you in advance for whatever information you can give us, we remain,

Yours, respectfully,
NEW YORK MARKET GARDENERS' ASSOCIATION,
A. CLUMS, *Manager.*

HORTICULTURAL SOCIETY OF NEW YORK,
New York City, March 26, 1906.

Hon. TIMOTHY D. SULLIVAN,
Washington, D. C.

MY DEAR SIR: At the regular meeting of the Horticultural Society of New York, held on March 14, the subjoined resolution was presented in council and unanimously adopted. Acting under instructions from the council, I beg leave to transmit copy of said resolution to you:

Resolved, That we view with satisfaction the probable discontinuance of the free distribution of garden seeds by the United States Government. We respectfully urge upon our Representatives in Congress, and the United States Senators from New York, that they use their best efforts to have this practice stopped. We denounce it as a useless waste of public money and flagrant perversion of the aims and intent of the law creating the Department of Agriculture.

Yours, faithfully,
LEONARD BARRON, *Secretary.*

NEW YORK, *March 15, 1906.*

Hon. GEO. H. LINDSAY,
House of Representatives, Washington, D. C.

DEAR SIR: At a regular meeting of the New York Florists' Club, at which 150 members were present, I was instructed, by the unanimous vote of the club, to send you a copy of the following resolutions:

Whereas, having learned through the public press that the Committee on Agriculture in Congress have stricken out the appropriation for the distribution of free seeds, we desire to express our approval of said action.

Resolved, That we urge upon our Representatives in Congress that they do all within their power to sustain the action of the committee.

Resolved, That a copy of these resolutions be sent to the Senators from New York and our Representatives in Congress.

Yours, respectfully,
JOHN YOUNG, *Secretary.*

TRENTON, N. J., *April 10, 1906.*

Hon. IRA WOOD, M. C.,
Washington, D. C.

MY DEAR SIR: I understand the bill to abolish the free distribution of seeds and plants is about to be presented before your honorable body.

If you can see your way clear by casting your vote to abolish the same, I will appreciate it very much.

First. Free seeds are injurious to my business, by the Government giving seeds to consumers.

Second. I don't believe it does much good to anyone receiving the same.

Third. The cost to the Government is very much.

Fourth. The Government loses a great deal of money by mailing the same, and losing in a commercial way by dealers not furnishing the same to consumers.

Fifth. The stock of seeds furnished has not proven meritorious.

Your kind consideration in the above matter will be appreciated by me.

Yours, very truly,
MARTIN C. RIBSAM.

NEW YORK, *March 22, 1906.*

Hon. JAMES W. WADSWORTH, M. C.,
Washington, D. C.

DEAR SIR: We understand from a reliable source that the impression is sought to be created in Congress that the seeds distributed by the Department of Agriculture are better than those sent out by seed houses, and thus a reason is given for the continuance of the practice.

We wish to say that the seed houses were in the business of growing and distributing seeds before the Department, that the Department obtains its supply from the seed houses, and it is therefore difficult to understand how the output can be better. Briefly stated, the method of the seed houses is as follows: They control their own stocks, they keep trial grounds for testing them, they have a clientage that pays for the seed, and if it is not good they hear from it, so that of necessity they must see to it that only the best is sent to their customers. In the growing season they send representatives to examine crops and see that they are true to type; in fact, every care that long experience and invested capital can suggest is adopted to safeguard their interests and the interests of their customers.

The Department of Agriculture sends out a circular letter to the seed houses asking for an offer of surplus stock, and if it can not obtain in this way what is wanted, we believe a contract is made with a grower for the item or items. We ask, then, in what way can the seeds be better? We submit as a reasonable proposition that the chances are infinitely greater that the stock sent out by the seedsmen is the better of the two.

We take the liberty of sending this statement to you because of the underhand, vicious attack which is made upon what is the corner stone of our business, i. e., our reputation, and it shows to what ends some one is willing to go in an effort to continue the free distribution of seeds by the Government.

Yours, very truly,
PETER HENDERSON & CO.

THE JACKSON SANATORIUM,
Dansville, N. Y., March 28, 1906.

Hon JAMES W. WADSWORTH,
House of Representatives, Washington, D. C.

MY DEAR MR. WADSWORTH: I do not know how you feel about this matter of the bill now before Congress regarding the free distribution of seeds. I have always considered that there was much abuse and useless expense connected with this matter, and it seems to me it needs decided restriction in the interests of political righteousness, and I am pleased to range myself on the side of such curtailment as shall leave only opportunity for the distribution of rare and foreign seeds which it may be desirable to introduce to our people.

Cordially, yours,
JAS. H. JACKSON.

Honorable CHAIRMAN OF THE COMMITTEE ON AGRICULTURE,
House of Representatives, Washington.

SIR: Having noticed in the papers that your committee wish to stop appropriations for free seeds, I desire to give testimony in favor of such a measure. Since 1852, when I made my father's garden in New York, to the present time I have been a recipient of "free seeds." The first were "superior foreign" field grasses, only practical for experiment stations for trial and report. Then came annually from our Member of Congress a small package of garden seeds, as one would give a little sop to a pet dog under the table. I have now on my desk such a package—four little papers of seeds, worth not over 5 cents, but costing taxpayers nearly $5. Now, I have been a voter for fifty years, and in all the campaigns I have seen I never heard seeds mentioned. Nothing, to my knowledge, ever secured a vote but hard cash or whisky or promise of appointment. I have never had more than 5 cents worth of seeds at any time, but though born a Democrat I would not have sold my vote to Bryan and his 16 to 1 for a whole carload. I can't see what a candidate for Congress expects to gain for 5 cents in seeds. City people don't want any, and since he has no choice in selection, what can a countryman do with four little papers of seeds? One or two he may have no use for, and there is not enough seeds in the others to do any good. If he is anything of a gardener, his seed bill may not be less than $2 and may exceed $20. Five cents worth of seed to a garden is of no more use than one finger of whisky to a backwoodsman. The campaign of last year developed a better plan. I received several "visiting" cards from political candidates, some from entire strangers, requesting my vote. These cards appealed to my intelligence, and I actually looked up the record of a man I had never heard of and voted for him. Therefore I make the suggestion, let Members of Congress send their visiting cards (with full titles) instead of seeds to hold down their constituents. A personal card at Christmas would turn the heart of a doubtful voter. What can be expected for 5 cents in seeds? Have done with it!

While your committee is anxious to save the people money, please ask them to examine that rare old plant "the Botanical Garden," at foot of the Capitol. It needs root pruning and transplanting into the Agricultural Department. It is nothing but an overgrown vegetable sponge for public money, and internally as hideous and full of mystery as ergot in a cornfield.

Respectfully,
OTIS BIGELOW.
SILVER SPRING, *Montgomery County, Md.*

Hon. FREDERICK H. GILLETT, M. C.,
Washington, D. C.

DEAR SIR: We understand that the matter of the annual appropriation for the purchase of seeds, intended for free distribution by the Government, is now being considered by Congress, and we believe that the present is a most favorable time to urge objections to this most unjust and iniquitous public measure.

There are a hundred sound reasons for permanently abolishing this system of "graft," and not the shadow of an excuse for further burdening the nation with such an unnecessary annual expenditure.

No other people on the face of the earth would submit to such a discreditable use of the public money, and the sooner it is discontinued the better for the self-respect of every American citizen.

The abolition of free seeds would doubtless interfere with the more or less lucrative positions of a large number of employees, and it may be that some favorites of both sexes might object to such a change, but the fact remains that the whole system of free-seed distribution, as at present conducted by the Department of Agriculture, is an outrageous abuse. The great mass of public sentiment is utterly opposed to it, and we believe that in no manner can you better serve the interests of Massachusetts than by opposing the appropriation for free seeds.

JOSEPH BRECK & SONS,
Per CHAS. H. BRECK, *President.*
W. W. RAWSON & CO.
R. & J. FARQUHAR & CO.
HOVEY & CO.
SCHLEGEL & FOTTLER CO.,
JOS. M. GLEASON, *Treasurer.*
THOMAS J. GREY & CO.
CHARLES H. STONE CO.
THOMAS W. EMERSON COMPANY,
O. H. DODDS, *President.*

NEW YORK, *March 29, 1906.*

Hon. MARSHALL VAN WINKLE, M. C.,
Washington, D. C.

DEAR SIR: Kindly permit me to request your kind attention to the pending appropriation bill for the Agricultural Department, which includes an item for the free distribution of seeds, which has grown into an abuse, and which, in my estimation, should be stopped.

The original intention of making such an appropriation was to distribute new, rare, and foreign seeds which might grow in the climate and soil found in various parts of our country and become indigenous there.

The abuse which has grown out of a proper law consists in the distribution of common, ordinary garden seeds, which cost the Government several hundred thousand dollars, besides seriously encumbering the mails.

I also object to this free distribution of common, ordinary garden seeds, on the ground that it is contrary to public policy in this that of all the seeds distributed only a very small proportion are accepted

and sown, and serve only as a petty courtesy extended to voters by their Congressman, and even as such, a package of common seeds must be a failure.

I therefore beg leave to request that you will kindly lend your influence toward an abatement of this abuse of an originally good law, and that you will not vote for the means of distributing common seeds, so easily purchased at small expense of the exact kind and variety wanted, in violation of the original intent of the law, to induce experiments in making new, rare, and foreign growths indigenous in our soil.

The present tendency to make our Government the father of us all should be checked, unless the equality of all citizens is maintained by a free distribution of whatever product may be desired, agricultural or industrial, by a Congressman's constituents.

Very truly, yours,

E. P. REICHHELM,
90 West Thirty-fourth Street, Bayonne, N. J.

JEANNETTE, PA., R. F. D. No. 1, *March 14, 1906.*

Hon. GEORGE F. HUFF.

DEAR SIR: Excuse me for taking the liberty of writing to you, but I think the Government free-seed distribution is a matter that should be done away with, and I hope you will use your influence to have it done. My experience with the seeds sent out is that they are of a very ordinary kind, and I can not see the object in sending them out. As I never yet knew anyone to receive seeds that was not able to buy all they might need, so there is apparently no benefit in that way. And as to benefit in the trial of them, there can be none, as all are old varieties and well tried long ago. In case new sorts were sent out, some good might result; but, as it is done now, I can see no benefit whatever, but a cost on the Government that should not be.

In case the Government has money that it must get rid of, let us have it for our public schools or our public roads. In this way the people will be benefited. With the free-seed nuisance no benefit is received by them. I trust you interest yourself in the matter and try to correct this evil. I think old Westmoreland would feel proud to know that through its Representative this free-seed matter was knocked into oblivion.

Very respectfully, E. BUSHYAGER.

LE ROY, N. Y., *March 17, 1906.*

Hon. JAMES W. WADSWORTH,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am very much interested and encouraged by the fact that the Committee on Agricultural Appropriations has stricken from the bill the item for the purchase of seeds to be used in the free-seed distribution for 1907. I hope you will do all you can to prevent the reinstating of this appropriation. The Government has done a great work in studying plant diseases and in aiding the farmer in his effort to do farming on scientific principles, and I certainly would be glad to see this good work continue, and the distribution of a moderate quantity of plants and seeds which are new and desirable for certain localities would no doubt do more good than harm; but the wholesale distribution of common varities of seeds is unfair and unjust and fully as uncalled for as the distribution of dry goods and groceries, and even more so, for we all use dry goods and groceries, but comparatively few use seeds.

Yours, very truly, C. N. KEENEY.

MASSACHUSETTS AGRICULTURAL COLLEGE,
Amherst, Mass., March 27, 1906.

Hon. FREDERICK H. GILLETT,
Washington, D. C.

SIR: I take the liberty to call your attention to the present movement in Congress against Congressional distribution of seeds.

So generally has this distribution been opposed in recent years and so many are the arguments against it that I presume my writing to you may be quite unnecessary, but I wish to say most emphatically that I, in common, I believe, with all intelligent agriculturists and a great majority of all progressive farmers and gardeners, am strongly opposed to such distribution. Very briefly stated, the principal considerations which lead me to this point of view are:

1. The public money so used is largely wasted, as many of the seeds distributed are never sown.
2. The law creating the Department of Agriculture does not authorize the free distribution of common garden seeds.
3. The law providing for such distribution is class legislation, and therefore in itself pernicious.
4. The mail service is overburdened with these free seeds, the distribution of which is responsible for a considerable share of the annual deficit in the postal service of the country.
5. I know from experience and from talking with intelligent farmers and gardeners that many of them resent this paltry attempt at governmental benefaction.
6. Under the conditions now existing it seems to me there can be little doubt that only new and promising varieties of seeds should be distributed; that these should first be tested as to their adaptation to local conditions in the experiment stations of the several States, and that those found valuable only should be distributed through the experiment stations or by the General Government in cooperation with the stations.

Believing that you will give these points due consideration and that consideration will lead you to register your vote against Congressional free-seed distribution, I am,

Very respectfully, yours, WM. P. BROOKS, *Director.*

UNIONTOWN, PA., *March, 1906.*

Hon. A. F. COOPER, M. C.

SIR: We, the members of the Union Farmers' Club of Fayette County, Pa., a list of whose names is herewith inclosed, hereby request that you use your influence and endeavors against the agricultural free-seed distribution, except in regards to the testing and sending out of new and rare seeds and plants.

The above was placed before the club at its regular meeting March 24, 1906, and adopted by a unanimous vote.

W. B. SWEARINGEN, *President.*
A. C. OGLEVEE, *Secretary.*

BUFFALO, N. Y., *April 5, 1906.*

Hon. D. S. ALEXANDER, *Washington, D. C.*

DEAR SIR: The undersigned taxpayers thoroughly approve of the movement to omit the appropriation for sending free packages of seeds, and respectfully request that you will favor the measure when it comes before you.

ALICE AUSTINE HOWARD.
MARY E. H. ROGERS.
BENJ. F. ROGERS, M. D.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., March 15, 1906.

Hon. J. W. WADSWORTH,
Chairman Committee on Agriculture, House of Representatives.

MY DEAR SIR: Inclosed find a communication from my district signed by thirty farmers, returning seeds sent to them. I believe their position is entirely correct.

Yours, very truly, J. W. BABCOCK.

LA VALLE LODGE, AMERICAN SOCIETY OF EQUITY,
La Valle, Wis., ——— —, 1906.

Hon. J. W. BABCOCK, *Washington, D. C.*

DEAR SIR: We farmers of this vicinity, known as the "American Society of Equity," have turned down the free-seed distribution, and we have decided not to accept them, which we return to you.

The seeds are not reliable, and we think it a waste of time and money to use them.

We would rather have the money appropriated for good roads, and we petition you to give this your attention and do all you can to have such a move brought about. Thanking you for past favors, and we remain yours for equity.

[Signed by thirty farmers.]

HOUSE OF REPRESENTATIVES, UNITED STATES,
March 22, 1906.

Hon. JAMES W. WADSWORTH,
Chairman Committee on Agriculture, House of Representatives.

DEAR SIR: I have the honor to transmit herewith letter of W. Barto, a gardener at Gothenburg, Nebr., in which he expresses his views concerning the free distribution of seed by the Department of Agriculture. I regard his views as sound, and for that reason am referring it to your honorable committee for consideration when it may be pertinent to the business before it.

Very respectfully, yours, M. P. KINKAID.

[Inclosure.[

GOTHENBURG, NEBR., *March 19, 1906.*

HONORABLE OFFICIAL: For one being a citizen of your district and interested in the general welfare and advancement of (this, ours, "all of us") the American nation, I would like to give you my opinion in regard to appropriations for free distribution of seeds, which I consider to be an example of very poor management, and object to it for the following reasons:

First. The seeds sent out are only the commonest sorts; they should be first class.

Second. Those best acquainted with the postmasters and other officials get the greater bulk of the seeds, while they are well able to buy; the poorer, less informed, most needy people receive only a small portion.

Third. Having used the seeds, but a small per cent report the result of their experiments.

Fourth. The reports received do not reach back to many of the users of seeds; but little is learned by those who most need enlightenment.

It is a random affair and a reckless waste of money.

Hoping you will give the question due thought and consideration, and that you will use your best efforts to bring about a better state of affairs,

I remain, respectfully, W. BARTO.

SCOTTSBURG, N. Y., *April 2, 1906.*

Hon. J. W. WADSWORTH.

MY DEAR SIR: Through your courtesy I am once more in receipt of a packet of seeds from our Uncle Samuel's garden. Might I ask you to see the dear old gentleman and tell him that while appreciating his great kindness I think he had better go out of this seed-distributing business and use the money it costs in some other way. And while about it you may also say to him that I think he is overgenerous in too many other directions and he would do well to draw in his purse strings a little. It would seem as though a man of his age and experience ought to have learned that ill-advised and lavish spending of money seldom does good to anybody.

To be serious, I hope that your honorable body, by refusing to make an appropriation, will do away with the miserable practice of giving away seeds at the public expense. From something I have seen in the newspapers I conclude that you are personally in favor of such action, or rather nonaction. Be assured that you will have the hearty approval of all sensible citizens.

Very truly, yours, JOHN H. MAGEE.

LE ROY, N. Y., *March 26, 1906.*

Hon. J. W. WADSWORTH, M. C.,
Washington, D. C.

MY DEAR SIR: I write to ask you to use your influence against the appropriation for the free distribution of common garden seeds, which entails an expense of from $250,000 to $300,000 per annum on the Government, with very little benefit resulting therefrom to the farmers or people at large, and is a measure that, in my opinion, should be done away with; the sooner the better. It looks very much like class legislation and a waste of public money, and as far as my observation goes more than one-half of the seed sent out are never used. Hoping that this will meet your view of the case,

I am, yours, respectfully,

DARRAS G. BURLINGAME.

[Orange Judd Company, publishers of books pertaining to agriculture, horticulture, live stock, husbandry, and upon all topics connected with rural affairs; also books on outdoor life, sports, domestic science, and household matters; also text-books on art, manual training, nature study, agriculture, and education.]

NEW YORK CITY, *March 9, 1906.*

JAMES W. WADSWORTH, Esq.,
Chairman Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR SIR: Allow me to congratulate your committee on its efforts to abolish the free distribution of common garden seeds. That has long

been the worst old fake perpetrated upon the American farmer. Individual and organized farmers have for years been a unit against it. The agricultural press unanimously supports your committee in its recommendations to put a stop to this hoary fraud.

I am writing this letter to each member of your committee, and trust it will be brought to the personal attention of each Member of the House. I believe it safe to say that, if this question were submitted to a vote by mail of every American farmer, the result would be 10 to 1 in favor of abolishing the free distribution of common garden seeds. And this judgment is based on a most intimate knowledge of the farmers' views and needs in every nook and corner of the United States. Congress can not do a more popular act, so far as agriculture is concerned, than to abolish the scandal of "free seeds."

Yours, very truly,

HERBERT MYRICK,
President and Editor.

THREE RIVERS, MICH., *March 30, 1906.*

Hon. JAMES W. WADSWORTH,
Chairman House Committee on Agriculture,
Washington, D. C.

SIR: We have noted with pleasure the fact that your committee has reported adversely to the free-seed measure, which for so many years has been a positive detriment to progressive American agriculture, and had hoped that this was the end of that disgraceful phase of the Agricultural Department's work, a work imposed upon it by Congressional action and never sought for by the Department itself. But we are now advised that a concerted effort is being made to restore that measure to the appropriation bill. We write to add our protest against such restoration. From our point of view, the measure is detrimental to the very purpose it professes to serve. It is not only harmful in its effects of lowering the regard in which the public should hold the Department of Agriculture, but it actually stands in the way of that broader progress which might be secured by the Department of Agriculture could it have the moneys thus appropriated to use in the encouragement of the cultivation of foreign crops susceptible to development in the arid and semiarid regions of the country. This is but one phase of the question. Another phase, and one which appeals especially to the periodical publisher of the present day, is the relation of this misappropriation of funds to the question of the postal deficit. Second-class mail matter is charged with the responsibility of that deficit, whereas we believe that if the mails were relieved of all superfluous matter—free seeds and the like—there would be no deficit, and the press of the country would be relieved of the odium thus charged.

But over and above all objections of this kind is the greater objection of the misuse of public funds and the interference of Government in that which is essentially a matter of fair competition in the business world. We know we need present no argument to you on these points; we simply refer to them to add the weight of numbers to the almost universal protest against the measure under discussion.

Trusting that your committee will persevere in its resolution to stop free-seed distribution by the Government, we remain,

Very truly, yours,

THE KELLOGG PUBLISHING COMPANY.
W. H. BURKE, *Secretary.*

THE PRACTICAL FARMER,
Philadelphia, March 13, 1906.

Hon. GEORGE R. HUFF,
Washington, D. C.

DEAR SIR: As editor of a leading farm paper of Pennsylvania and previously for sixteen or more years an officer of an experiment station, I have had a very extensive correspondence with the farmers in all parts of the country, amounting to many thousands of letters annually.

In all these years I have never known a farmer who did not ridicule the free distribution of common garden seeds by the Government.

Since the House Committee on Agriculture has wisely decided to strike out the appropriation for this purpose, it is to be hoped that when the agricultural bill comes before the House this will be agreed to and this waste of money stopped.

When, in addition to the $290,000 appropriated last year for these seeds, we take into consideration the loading of the mails with them and the wages of the host of employees engaged solely in this useless work, the seed distribution costs the Government fully $1,000,000 or more. This would far more than pay the additional appropriation that is proposed for the State experiment stations, which have been the greatest power ever devised for the uplifting of our agriculture and would enable Congress also to give aid to the farmers' institutes in the various States, which have everywhere proved their value as an educational force.

May we not ask your influence in carrying into effect the decision of your committee? I am sure that the enactment would be one of the most popular ever made.

With great respect, I am, yours, truly,

W. F. MUSSEY,
Editor of Practical Farmer.

[Washington Post, Saturday, March 10, 1906.]

SEEDS ARE EXPENSIVE—COST OF DISTRIBUTION FIGURES OUT VERY LARGE—TRIPLE VALUE OF PRODUCT—APPROPRIATION IS EATEN UP TRAVELING, SALARIES IN WASHINGTON AND THOSE OUTSIDE, ASSEMBLING AND MAILING—DILIGENT INQUIRY FAILS TO SHOW WHY IT SHOULD REQUIRE SO GREAT OUTLAY.

It costs the United States nearly three times as much to distribute seeds, bulbs, and trees to farmers and planters as it costs to purchase the commodities.

Figures in the report of B. T. Galloway, chief of the Bureau of Plant Industry, for 1905, show that the Government paid $245,000 for the handling of $90,000 worth of seeds. The items of salaries, traveling expenses, assembling and mailing, and miscellaneous amount to $2.70 for every $1 in actual value.

Congress has been asked to remedy this condition, which is regarded as a travesty on good management by the agricultural journals and societies in various parts of the country.

In 1905 there were miscellaneous authorizations amounting to $4,359; traveling expenses, $7,034; salaries in Washington, $62,471; salaries outside, $8,608; contract for assembling and mailing, $41,926, and various other costs of handling, bringing the total nearly to $90,000 of the $340,000 appropriation.

FACTS ARE NOT EXPLAINED.

It has not been explained to the satisfaction of searching inquirers why so much traveling and miscellaneous expenses are needed and why the salary bill could not be cut down, and for this reason there is strong antipathy to the annual appropriation. But Congress, they say, has a tender spot in its heart for the seed-distribution industry and has held aloof.

At the end of last year's distribution there were about 50,000 packets of seed on hand, in addition to which the Department had in stock 168,691 pounds of various seeds. The Government does not carry seed over from one yar to another, as it has been found best always to distribute fresh seed. The disposition, therefore, of the enormous quantity of left-over seed is an item that is proving a study. Considerable of the salary funds are paid in getting rid of the surplus of the $90,000 worth of seed, for which the Government annually appropriates $340,000, it is said.

VIEWS OF PROFESSOR GALLOWAY.

Professor Galloway recently testified before the House Committee on Agriculture, furnishing this information. The committee's position was defined by the chairman in these words:

"We are heartily in accord with the efforts of the Department to introduce new or rare plants, grains, fruits, or vegetables, and for that purpose have recommended an appropriation of $40,000, which is all they can comfortably expend in this work. But when it comes to peas and beans and corn and turnips we feel the country is sufficiently well-informed to go it alone, without expending a quarter of a million dollars for this purpose."

[Washington Post, Sunday, March 11, 1906.]

FREE-SEED DISTRIBUTION—PERIODICAL ATTEMPT BY CONGRESS TO CUT OFF THE GRAFT.

Another of the annual Congressional farces is now on the boards. This time it is the distribution of seeds by the Agricultural Department at the command of Senators and Representatives. Nobody believes in it. The Agricultural Department is convinced the money spent for it is wasted. The Congressmen would hail a relief from the business of distributing the seeds with no attempt to conceal their satisfaction. The people would never know it had happened save for the reduction of the budget by about $200,000.

Yet the fear of dissatisfaction among the constituents represented at the Capitol is so great that it is not at all certain the abuse can be stopped now, even though the House Committee on Agriculture has stricken the seed clause from the appropriation bill.

As a matter of fact, not a tenth of these seeds are either asked for or desired. Private secretaries cuddle their brains to give them away to advantage. A great proportion is never given away, but is collected—it is just as well to speak out with the truth—by employees of the Capitol and sold. The farmer does not care to experiment with a handful of middle-grade corn when he has the planting of a hundred acres on hand. The farmer's wife does not care to sow mignonette and grow red poppies in her flower beds. It is safe prediction that if this distribution were stopped to-day not ten voters to the district would complain.

The work of the Agricultural Department is of the greatest importance to the whole nation. It is correspondingly expensive. To weigh it down with an allowance of more than $150,000 for work which has no place in the general scheme of departmental activity, and which the Department believes to be practically useless, is an extremely undesirable use of the nation's funds. In 1839 there was no Department of Agriculture, but that year Congress appropriated $1,000 to enable the Commissioner of Patents to purchase and distribute rare and valuable seeds and to publish agricultural statistics.

In 1893 the appropriation for the purchase and distribution of seed had reached $150,000. Secretary J. Sterling Morton looked upon this free distribution as petty graft, and he refused to "purchase and distribute." But Congress made the distribution mandatory, and each year the appropriation has been increased, until for the current twelve months it is $250,000, in round figures. This year the agricultural bill carries $7,000,000. There have been sporadic attempts in the past to do away with the free-seed graft, but they have always failed, not because a majority of the Members favor the practice, but because most of them are afraid their constituents would object. And yet the action of the committee last week was very largely in response to resolutions adopted by the State granges in Illinois, New York, and Connecticut, urging the stoppage of the free-seed distribution.

[The Union-Sun, Lockport, N. Y., March 12, 1906.]

SEEDS—GRAFT DIES HARD AT WASHINGTON—SMALL AMOUNT OF APPROPRIATIONS EVER REACHES THE FARMERS.

WASHINGTON, D. C., *March 12, 1906.*

The ridicule heaped by the press and public on Congressional free-seed distribution has encouraged the majority of the House Committee on Agriculture to believe that their efforts to stop this great abuse will be successful, and that the House will support their action in refusing to make any appropriation for the distribution of common flower and vegetable seeds. This graft dies hard. One of the most pernicious forms of wasting public money, without a legitimate excuse and almost without a defender, nevertheless it clings to Congress like a mother to a newborn babe, and for many years Chairman WADSWORTH, of the Committee on Agriculture, has been trying in vain to pry it loose. The report of B. T. Galloway, Chief of the Bureau of Plant Industry, for the fiscal year of 1905, tells the story of why the country is bled for $300,000 annually on this account. In it appears these items: "Salaries, in Washington $62,471; outside of Washington $8,608; traveling expenses, $7,064; contract for assembling and mailing seeds, $41,924." A A large number of persons are thus employed in the seed distribution, and every time Congress proposes to abolish this graft they weep copiously on the shirt fronts of the tender-hearted Members, who finally shrug their shoulders and say, "The public pays the freight," and vote for the appropriation.

The report of Chief Galloway contains much valuable data on this subject, but a great deal is omitted and would undoubtedly make interesting reading. For instance, it notes that during the year there were "miscellaneous authorizations amounting to $4,359," but no hint is given as to the character of these authorizations. It might be thought that less than a hundred thousand dollars worth of peas, beans, corn, etc., could be bought and distributed from Washington, yet it seems to have required $7,064 for "traveling expenses." Who traveled, where, and why? It also appears that "miscellaneous seeds" to the amount of $6,390 and "miscellaneous plants" to the amount of $3,864 were purchased and distributed.

Nothing could show the wastefulness of the seed distribution better than the cost of handling the seeds. The total expenditure of the Department of Agriculture on this account was $245,374. Of this amount

only $90,979 was expended in the purchase of seeds, bulbs, trees, and plants. In other words, it cost $2.70 to distribute every dollar's worth of seeds, plants, bulbs, and trees, without counting the immense cost to the Post-Office Department of delivering them. The flower and vegetable seeds are put up in packets. For these seeds $66,177 was expended, while to packet them by machinery and mail them cost $41,924, or more than two-thirds what the seeds cost.

But the item which most needs explaining is that of "miscellaneous expenses," which are set down at $15,961. After salaries, traveling expenses, purchase and mailing seeds, miscellaneous authorizations, telegrams, freight, express, hauling, gas and electric light, telephones, and fuel had all been set down, it was still necessary to include $15,961 for "miscellaneous expenses."

From the above it appears that although a contract was made under which $41,924 was paid for "assembling and mailing" $66,177 worth of vegetable and flower seeds, the Government paid, in addition, $71,079 in salaries in and out of Washington; $7,064 traveling expenses; $3,359 "miscellaneous authorizations," and $15,961 "miscellaneous expenses." At the end of the distribution about 50,000 packets of seed were on hand.

[The Washington Post, Monday, March 12, 1906.]

TO CURTAIL FREE SEED—HOUSE COMMITTEE WORKING TO STOP DISTRIBUTION—SECRETARY WILSON'S VIEWS—HE SENDS REPRESENTATIVE TAWNEY A RÉSUMÉ OF WHAT DEPARTMENT HAS DONE—LAYS BLAME OF SENDING OUT MISCELLANEOUS PACKAGES UPON CONGRESS—MEMBERS DEMAND IT FOR CONSTITUENTS.

In their efforts to suppress the free-seed abuse the majority of the House Committee on Agriculture will have the support of Representative JAMES A. TAWNEY, of Minnesota, chairman of the Committee on Appropriations.

Speaker CANNON is against further appropriations for the free distribution of peas, beans, corn, turnips, and peanuts, and, while the members of the Committee on Agriculture are fully informed on the subject, "Uncle Joe" thinks they should be backed up by others not on the committee.

Consequently, Mr. TAWNEY is securing much valuable and interesting data on the subject, which he will present to the House should there be an attempt to override the committee. He has received an interesting letter from the Secretary of Agriculture reviewing the history of the appropriations for this purpose. Secretary Wilson practically takes the ground that Congress and not the Department is responsible for the growth of this form of graft, and that if the Members of Congress are willing to forego their little packets of seeds he is more than willing.

FIRST APPROPRIATION $1,000.

The Secretary says the first appropriation of seeds was in 1839, when the Commissioner of Patents was allowed $1,000 for collecting agricultural statistics and "the purchase of seeds of new and rare varieties of plants." From 1839 to and including 1865 the total amount expended in collecting statistics and supplying seeds was $672,724. The appropriation for the current year for seeds alone is $290,000, or almost one-half of the total amount expended in the twenty-six years from 1839 to 1865 in the encouragement of agriculture.

Secretary Wilson notes that "the purpose of the early legislation for the introduction and distribution of seeds was to introduce into this country seeds of new and improved varieties and of new crops, in order to increase the horticultural and agricultural products of the United States." As long as it was confined to this purpose great good was accomplished. But he continues:

"As the demand for the new seeds being introduced by the Department increased, such demands naturally found expression in requests made to Senators and Members of Congress, and in course of time the number of these requests became so great that it was imposible to fill them with strictly new varieties of seeds; hence the practice began of sending out larger quantities of packages of vegetable seeds."

SOME GOOD ACCOMPLISHED.

Secretary Wilson thinks considerable good has been accomplished in this direction, but adds: "The distribution of such seeds increased, however, so that by about 1890 it had become the most prominent feature of the distribution, and, although the distribution of new varieties of field crops was not entirely lost sight of, the proportion of such seeds introduced was exceedingly small, and the original purpose of the legislation, namely, the introduction of new and improved varieties, was not kept prominently in the foreground." Acordingly, in 1897, Congress specified that $20,000 should be used for the introduction of new crops from abroad, and a separate section of foreign seed and plant introduction was established, which has done much good work.

Secretary Wilson thus compares the "graft" seed distribution with that which is recognized as legitimate and proper. "There is no doubt," he says, "that, although the amount expended distinctly for this work of introducing and developing new crops is relatively but a small proportion of the entire appropriation, the relative amount of good done by this branch of the work is far in excess of that accomplished by the mere distribution of miscellaneous standard varieties of vegetable and flower seeds, which can be purchased from any seedsman."

In conclusion, the Secretary informs Chairman TAWNEY that, as far as he is aware, there is no other government "that buys ordinary miscellaneous vegetable and flower seeds from growers and dealers and then distributes them to its citizens."

[The Washington Post, Wednesday, March 14, 1906.]

GOVERNMENT SEEDS.

One of the earliest abuses to spring up under the sway of the Federal Government was the distribution of seeds. The country at the time was much more agricultural, as a whole, than it is now, and very few politicians held their positions without the votes of farmers. It was the fashion, and still is to some extent, to set them apart in a class by themselves as especially worthy of consideration and as entitled to privileges and immunities accorded to none other. Men like Webster, Clay, and Everett were accustomed to deliver set orations at cattle shows and county fairs, and one of the most laborious items of a Congressman's duties came to be directing and mailing seed packages to his constituents. The theory at the outset seems to have been that the Government was in a better position than the farmers to find out which were the best varieties of plants and vegetables, and better able to procure the seeds, and that by its agency in the matter there would be improvement in the varieties cultivated.

Needless to say, there have been every year bushels of worthless seed distributed that never came to anything, still other bushels that were never planted, and that there have never been any benefits to anyone at all commensurate with the vast expense involved. Not only so, but there has never been under our system of government any possible justification for such expenditure. There is just as much reason why every farmer should be furnished with a fresh stock of cattle in the spring, to improve the breed, or a new set of tools, or every lawyer be presented with the statutes, or everyone else supplied with the implements of his trade or profession as that a farmer should be given his garden seeds.

There have been attempts made from time to time to do away with the practice, and this year, at last, the Committee on Agriculture by one majority has voted to leave any provision for seed out of the appropriation bill. Strange to say, the Republicans all voted against seeds and the Democrats for them, wholly reversing the traditional attitude of the parties toward paternalism. It would doubtless be found on examination that the Republicans come mostly from cities and manufacturing sections, and the Democrats from rural districts. Local considerations, when it comes to votes, have been known to be of more weight than general political principles, as when Massachusetts wants the duty taken off raw materials and Louisiana to have it kept on sugar. "Our opinions are parcels of our fortunes."

There is little reason to believe that the farmers of the country will regret or resent the nonarrival of the few seed packages they have been accustomed to receive, and it is matter of congratulation that at least one hoary and time-honored abuse has been abolished.

[Niagara Courier, Saturday, March 17, 1906.]

We see it stated that it costs the United States nearly three times as much to distribute seeds, bulbs, and trees to farmers and planters as it costs to purchase the commodities. Figures in the report of B. T. Galloway, chief of the Bureau of Plant Industry, for 1905 show that the Government paid $245,000 for the handling of $90,000 worth of seeds. The items of salaries, traveling expenses, assembling and mailing, and miscellaneous amount to $2.70 for every $1 in actual value. Will it do it?

[The News Leader, Richmond and Manchester, Va.]

Probably a good deal of light is thrown on the discussion about free distribution of Government seed through Members of Congress by the following self-explanatory communication:

DUANE, VA., *March 15.*

EDITOR THE NEWS LEADER: Your article upon "Free seed" leads me to say that I have been the postmaster here for fifteen years and can report as follows: Each year a great mass of packages come under frank and about half of them are addressed to persons that are dead or moved away—some of them ten to fifteen years—yet the seed continues to come. Not ten in a hundred persons care a fig for them and take them reluctantly. One man said he would give them to his fowls.

The original intent of the act of Congress seems to have been the gathering of rare seed by our consuls in foreign countries as a test of their usefulness by the agriculturists of the various States. Hence the perversion of the intent has become so gross and scandalous that it has overleaped itself and become a huge fiasco and waste of public funds, as well as a great injustice to those who are engaged in legitimate trade.

R. G. TYLER.

[Evening Wisconsin, Friday, March 23, 1906.]

CUT OFF THE FREE SEED WASTE.

The House of Representatives should not reverse the action of its Commitee on Agriculture, which struck from the appropriation bill the traditional provision for the free distribution of seeds. The last appropriation bill carried an allowance of $290,000 for that purpose, an amount of money that is enormous in comparison with any benefits that can possibly be conferred upon the people by the distribution of seeds of the character of those which constitute the free output through the mails.

If the flower and vegetable seeds received by the nonagricultural taxpayer are a fair sample of the seeds which are sent to agriculturists, it is difficult to find any value whatever in the distribution, as they are all flowers of the commonest varieties, and vegetables and grains which are generally grown. There is excuse for a distribution of something absolutely new, as macaroni wheat, for instance, was several years ago; but there is absolutely no reason why the Government should annually provide free seeds for farmers and gardeners who can with a little care gather their supplies from their own premises or purchase new varieties in the village stores.

The free distribution of seeds imposes a burden upon the United States mails, as the packages are all franked by the Congressmen who send them out, and consequently carried without postage. It is estimated that if the Department of Agriculture were required to pay postage at the usual rate on the seeds which are now sent free, the revenues of the Post-Office Department would be increased over $500,000. This would be a considerable item of income for a Department that calls for a large deficiency appropriation from every Congress.

If penny letter postage is desired, it can be achieved only by the establishment of economies through a reduction of the cost of carrying the mails. All illegal mail matter must be weeded out, and all burdens, such as that imposed by the free distribution of seeds, must be removed. There should be a strong popular protest against any attempt on the floor of the House to replace in the appropriation bill the provision for the free distribution of seeds, which has been wisely stricken out by the Committee on Agriculture. Dwellers in the city do not expect seeds from the Government, and the farmers are not asking for them. On the contrary, the National Grange, representing 800,000 farmers, adopted resolutions at its convention in Portland, Oreg., last year, strongly denouncing the appropriation for free seeds as a reckless waste of money, as the policy of free distribution is of no practical value.

On the 1st of April the Postmaster-General proposes to refuse to admit a large amount of matter that is now received as second class and carried at 1 cent a pound which costs the Government 5 cents a pound to carry. With this economic course as to all matter now practically deadheaded, the business and industrial interests may look for penny postage in the near future.

[Orange Judd Farmer, Chicago, March 24, 1906.]

If proper action is taken right now, the free-seed humbug will be killed. It hasn't a leg to stand on, nor has there been a single argument in many years for a continuance of this miserable graft upon the

people. Nobody really wants its perpetuity. The Secretary of the Department of Agriculture is utterly opposed to it; the National Grange has thundered against it time and again; various other farmers' organizations have made commendable effort to have it abolished. Finally, the self-respecting farmer has no use for the system. Instead, he very properly resents the cheap effort of his Congressman to curry favor by sending a measly package of the most ordinary kind of seeds, hoping in this way to win a vote. The Government has no more business to furnish free seeds than free overcoats or free horseshoes. Reckoning postage cost at a reasonable sum and the expense of handling, we venture that a million dollars a year is not wide of the mark as the sum Congress has been asking the plain people to pay annually to thus assist in reelection. Now, for the first time in years, a positive step has been taken to throw out free seeds. As recently noted, the House Committee on Agriculture decided not to recommend an appropriation. But "dead sure," some selfish Representative (is he yours, Mr. Farmer) will next week put up a wail in the House asking to have the appropriation reinstated, and probably for an increased amount. Write your Congressman to-day to sustain the House Committee on Agriculture in reforming the fake seed humbug. Unless this is done, some of the politicians who think they can buy the farmers' votes with a few pumpkin seeds will make a great fight to have the House appropriate $300,000 or more for this puprose. It is the privilege and the duty of the farmers, individually, to protest, and do it now.

[The Florists' Exchange, March 24, 1906.]

WHAT THE DAILY PAPERS SAY OF THE FREE-SEED ABUSE.

I've been a loyal citizen for five and forty years,
I've asked no favors and I've kept my taxes from arrears,
Right patiently I've tilled the soil, and when the price was low
I've taken 50 cents for wheat because 'twas ordered so;
I've voted as my conscience urged, and tried to be content
With what few blessings I have had, by Heaven or nature sent,
And is it strange my aching heart with dismal sorrow bleeds
To know they've stopped my one reward—my packages of seeds?

For years and years they've come to me, in little paper sacks,
To reconcile me to my lot of till and toil and tax;
What matter if they sprouted not, or if the corn marked "sweet"
Grew up to mangel-wurzel or became a sugar beet?
Those were but trifles light as air—the seeds gave me to know
The Government at Washington survived through weal and woe;
And 'twas unpatriotic and the most unwise of deeds
To sever all the ties that bind—my packages of seeds.

The radishes were often punk, the onions shorn of scent,
The cabbages were prone to worms, and some fell discontent
Would stunt the spinach as it grew; but every spring I'd sow
My plot at Government expense and watch for them to grow.
They made me feel an integer of governmental life,
And though they brought me days of toil and twilight hours of strife
With cut-worms, cabbage bugs, and new varieties of weeds,
They were a source of pure delight—my packages of seeds.

The rate bill is in statu quo, the tariff bill is dead,
The statehood bill is far from passed, and, far as I have read,
The toil of Congress up to date may be set down as naught;
So when they make the record of the things this session wrought,
To lay before the common folk who stand behind the gun,
The only thing of all they had to do that has been done
To fill the nation's pressing wants and meet the people's needs
Has been to cut off my supplies of governmental seeds.

(J. W. Foley, in New York Times.)

We believe that the committee made a good move when it decided to "economize" by striking this amount of money from the appropriation bill. It would be much better to expend the same in an experimental way, either through the Federal Department of Agriculture or the State experiment stations. (Prairie Farmer, Chicago.)

It is clear from Secretary Wilson's statement that he would not be sorry to see the graft element of the free-seed business reformed altogether. The majority of the committee voted right on the question, and the House should indorse its position. Useful and scientific experiments should be encouraged by the Government, but "not a cent for tribute" to Congressmen should be appropriated. They might as well ask money for free hay or free barbed wire or free brooms. (Chicago Record-Herald.)

This business is little less than political graft. Packages of seed save the recipients a few cents, but where one package does good service a score are thrown away. The business is a joke from one end of the country to the other, and yet one will hear Members of Congress seriously defend the practice when the item appropriating a couple of hundred thousand dollars for the work is under discussion in either House. Secretary Morton tried to stop it, and Congress rebuked him by increasing the appropriation. (Baltimore Herald.)

The appropriation last year was $290,000, but that sum does not represent the cost. When clerical hire, cost of packeting seeds, paper stock, printing, postage, etc., are added the cost to the country is fully $1,000,000. At the regular rate for postage on the 50,000,000 packets distributed last year a private citizen would have to pay approximately $500,000. The postal service is burdened by this huge bulk, which increases the deficit in the Post-Office Department without a commensurate advantage to the public. (Jersey City Journal.)

Competition by the Government in the seed business with individual seedsmen undoubtedly is unfair. The man who invests his capital and buys or produces seeds for sale naturally finds himself hindered and his trade diminished by $250,000 worth of seeds sent out by the United States free of cost to the purchaser. And really, with the present cheapness of things, the abundance of information in official and private publications and the wonderful facilities for distribution by the mails, there is no reason why the Government should continue its time-honored practice. (Richmond (Va.) Leader.)

The principle of the thing is most vicious. It's an outrageous abuse of a practice that had its origin in a worthy spirit of scientific research directed to the improvements of crops. Besides, the seeds are no good. Of the last batch sent us by our Congressman only about half came up. Uncle Sam has to buy in the open market the seeds he gives away and the seedsmen work off onto the amiable old gentleman their last year's stuff.

Should a misguided Senate see fit to insist on the restoration of the seed appropriation—mind, we say if it should—the doctrine of the square deal demands that the Government be given the benefit of just a little larger differential in seeds that will sprout. (Springfield (Mo.) Leader.)

The work of the Department has grown enormously since that bill was passed in 1862, and it is now a part of the public school system. It is doing a splendid service in educating the farmers directly and in helping them to solve their problems. In the prosecution of this work it might be well enough for the Department to distribute among farmers a few specimens of rare seeds that can not be procured in this country. But to pay out more than $200,000 a year for the distribution through Congressmen of seeds which the farmer can produce on his own premises, or purchase at the nearest store, is an abuse on the face of it. On the same principle, the Government could with equal propriety give the farmers agricultural implements and fertilizers. (Richmond (Va.) Dispatch.)

Last year $290,000 was appropriated by Congress for this seed distribution, of which $245,374 was expended for corn, peas, beans, carrots, turnips, grass, cotton, tobacco, and flower seeds. It is stated, however, that only $90,979 was paid for seeds and plants and $41,924 for putting them in packages and marking them. The remainder, more than $100,000, is reported to have been paid out for salaries, traveling expenses, and "miscellaneous expenses." Undoubtedly some of the Congressmen that sent out the seeds to their constitutents also got soft jobs for some of their constituents.

It is also charged that beet-sugar factories received beet seed in 100-pound lots. Of course, that is "graft" pure and simple and nothing else. These seeds are sent free through the mails, and the number of packages carried last year was 35,977,135. This was certainly a substantial contribution to the annual post-office deficit. (Niagara Falls (N. Y.) Gazette.)

Whatever be the actuating motives of different Members, it looks as though the so-called "free-seed graft" is doomed. That is the temper of the majority of the House Agricultural Committee. Uncle JOE CANNON has given out that it is time to stop this leak in the resources of the Government. Of course, there will be indignant protest from that vigorous contingent who will say that it is a pretty pass when the Government is throwing away untold millions upon the Philippines and the isthmian canal and the military establishment that it can not give away a few seed to the oppressed farmer. Be all this as it may, Chairman TAWNEY, of the Appropriations Committee, has been busy getting information on the subject, which he intends to present to the House should there be an effort to defeat the committee when it cuts out free seed. (Knoxville (Tenn.) Sentinel.)

The failure of congress to make a propriashun for the free distribushun of ghardin an' other truck seed is a howlin' calamity, an' if Mounts Butler had anything to do with it Cord Hull an' Jim Miller will beat him three sivil deestricts an' a bend in Big Scouty.

If they do away with the free distribushun of seed, how do the congressmen expect to git back to Washinton?

Echo answers "damfino."

We mind the time when Benton McMillin was fust nomernated for congress, at a convention held at Hartsville. Col. Hut Nash, in making the nomernating speech, closed by sayin': "Mr. Cheermun, McMillin is a good hand-shaker, an' he can scatter gharden seed as well as any of them." Col. Nash was no false profit. Benton sent the women folks gharden seed, the gals flower seed, and the men agricultural reports. He remained in congress 20 year, an' his name to this day is a house hold word in every gharden in the fourth deestrict. (Hag-Camp Grape Vine.)

The true way to distribute seeds by the Government is to send them out with scientific knowledge and purpose; this can only be done by experts. Fortunately, we have a governmental activity which can do this work in the most effective manner. It has rendered incalculable service to the farmers of the country by supplying them with choice seeds that have immensely increased the value of their crops. The increased yield per acre of wheat is directly due to the efforts of the United States Department of Agriculture in this behalf.

And now, if the Congressmen will divest themselves of the seed-distributing function, they will find ready to their hand an agency that can do this far more effectively and advantageously than they can do it themselves. And it will cost less, too; for the Department would not buy such tons and tons of common, ordinary seed, but would aim to get something that would be choicer, better, and that would improve on the crop to be raised. The Congressmen could not possibly do better than to give up their seed slinging, and let the work of improving the crops of the country by distributing improved seed be done by the United States Department of Agriculture. (Salt Lake City Tribune.)

It costs the United States nearly three times as much to distribute seeds, bulbs, and trees to farmers and planters as it costs to purchase the commodities.

Figures in the report of B. T. Galloway, chief of the Bureau of Plant Industry, for 1905, show that the Government paid $245,000 for the handling of $90,000 worth of seeds. The items of salaries, traveling expenses, assembling and mailing, and miscellaneous amount to $2.70 for every $1 in actual value.

Congress has been asked to remedy this condition, which is regarded as a travesty on good management by the agricultural journals and societies in various parts of the country.

In 1905 there were miscellaneous authorizations amounting to $4,359; traveling expenses, $7,034; salaries in Washington, $62,471; salaries outside, $8,608; contract for assembling and mailing, $41,926, and various other costs of handling, bringing the total nearly to $90,000 of the $340,000 appropriation.

It has not been explained to the satisfaction of searching inquirers why so much traveling and miscellaneous expenses are needed, and why the salary bill could not be cut down, and for this reason there is strong antipathy to the annual appropriation. But Congress, they say, has a tender spot in its heart for the seed-distribution industry, and has held aloof.

At the end of last year's distribution there were about 50,000 packets of seed on hand, in addition to which the Department had in stock 168,691 pounds of various seeds. The Government does not carry seed over from one year to another, as it has been found best always to distribute fresh seed. The disposition, therefore, of the enormous quantity of left-over seed is an item that is proving a study. Considerable of the salary funds are paid in getting rid of the surplus of the $90,000 worth of seed, for which the Government annually appropriates $340,000, it is said.

Professor Galloway recently testified before the House Committee on Agriculture, furnishing this information. The committee's position was defined by the chairman in these words:

"We are heartily in accord with the efforts of the Department to introduce new or rare plants, grains, fruits, or vegetables, and for that purpose have recommended an appropriation of $40,000, which is all

they can comfortably expend in this work. But when it comes to peas and beans and corn and turnips, we feel the country is sufficiently well informed to go it alone, without expending a quarter of a million dollars for this purpose." (Washington (D. C.) Post.)

THE GOVERNMENT SEED SHOP.

EDITOR FLORISTS' EXCHANGE:

If the reader will send to Washington and obtain a copy of the 300-page pamphlet covering the hearings of employees of the Department of Agriculture by the Congressional Agricultural Committee, under date of 12th January, 1906, and subsequently, he will find much interesting, though the writer will not say instructive, information.

On pages 229 to 241 occur some stenographic notes of the testimony of Professor Galloway, of the Bureau of Plant Industry of the Department of Agriculture, part of which is as follows:

Professor GALLOWAY. I do not see how anyone who took the ordinary precautions with the seed we send out could help from getting good results. We send out seeds that must necessarily be better than ordinary seed which seedsmen can secure.

Mr. SCOTT. Why?

Mr. GALLOWAY. For the reason that we buy our seed in this way: In the first place, a considerable portion of the seed is grown for us out of what we call our own stock seed. We know the full history of the stock. We get, for example, a pound of lettuce seed of high quality and it is true to name. We can take that pound of lettuce seed and turn it over to a reliable man in California and get 100 pounds that is absolutely true to name, and in order to make it true we send men to the fields where that lettuce seed is growing and have them rogue the field—that is, to eliminate all the lettuce before the seed has gotten any undesirable qualities."

Mr. SCOTT. Is it possible to acquire bids, or in any way introduce the element of competition?

Mr. GALLOWAY. Yes; we do that as far as we possibly can. For instance, we want 40,000 pounds of lettuce of a certain variety, and we know pretty well the men who can furnish that seed at different places on the Pacific coast. We send each of these men a blank form and ask them to submit a proposal for that seed. They come in at a certain time, and, unless there is a special reason, we give it to the man whose figure is the lowest.

Mr. FIELD. The common impression is that some dealers destroy all the old stock. Is that true?

Mr. GALLOWAY. I can not speak for any particular firm, but it is a general practice to blend seed. It is not only the general practice to blend seed, but there are all sorts of apparatus and devices that have for their object the rejuvenation of old seed, polishing devices that will make old seed look bright; there are certain devices to rub the dust off; there are certain cases where, if they do not want the seed to grow very well (where we get imported seed), they run them over hot plates to destroy some of their vitality. It is an object sometimes to have the seed, especially high-grade seed, low in vitality, the main object being to keep up the price.

Mr. CHANDLER. The Department seeds ought to be the very best seeds that are sent out.

Mr. GALLOWAY. Under the old practice, before the Department got its own seed, it was the custom to run in poor seed. We could not avoid it.

Mr. CHANDLER. Do you reject within certain percentages or do you reject them absolutely if they do not come up to the standard of vitality?

Mr. GALLOWAY. We can not fix any definite standard for any particular year. One year we had a peculiar case in California where the hot wind came on when these seeds were being harvested and so thickened the skin that the seeds would not germinate at all unless they were soaked. When they came in we could not germinate them, and we rejected the whole lot, and then we found that if they were cut or soaked they would germinate all right; but we had to add some special directions to our packets calling attention to this fact.

Mr. CHANDLER. What course do you pursue in order to prevent the getting of poor seeds?

Mr. GALLOWAY. By taking things forehanded we can make provisions all along the line. We have right now enough seed for next year's distribution.

Mr. CHANDLER. You spoke a moment ago of an expert you have in lettuce growing.

Mr. GALLOWAY. Yes; we have men now who are as expert as any in the seed business. It is a common business now.

[Washington Post, March 29, 1906.]

SEEDS AND THE "HAYSEEDS"—SUGGESTION FOR THE SOLUTION OF THE GARDEN-SEED ABUSE.

The statement emanating from the Department of Agriculture relative to the free distribution of seeds by Members of Congress to their constituents is not devoid of humor. In a general way it has been known to the world since Secretary Sterling Morton waged his famous and delightful warfare on the humbug that a good deal of unnecessary money was squandered on free seeds under an act of Congress whose intent had been strangely perverted in practice. The extent of the waste is now made clear in a striking way.

The act of Congress which is responsible for this seed distribution was intended to provide for a wide distribution among a large number of experimenters of "new and valuable seeds" in order that two blades of grass might be made to grow where only one grew before, and new foods, grasses, and vegetables might be introduced into our domestic and agricultural economy. This has long ago been lost sight of, and now the staid and respectable Members of Congress cling with grim determination to the privilege of sending to their constituents a number of practically worthless packets of cabbage, turnip, heliotrope, sage, gumbo, and onion seeds which may be bought at any country grocery.

The actual cost of the 40,000,000 packets which are done up into packages, giving several varieties to the 7,300,000 recipients, is about $90,000. This is indefensible enough, but though Members of Congress will admit individually that it is nonsense to send the seed around the country they stand pretty firmly for the perquisite when the abolishment of the practice comes to a vote. But the humor of the situation appears—and the joke is on Uncle Sam and his Treasury—when it is shown that the actual cost to that Treasury of $90,000 worth of seeds is nearly $250,000. To the cost of the seeds and plants must be added the freight. The cost of doing the seeds into packets for distribution is $36,000; the salaries paid for "expert explorers," gardeners, messengers, and multifarious hangers-on in the seed game amount each year to $46,000; the miscellaneous and operating expenses and office rent account call for $14,000, and the extraordinary and inexplicable item of "additional miscellaneous" is $10,000.

In short, this is as fine an example of the waste in the Government handling of a business matter as could be found in the annals of civilized nations. More than 75 per cent of the total cost of the seed largess to Congressmen is "eaten up" by the cost of getting the seeds to the "hayseeds" whose votes are thought to be powerfully influenced by the "little vote getters," as they are called.

In the interest of economy a suggestion is in order. It is positively useless to urge Congress to relinquish the perquisite, but why not allot in money to each Congressman his pro rata share of $90,000, the actual cost of the seeds? The Congressmen could send the cash by check to his constituents, who would please the merchants of their neighborhood by buying the common garden seeds in the local groceries. The country's seed dealers would not be offended by Government rivalry, Uncle Sam would save $182,268 a year in actual cash, and the "hayseed" vote affected by the seeds would be safe.

[Norfolk Dispatch, Thursday, April 5, 1906.]

NO USE OF FREE SEED.

Although we have never taken the agitation against the free distribution of seeds by the Government very seriously, we are inclined to think that Congress has been wise in cutting off its appropriation for this gift to the farmers. The annual distribution of some million packages of seeds by Congressmen forms a species of paternalism that is not demanded by the farmers of the country. We have no seedsmen's trust. On the contrary, the men who engage in this line of business should be encouraged in every way possible. They should have big profits for their products, because it is highly important that their seed should come up to the very best standard, and that they should have money enough to warrant their making experiments and doing everything in their power to obtain the best seed.

We believe in liberal appropriations for the Agricultural Department; in fact, we hope to see this Department one day receive more money from the Government than either the War or Navy Departments, as the foundation of our natural property lies in the farms, and, in our opinion, it is not possible for the Government to do too much for the farmers. But the seed that the Government has given away is simply bought without regard to its variety or its adaptability to the various classes of soil. It is handed out indiscriminately to the farmers in order that they may be reminded that the Representative at Washington is looking after their interests.

We have heard farmers remark on receipt of these seed that this free gift of a package of seed was all that their Congressmen did for them in Washington, and then when the seed failed to come up we have heard the farmers abuse the Congressmen who did them the unkind turn in giving them the seed.

It may be true, as claimed, that the Government is paying the railroads some ten or fifteen millions of dollars more each year than it should pay them for carrying the mails, and that may be the reason that the post-office has an annual deficit, but it is also true that the free distribution of seeds is partly the cause for this deficit. If the Government charged regular rates for carrying these seeds, its income would be increased a half million dollars a year. Here, then, is one direction in which it can retrench a bit. The Post-Office Department should be conducted with a view to the eventual establishment of a penny rate for postage stamps and a parcels post. To this end every economy should be practiced.

Mr. BOUTELL. Mr. Chairman, my scholarly and popular colleague, Mr. RAINEY, on the 5th and 6th of this month, made a speech in the Committee of the Whole that invited passing comment, aroused some curiosity, and excited not a little surprise. From this speech it appears that several weeks ago my colleague went to New York. What a world of meaning, Mr. Chairman, what a wealth of experience is expressed in these three words—"went to New York!" What a panorama they bring up before us of those who came from foreign shores and caught the first glimpses of the clustered homes of their adopted country from the waters of that majestic harbor, where the tides of the Hudson and the ocean meet; of the hundreds and thousands who came from the villages and farms to recruit the ranks of the workers in that throbbing center of life, whose genius and enterprise have made New York preeminent in commerce, in trade, in finance, in literature, in science, in art, in religion, in charity, in philanthropy, in all those splendid achievements that have made New York the imperial city of the Empire State, the pride and glory of America, and the marvel of the world! [Applause.] As the scenes unfold before us, what tragedies we witness, and what melodramas, what comedies, and what farces! We read the entertaining accounts of these comedies in the daily papers, and once in a while, but very seldom, one of these accounts creeps within the dignified but somnolent pages of the CONGRESSIONAL RECORD. [Laughter.] How many thousands, Mr. Chairman, before my adventurous colleague essayed this perilous journey, have gone to New York and throughout the remainder of their lives have wished that they had stayed at home. [Laughter.] "Went to New York!" Some of those who went hunted the tiger in his favorite haunts. They returned from the jungles to their native tall grass bearing with them the indelible marks of the claws and teeth of that monster upon their person as perpetual memorials that they, too, went to New York. [Laughter.]

Others who went to New York have lingered in those delightful pastures and lanes that surround Wall street, where the bulls browse upon the greenbacks of kids, and where the bears feast all the year round upon spring lambs [laughter]; and after they have been tossed to and fro between the horns of bulls and the jaws of bears, they have carried away to their

native towns a deep-seated aversion to all cattle shows and menageries to remind them that they, too, went to New York. [Laughter.] Others yet again who went to New York have been attracted by the brilliantly illuminated and popular boulevards and avenues, and they stop to parley with the benevolent vender of golden bricks, the benign distributer of emerald goods, and the deft manipulator of iridescent shells [laughter], and then exchange their surplus capital for experience, both lasting and profitable, which dwells with them to remind them that they, too, went to New York. And yet another, as he strolls up the Bowery, which one old historian calls "that fair country road," falls in with the dear old friend of his father away back in old Schoharie County in the good old days, and with this genial friend of the family he participates in a few of those friendly games that they used to play at the old homestead, and later visits various homes of joyousness and mirth. The next morning he awakes in an unfamiliar hallway to find, to his surprise that he has loaned to the dear old friend of his father his money, his watch, and all of his personal belongings, including his hat and coat. [Laughter.] He arises, when he is able; borrows money, if he is able, and repairs to 180 Broadway to provide himself with a watch to regulate his conduct and tell him when it is time to go home. [Applause and laughter.] Having returned to his native hills, he enthralls gaping audiences with the thrilling account of how he was sandbagged at half past 9 in the evening in front of the Brick Presbyterian Church as he was returning from a Stoddard lecture. [Prolonged applause and laughter.] And the frequent repetition of this tale during the shady afternoon and evening of his life serves to remind him that he, too, went to New York.

Many of those, Mr. Chairman, who have gone to New York have met with the same experience as the man who went down from Jerusalem to Jericho. Others, on the contrary, have felt that they were more fortunate, because they fell among liars; but we have it on excellent modern authority that the liar is as bad as a thief.

Now, of all the droll and entertaining comedies that have been enacted by all those who ever went to New York, the drollest is as somber as an old morality play compared with the enlivening farce in which my sedate colleague played a conspicuous, if unconscious and unwilling, part. For when my colleague went to New York he fell in with Keene—Keene, of Broadway—of lower Broadway—the lower the better for Keene. My colleague met Keene, and Keene took him in. Such delightfully taking ways has Keene, of Broadway! Such a hospitable gentleman! He is simply bubbling over with exuberant solicitude for the welfare of his fellow-man. Keene, of Broadway, is a dealer in diamonds and precious stones, but the brilliant gleam of his diamonds is as dark as the gloom of primeval chaos compared to the hospitable glitter in the eyes of Keene, of Broadway, as he welcomes the coming guest across his hospitable threshold. [Laughter and applause.] He is simply overflowing with this desire to benefit his fellow-man, and that perceptible wink in the other eye as Keene, of Broadway, speeds the parting guest, who has just paid him 191½ per cent on a watch reimported from across the water from New Jersey [laughter] is not in reality a wink. Far be it from me, Mr. Chairman, to intimate that Keene, of Broadway, would ever wink at one of his guests, or even at himself, notwithstanding the almost irresistible temptation, when he awakes in the silent watches of the night and meditates upon his function in the economy of the universe in general, and in the activities of lower Broadway in particular.

No; that apparent wink, if the truth must be told, is the normal droop in the eye of Keene, of Broadway. It is caused by his long and continuous sorrowing over the enormities of our fiscal system and his prolonged weeping over the afflictions of his fellow-men who are unable to get any kind of a watch for less than $1, or a trusty timepiece for less than $2.50. [Applause and laughter.] But he is such a delightful, kind, and hospitable gentleman, and his philanthropy is all embracing! The motive, the consuming passion in the life of Keene is to take in all his fellow-men and do them good. [Applause and laughter.] But I must not forget that Keene's philanthropy is of the practical nature. Now, we all know that a practical philanthropist must be an acute financier, and Keene, of Broadway, is all of that. There is nothing dull about Keene. He lives up to his name. The most ancient and battle-scarred veteran of the stock exchange could take valuable lessons from Keene, of Broadway. The man upon whom the Grand International Amalgamated Fraternity of Shell Workers has conferred the imperial and omnipotent degree is a clumsy, bungling neophite by the side of Keene, of Broadway. [Laughter and applause.] He not only lives up to his name; he is proud of it. He seeks to give it an international reputation, for I see by his letterheads that his cable address is "Keenness," and I think we will all admit after hearing or reading my colleague's speech that for keenness, Keene, of Broadway—of lower Broadway—is a veritable stem-winder. [Applause and laughter.]

As the possessor of these attractive qualities, these taking traits, my colleague confidently, nay, even proudly, asserts that Keene, of Broadway, is a typical Democrat. Coming as this statement does from my colleague, I must of course concede that Keene is a Democrat, but, Mr. Chairman, that he is a typical Democrat I refuse to admit. I have known a great many able and famous men in that historic party. There are some of them on the other side of the House to-day. There before me sits my good friend the gentleman from Mississippi, Mr. WILLIAMS, whose favorite theme is "intellectual integrity," and I know that every man on this side of the House will bear witness that in his political career and in his professional activities he has been as true to that ideal as was the chivalrous knight of old to the motto of his shield. [Applause.] In his political life and in his professional services he scorns all forms of lying, deceit, chicanery, and pettifogging, and Mr. WILLIAMS, of Mississippi, is a typical Democrat. Not far off sits the dauntless Democrat from New York, Mr. SULZER, but notwithstanding his resemblance to a great Whig he is a downright Democrat of the Jackson type. [Applause.] Honesty speaks from every lineament of his face; honesty is eloquent in every gesture and movement of his body; honesty is in every tone of his voice. The gentleman from New York, as you all know, is a vigorous hater of all forms of cant, hypocrisy, and fraud. The gentleman from New York City is a typical Democrat. Between the gentleman from Mississippi and the gentleman from New York and Keene, of Broadway—of lower Broadway—there is not one single point of resemblance. No, Mr. Chairman, I am wrong about that. There is one point of likeness and that is their magnitude. The gentleman from Mississippi and the gentleman from New York are great men; they are great Democrats. Keene, of Broadway—of lower Broadway—is a great humbug. [Laughter and applause.]

Now, then, Mr. Chairman, through his active philanthrophy and through his astute financiering Keene, of Broadway, has become a rich man. If we may believe my distinguished colleague, whom I am glad to welcome on the floor of the House, Keene, of Broadway, must be a very rich man. Has not my colleague shown us a photograph of his shop on lower Broadway? Now, we all know that whatever else may be low on lower Broadway there is nothing low about real estate in that locality, and a man who occupies premises there must be a very rich man. Then, again, my colleague has produced some advertisements which Keene, of Broadway, has inserted in the great metropolitan dailies, and anyone who has had any experience in these matters knows that when you insert full-page and half-page advertisements in these great journals you must be a very rich man. Then my colleague brought up here American or some other express company's receipts for fabulous sums of money shipped abroad by Keene, of Broadway, for purposes not fully disclosed. So, I say, our distinguished philanthropist and financier must be a very rich man. For some months past he has evidently been laying up something for a rainy day. [Laughter and applause.] And when the day came Keene, of Broadway, of lower Broadway, was prepared to meet not only the day but the rain he expected. [Laughter.] The method as disclosed in my colleague's address, by which Keene, of Broadway, of lower Broadway, has accumulated his fortune, reminds me very much of the method adopted by a notorious financier who recently made the acquaintance of the inspectors of the Post-Office Department and is now being fed and clothed in a very becoming costume at the expense of the United States Government. This altruistic philanthropist inserted an advertisement in the public press to this effect, "How to get rich quick without work."

"On receipt of $1 I will send, postage paid, to any address, full directions how to get rich quick without work." The dollar bills sped to the office of this distinguished financier, and the senders of those bills each received in return a card plainly printed and bearing this legend: "To get rich quick without work, fish for suckers, as I do." [Laughter.] Keene, of Broadway, of lower Broadway, has shown himself a most accomplished angler. From the time of dear old Izaak Walton none of the followers of this gentle sportsman have achieved such success. The stream that he whips is the stream that flows through Broadway, and his catches are numerous and large, and now and again he draws in some very distinguished person.

You can realize, Mr. Chairman, how greatly distressed I should be to find that Keene, of Broadway, had ever caught anybody from the great State of Illinois [laughter], for more

reasons than one, Mr. Chairman, but especially because it would apparently give some plausibility to the popular perversion of the nickname of the people of my State. [Laughter.] And here, Mr. Chairman, I must digress for one moment to explain the true name and the origin of the people of Illinois.

Some historians have asserted that the name had its origin in a taunt that was thrown out to some Illinois people by a Missourian. Early in this century men from both States used to go up in the summer to the lead mines in Galena to work, and they would return in the autumn; and this historian asserts that on one occasion a Missouri wag, seeing a party of men from my State going down the Mississippi, called out to them in derision: "You Illinois fellows are genuine suckers; you come up the river in the spring, and you go down in the fall."

Now, this was a very unkind taunt from the Missourian to his fellow-workers from Illinois, especially when we think of the retort that they might have made if they had wanted to. But be this as it may, this account shows that this event is not the true origin of our popular sobriquet, because, as you will notice, the Missourian is supposed to have said: "You fellows are genuine suckers," showing that the name was in use prior to that time.

Another distinguished antiquary has insisted that the name for the people of my State originated in an expression of Col. George Rogers Clark, on that eventful summer night when he captured Kaskaskia. It is claimed that he called to the British commandant and his officers, who were drinking mint juleps through straws: "Surrender, you suckers." [Laughter.] But a little historical research and a little logical analysis will show that this account of the origin is entirely incorrect, for the reason that when George Rogers Clark called upon the British commandant to surrender it was at midnight, and the only use that he was making of straws was the straw in the bed that he was lying on. And then there is this further fact to be considered, that in those early days those western frontiersmen would not permit straws or any other such impediment to interfere with the natural and unrestrained and rapid flow of their spirits. [Laughter.] So we must dismiss this account as altogether apochryphal.

This, Mr. Chairman, is the real origin of the word. We all know that the word "succor," in the sense of aid and assistance, is in common use to-day. We also know that the verb to "succor" is in general use. The noun "succor," meaning a person as a deliverer, although not now in common use, has been enshrined in our choicest literature. You all remember that in Shakespeare's play of Henry VI, Sir William Lucy appeals to the Duke of York in these words:

> Oh, send some succour to the distress'd lord.

And later on the same character enjoins Somerset:

> Let not your private discords keep away
> The levied succours that should lend him aid.

And in the second part of the same play the Irish messenger calls out:

> Send succours, lords, and stop the rage betime.

And again, in Fletcher's Double Marriage, one of the characters says:

> You have lost two noble succours.

Those, Mr. Chairman, are the kind of succors the people of Illinois are, and this is the way they got their name. In 1780, when George Rogers Clark and his men held Illinois, the British sent a party of English soldiers and savage Indians to take St. Louis, then a Spanish village and an ally of the American revolutionists. The distressed people in St. Louis sent at once to Clark for aid, and by forced marches he hurried to the defense of the little fortress. As the wild Indians appeared shrieking and howling on the northeast, the eager watchers from the ramparts descried the officers and men of Clark's command, and in their enthusiasm they shouted to the people below: "Here come the succors from Illinois [laughter]; thank God, the town is saved!" Now, that is the real origin of our name. I have said that the word "succor," meaning aid, was in common use. A few days ago I saw on the editorial page of one of the Chicago papers, referring to the generous outpouring of assistance from all parts of the world to the people on our western coast, this heading: "Succor for the suffering;" and in a later issue of one of the Chicago papers I found this heading: "Army officer's good judgment and zeal win admiration of people he is succoring." And I wish, Mr. Chairman, that from this hour on we could recall the use of this good old word as applied to a person, and stop the perversion of the sense and spelling as applied to the people of my good State. As we contemplate the sad condition of our fellow-countrymen in the Far West, I can not help thinking that San Francisco, sorrowing in the midst of the ruins of her former greatness, beautiful San Francisco, stricken, but not dismayed, as she watches with reviving hope order rising out of chaos under the guard of the boys in blue of our Regular Army, might well exclaim, "Thank God, our succors are here!"

And Funston, whose sleepless vigils by the Golden Gate have warded off crimes and disasters worse than the calamities of earthquakes and of fire, who has inspired the despairing with hope, who has strengthened the fainting with courage, who has given new significance to the old truth that "Peace hath her victories no less renowned than war," brave, dauntless, glorious little Funston has proven himself the noblest succor of them all. [Applause.] So, as I say, it would be a happy day for the people of Illinois if we could return to the old, legitimate use of this word and put an end forever to its perverted form and meaning.

But I must now return to my colleague [Mr. RAINEY] and his speech. A reference to this speech shows that it consists of five parts: First, a photograph that was produced of the shop of Keene, of Broadway; second, an advertisement of this distinguished philanthropist; third, a contribution of former Congressman Baker to a periodical; fourth, certain positive statements of fact, uncorroborated and without reference, and, fifth, certain assumptions by way of conclusions. Now, then, if my colleague's statement of facts be true, it might be interesting to see what conclusions could be legitimately drawn therefrom. So let me assume, for the purposes of argument, what I shall afterward attempt to disprove, that his statements were correct. What are his conclusions? They may be divided into two parts. First, there are his soulful conclusions, as we might term them. These soulful conclusions related to the Democratic organization. This, of course, must be a very distressing subject for some of us, and I must confess that I approach it with a degree of solicitude.

This first conclusion is that the Democratic party has no leaders. Now, of course, I must accept this, coming from such high authority, but simply as a test of the value of the rest of his reasoning I was interested to see if possible by what process of ratiocination my colleague arrived at this conclusion that the Democratic party had no leader. I take it that his mental process was something like this: Leadership assumes the idea of motion. More correctly I think it assumes the idea of progress from a certain terminus, a quo, as the lawyers would call it, to another terminus ad quem, and that as the Democratic party had been standing, as he said in his peroration, like an old soldier for two thousand years, with dust in his eyes [laughter], with no idea of progress, it would be quite correct to speak of it as having no leaders.

Now, with all modesty, not being intimately acquainted with that organization, I had no idea that the Democratic party had been standing still so long. I thought that I at times had discerned some motion, but it appeared to be rather a retrograde motion toward the original terminus a quo. But whichever way it was, I must concede, on my colleague's assertion, of course, that the Democratic party has no leaders.

The second soulful conclusion was that the Democratic party needs no leaders. This, again, I must concede, on this theory, however he may have arrived at his conclusion, that any organization that is on the eve of disbanding has no need of leaders. [Laughter and applause on the Republican side.]

His second conclusion, what might be called his "soundful conclusions" [laughter], are more difficult of comprehension. From this picture and this advertisement and the letter of our old friend, Mr. Baker, and from his own statement of facts, my colleague concludes that the present revenue laws of the United States should be revised. But there is no word from one end of his speech to the other that shows which way he thinks the tariff ought to be revised—whether up or down. As I listened to his remarks I thought he was making an argument for the repeal of that section of the present tariff law which admits free of duty American goods that had been exported. But whatever these soundful conclusions may have been, if his statement of facts was incorrect, you will all agree with me that with the disappearance of the foundation the superstructure must also vanish. I am very confident that my friend from Mississippi, with his "intellectual integrity," will be the first to admit that, as far as conclusions are drawn from misstatements of facts, they ought not to be considered in this body, particularly in a serious consideration of revenue legislation.

I wish now, Mr. Chairman, to address myself to that part of my colleague's remarks that refers to the Waltham Watch Company, of Massachusetts, and to the Elgin Watch Company, of Illinois. My colleague told us that he had been studying the watch business for some time in preparation for teaching a kindergarten. I am sure we all appreciate the modesty implied in that statement that his preparation had only gone that far. But we all know that the benefit of study depends partly

on the student and partly on the tutor. I am reminded of a banker here in this city who was very much exercised as to the way in which his son, a young college graduate, was spending his time. So he asked him one evening: "My son, what are you doing these days?" His son said: "Why, father, I am studying bookkeeping." His father said: "I am very glad to hear that. Who is teaching you?" "Why," he said, "a good old friend of mine out at Bennings." [Laughter.] "Well," said the father, "I know from experience that that sort of teaching may be entertaining, but it is neither enlightening nor profitable." So if one were to go and study the watch business, I think there might be other more valuable sources of information than Keene, of Broadway—lower Broadway.

So, Mr. Chairman, I must explain what little I know about this watch business, how I know it, and why I take an interest in speaking about it.

I must say, in the first place, that my principal interest is simply that of pure truth. No matter what the artist of the comic papers may say, no matter what humorous paragraphers may hint, the word of a Member of this House, seriously stated, is taken for truth throughout the country, and I think that in our discussions here, when we come down to the actual argument which influences men in and out of this House, we should be governed solely by a regard for truth. As there is no proper way of cross-examination here except such as may be embarrassing to the Member addressing the committee, who otherwise would make a valuable contribution to our sum of intelligence, we ought, so far as we can, voluntarily to observe the laws of evidence. So, Mr. Chairman and gentlemen, I will tell you frankly how I know what little I do in reference to these two companies and why I take an interest in seeing that only the truth is stated in regard to them.

The Waltham Watch Company, of Massachusetts, was born in my native State in the same year in which I was born, in 1856, and was then known as the American Watch Company. During the greater part of the last fifty years, both while I was a child in the vicinity of Waltham, and later on wherever I have been, I have always heard the Waltham factory spoken of as one of the model factories of the world. Soon after my graduation from college, in 1874, with the first money that I saved up, I purchased a Waltham watch of the Mattison jewelry store in Chicago, of which Spaulding & Co. are the present successors. I bought that watch in 1874 and paid for it $55. I have reason to remember very well that price. I would not part with it for one hundred times that amount. That watch, I am now assured by retailers, owing to what I presume my colleague would call the baleful and blighting influence of a Republican revenue system, could now be purchased for from $18 to $22, according to the retail store in which it might be purchased. So I have always had something of a sentimental interest in the Waltham Company, and regret to hear anything said about it that is untrue, particularly if what is untrue is also discreditable. I have here in my hand a very interesting paper called the "Norwalk Experiment," published at Norwalk, Huron County, Ohio, Tuesday, May 27, 1856, the year in which the Waltham Watch Company began turning out watches. On the advertising page there are several advertisements of merchants in this Ohio town who had returned from New York with American watches, which at that time meant only Waltham watches, and on the editorial page is this article:

AMERICAN WATCHES.

For a long time it has been thought that the United States could not manufacture watches as economically or of as good quality as is done in Europe; but the ingenuity of the Yankee has accomplished this desirable end, and they are now made in large quantities fully equal to any that are imported. These watches can be seen at J. A. Wilkinson & Co.'s jewelry store. By the way, this establishment has just been fitted up in elegant style and, with the large stock of goods just opened, looks "as neat as a new pin."

I do not see before me the Member from Ohio who represents the district in which Norwalk is located, but I trust that this store is still selling American watches and is still "as neat as a new pin."

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Mississippi?

Mr. BOUTELL. Certainly.

Mr. WILLIAMS. I would ask the date of the paper from which he just read?

Mr. BOUTELL. May 27, 1856.

Mr. WILLIAMS. Does the gentleman remember or can he tell the House what the duty on watches was at that time?

Mr. BOUTELL. On watches at that time I think the duty was 10 per cent ad valorem.

But, Mr. Chairman, I am even more interested in seeing that nothing but the truth is stated in reference to the Elgin Watch Company, of my own State. Illinois is proud of beautiful Kane County, lying in the Fox River Valley, and Kane County is proud of three things. She is proud of her farms, she is proud of her Elgin butter, and she is proud of her Elgin watch factory. [Applause.]

Now, a few days ago, after the address of my learned colleague, the gentleman from Illinois [Mr. RAINEY], I had the pleasure of receiving a call from an old friend of mine, a gentleman who lives in my ward in Chicago, a man well known for many years in the business world of Chicago for integrity and honor, Mr. Charles H. Hulburd. Mr. Hulburd told me what I did not know, or if I had known I had forgotten, that he was the president of the Elgin Watch Company. He went on to say that he had read the accounts of my colleague's remarks in the newspapers, and was so shocked and surprised at the statements made in the papers that he had secured a copy of the CONGRESSIONAL RECORD, and, although he found that the statements made in the newspapers were not in all cases borne out by the statements as they appeared in the RECORD, still he said he would like to submit to me as his Representative and to the Committee on Ways and Means certain facts in reference to the organization and present condition of the Elgin Watch Company. I assured him that I would be very glad to have him send that material to the committee, and the committee would utilize it whenever there was occasion to offer it to anyone who wished to discuss this question on the floor of the House. I asked him to make a statement in writing and also to be perfectly frank with me and to give me the situation of the employees in the Elgin factory and their views concerning public questions as well as the opinion from the directors' room. He said that he would endeavor to do this, and subsequently sent to me a written statement and also sent here a Mr. Kinna, who he said would give me any further information that I desired. Who, probably you will ask, is Mr. Kinna? Mr. Kinna is a Wisconsin boy who entered the employ of the Elgin Watch Company some years ago at a dollar and a half a day and has worked up to the position he now holds, which is that of representative of this Elgin Watch Company at its New York salesroom. That is the way the Elgin Watch Company has of dealing with its trusted employees.

I asked Mr. Hulburd if he knew anything about the Waltham Watch Company or their people. He said he knew them only as a rival, but that he had a personal acquaintance with the president, Mr. Fitch. I told him that if that company had any material giving information concerning the business of their company our committee would be very glad to have it. Subsequently I received a call from Mr. Fitch, the president of the Waltham Watch Company. You may ask who Mr. Fitch is. Mr. Fitch was a New England boy, who began his work at the bench over forty years ago and has worked his way up through all the grades until he is now the president of this corporation. Mr. Fitch also sent a written statement, and, through the counsel of the company, Mr. Crawford, has given all the information that I am going to furnish to the committee; so that, if I do not say so with every sentence, I want the gentlemen of the committee to understand that what I say in reference to these two companies is simply in the interest of absolute truth, and if I do not always give the qualification you will know that it is on the authority of these gentlemen to whom I have referred.

On page 4911 of the RECORD, in the first column, my colleague states boldly, without any reference or corroboration, that there is a watch trust composed of a certain big four, to which the Elgin Watch Company and the Waltham Watch Company are parties. On this point Mr. Hulburd says:

The Elgin Watch Company is not a party to any watch trust. Neither the company itself or its officers, directly or indirectly, hold any of the stock in any other watch company in the world; nor is its stock held by or for any other watch company.

Right here on the question of the existence of a watch trust and the method that ought to have been resorted to, if my colleague wished to be accurate, I wish to read two letters.

Mr. RAINEY rose.

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. BOUTELL. Certainly.

Mr. RAINEY. I did not expect that either the Waltham or the Elgin company would admit it?

Mr. BOUTELL. Yet at the same time my colleague must concede that there are honest men even connected with the Elgin Watch Company and with the Waltham company.

Mr. RAINEY. We thought that when the beef-trust men in Chicago denied that they were in a combination. [Applause on the Democratic side.]

Mr. BOUTELL. The two letters to which I refer as to whether there was a watch trust or a combination among the manufacturers are these. The first one is written by a typical Democrat, whose name you will all recognize. Until the Demo-

cratic party had relapsed, according to my authoritative colleague, into an unled aggregation, the gentleman who wrote this letter used to be proudly referred to as the "peerless leader."

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended until he concludes his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Illinois may finish his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. LAMB. How much time will the gentleman need?

Mr. BOUTELL. Without interruption, I should get through in half an hour or forty minutes.

Mr. LAMB. I will yield the gentleman that time.

Mr. BOUTELL. Now, remember, Mr. Chairman and gentlemen, I read these two letters for two purposes—first, to show by indirection that the former "peerless leader" of the Democratic party did not think that these companies were in any watch trust, and, secondly, to show the more careful method adopted by a really fair-minded man when he is endeavoring to get at the truth. The first letter which I read is signed "W. J. Bryan." It is dated at Lincoln, Nebr., May 6, 1905. The heading upon the paper is "The Commoner, William J. Bryan, editor and proprietor." The letter reads as follows:

WALTHAM WATCH COMPANY,
Waltham, Mass.

GENTLEMEN: Our attention has been called to the statement issued by certain retail jewelers to the effect that you and three or four other watch companies are in a combination to destroy competition by compelling those who sell your goods to refuse to handle the goods of other manufacturers——

Mr. WILLIAMS. May I interrupt the gentleman to ask him to read that part over in regard to the condition which he said he heard they had made——

Mr. BOUTELL (reading)—

that you and three or four other watch companies are in a combination to destroy competition by compelling those who sell your goods to refuse to handle the goods of other manufacturers. Please let me know whether in selling you make any such conditions, and also whether there is any agreement by your company and other companies as to prices or rules in regard to sales.

My object in inquiring is to avoid doing you injustice if the complaint made of you is without foundation.

Very truly, yours, W. J. BRYAN.

A very fair, broad-minded inquiry on the part of the proprietor and editor of a paper, who undoubtedly contemplated making some observations in his journal along this line concerning this company. The reply is as follows.

AMERICAN WALTHAM WATCH COMPANY,
Waltham, Mass., May 17, 1905.

Mr. W. J. BRYAN,
Editor The Commoner, Lincoln, Nebr.

DEAR SIR: In reply to your favor of the 6th instant, we beg to say that you have evidently been misinformed, or possibly the "certain retail jewelers," to whom you refer, have been misinformed in regard to the business policy of this company.

We do not sell to retail jewelers at all.

We confine the sale of our product strictly to a few selected wholesale dealers, known to the trade as jobbers.

We know of no combination in the watch business, and this company has never been in a combination of any nature for any purpose whatever.

The "combination" and "trust" talk which is indulged in by some people in the trade is hard to explain, but probably is partly due to competitors who realize that we are one of the largest and most dominant factors in the trade, and possibly due, secondly, to the statements of certain jobbers to whom we have ceased to sell.

During the last five years we have ceased to sell direct to five or six customers, mainly because these jobbers were also retailers and were using their connection with the manufacturing company to buy more cheaply than other retailers.

We do not decline to sell all jobbers who retail if they are fair about it, but our aim is to protect as much as possible both the retailer and jobber in securing a fair profit, and this has been our policy for nearly fifty years.

Yours, truly,

AMERICAN WALTHAM WATCH COMPANY,
E. C. FITCH, *President.*

Mr. RAINEY. Mr. Chairman, I will ask the gentleman, who has had these interviews with representatives of the Elgin company, if at any time in any of those interviews they ever denied to him what I said about the prices they make abroad for their watches is true?

Mr. BOUTELL. I will say to my colleague I will get to that later on; that they have substantially denied, with such explanation as I think will be satisfactory.

Mr. RAINEY. I saw substantial denial made by the president of the Waltham company in which he admitted it all.

Mr. BOUTELL. The next statement by my colleague and the reply of these companies that I will take up is that relating to their capital stock.

Mr. WILLIAMS. Mr. Chairman, I know the gentleman from Illinois to be not only a truth-seeking man but a good lawyer, and with that in my mind I want to ask him this question: Which would the gentleman regard as the better evidence, the letter which he has just read, or the actual contract produced, showing that conditions were made with the purchasers of those watches in a contract really signed by both parties?

Mr. BOUTELL. I will say to the gentleman from Mississippi that that matter of contracts I will explain in a few moments, and that these contracts have no bearing whatever upon the combination which Mr. Bryan says that he had heard of.

I thank the gentleman for having interrupted me, because he reminds me of something that had slipped from my mind. The Commoner is a paper that I like to look at frequently, and it is kept on file in the Library of Congress. I have had the files of that paper carefully examined since the date of Mr. Bryan's letter to this watch company, and the receipt of the answer from the president, and I will say that such examination does not disclose any editorial reference to those companies from that time to the present. I find further, that since the speech of my distinguished colleague, of which the Commoner printed some two columns in the issue of the 20th, and in reference to which a letter from Washington was printed on the 13th; this paper has made no mention editorially of the matter, and Mr. Bryan is a typical Democrat.

Now, in regard to the stock. One newspaper account of the speech of my colleague referred to the stock of the Elgin Watch Company as $10,000,000. My colleague, in the RECORD, does not give the amount of capital stock, but he makes several references to the purchasers of these watches being forced to help pay dividends on watered stock. Now, what are the facts, and these could readily have been obtained by writing to the company or by examining the records in Illinois? The Elgin Watch Company is not capitalized for $10,000,000. The capital stock is $5,000,000. The watches in process of manufacture, the buildings, the machinery, and the land are appraised at $6,000,000. No account whatever is taken of good will, trade-marks, and patent rights; and the dividend on this stock at the present time is only 8 per cent, although there were years from 1893 to 1898 when they were compelled frequently to pass their dividends—very significant years in the history of the country. [Applause on the Republican side.]

What are the facts in relation to the Waltham Company, as to which my colleague asserts that the purchasers of the watches have been helping to pay dividends on watered stock. After fifty years of honorable effort the stock of the Waltham Company is $4,000,000; and yet they report that the surplus and accumulations have been invested in tangible assets worth $7,000,000, and that their intangible assets and trade-marks, patent rights, copyrights, and good will are worth $4,000,000 more; and it is paying only 10 per cent on $4,000,000 capital stock, which has sold as high as 285. So it appears that the Waltham Company, instead of paying on any watered stock, has a stock the market value of which has nearly 200 per cent pure cream. This is the result, as I say, of fifty years of work and endeavor of those who have invested their savings in this company. Certainly nothing to alarm even one of the most "craving credulity." What individual who had worked and labored for fifty years would have been satisfied with such a moderate showing in the increase of his capital and surplus?

But I must hurry on. On page 4911, in the first column, my colleague referred to the form of contract used by the Elgin National Watch Company in connection with certain of its movements and a somewhat similar contract used by the Waltham Company; and I ask the attention of the gentleman from Mississippi to this point. My colleague has given the text of these contracts correctly, but has entirely failed to grasp the idea of their origin, the extent to which they are used, or the necessity for their use. Apparently no inquiry was made about it by him. These contracts of the two companies are conditions of sale and are far from identical. The Elgin contract is based upon patent rights; the Waltham contract upon trade-marks and secret processes. They differ widely in their language and were prepared separately, without any agreement, and there was a considerable interval of time in their appearance, the Elgin contract being first in the field.

Now, what are these contracts, and to what do they apply, which my colleague [Mr. RAINEY] says have been in restraint of the retail dealers? The contract in these cases relate solely to what is known as "railroad movements," being watch movements sold chiefly to railroad employees. These constitute not to exceed 4 per cent of the total output of the Elgin factory and about the same proportion of the output of the Waltham Company. As to all the remaining output of each company, there are no contracts whatsoever establishing any standard retail price.

What is the reason for these contracts? They are asked for, sought for, and insisted upon by the retail dealers. This system of contracts was adopted first by the Elgin and later by the Waltham Company, at the urgent insistence of the dealers throughout the entire country, who claim that their profit in railroad movements made by the Elgin and Waltham companies were cut to pieces by excessive competition. I have here in my possession a package of letters written both before and since the adoption of this system of contracts, letters written by retail dealers, some of them urging and the others approving the system. These letters show very clearly that it was the retail dealers of the country who desired the adoption of this system.

Mr. NORRIS. What per cent of the total output of watches are covered by these contracts?

Mr. BOUTELL. Four per cent. In order that while we are considering this we may have full knowledge before us, I ask the Clerk to read one letter from a retail dealer in Mason City, Iowa, and will ask permission of the committee to print the other letters in an appendix to my remarks.

Mr. WILLIAMS. Before that is done I would like to ask the gentleman a question.

Mr. BOUTELL. Certainly.

Mr. WILLIAMS. The gentleman, as I understood him, stated a moment ago that the Elgin Company was declaring a dividend of 8 per cent and had a surplus and tangible assets of $7,000,000.

Mr. BOUTELL. No; that is the Waltham Company.

Mr. WILLIAMS. How much was it?

Mr. BOUTELL. The tangible assets of the Elgin Company, as reported, are about $6,000,000, without taking into account intangible assets.

Mr. WILLIAMS. Now, in connection with the stock, does the gentleman know whether the company has any outstanding bonded indebtedness or not?

Mr. BOUTELL. I do not know, but I think not.

The Clerk read the letter referred to, as follows:

IOWA RETAIL JEWELERS' ASSOCIATION,
OFFICE OF SECRETARY,
Mason City, Iowa, March 2, 1906.

WALTHAM WATCH COMPANY,
Waltham, Mass.

GENTLEMEN: It seems to be the opinion of the jewelers over the United States that there should be a minimum selling price set on watches.

Iowa has lately organized a retail jewelers' association, and it was the unanimous opinion of everyone there that this should be the case. It has long been the writer's opinion that this should be the case, and it would eliminate many unpleasant things concerning the selling of watches and eliminate a great deal of shopping. As it is, there is no fixed selling price among the jewelers concerning watches, and which we have to sell at what we consider is a legitimate profit, and there is a wide variance of what this profit should be.

I think, as a representative and secretary of our association, that I am voicing the sentiments of the jewelers of this State when I say that it would suit us better if the representative watch companies of the United States would sell their watches under a restrictive contract and a fixed selling price on the same basis that the Victor Talking Machine Company, the Columbia and the National Phonograph Company, the Eastman Kodak Company, and others that I might mention are selling their goods.

As a dealer in these lines that I have spoken of, I have found it to be very advantageous and eliminates many unpleasant features, especially the shopping propensities of many buyers. At the same time it does not eliminate competition; it simply leaves the matter up to the firm having the best salesmen to sell the goods.

It is my opinion that a fixed selling price could be fixed on movements and also the same on the case, and the selling price to be a combination of both. In selling talking machines the price is quoted for the machine with a small horn; this could represent the movement. I almost invariably sell the machine with the much larger horn, and in these cases I simply add the price of the horn to the selling price of the machine. This gives me the correct price that the factory wishes me to sell at.

I would like you to give me a frank expression on this matter to present to our association.

Yours, very respectfully, J. H. LEPPER.

Mr. UNDERWOOD. Mr. Chairman, I should like to ask the gentleman from Illinois a question or two to see if we understand the facts in this case. According to his statement and the statement of his colleague [Mr. RAINEY], I understand that it is agreed that there are watches of a certain class that are manufactured in this country that railroad men are required by the railroads to buy.

Mr. BOUTELL. Yes.

Mr. UNDERWOOD. And no matter what the reason may be for doing so, I understand that these watch companies, on that particular class of railroad watches that the railroad men are required to buy, have fixed the price by contracts in restraint of trade, and that those watches can not be sold for less than that amount. Do we agree on that statement of facts?

Mr. BOUTELL. The contract, as I understand it, fixes the price at which both the jobber and the retailer shall sell this particular kind of movements, referred to in the contracts.

Mr UNDERWOOD. And that both great companies, or the great companies in this country engaged in the manufacture of watches, are all parties to contracts of that kind in reference to these railroad watches?

Mr. BOUTELL. That I do not know. I am simply giving the facts relating to these two companies.

Mr. UNDERWOOD. The letters of these two companies admit that to be the fact, do they not?

Mr. BOUTELL. No. The letter which has just been read is a letter from a retail watch dealer in Iowa, asking that similar contracts be applied to all retail sales of watches instead of simply to the railroad watches as at the present time, which watches constitute only 4 per cent of the total output.

Mr. UNDERWOOD. Is it not admitted by the gentleman that the Elgin Watch Company and the Waltham Watch Company as to railroad watches do have this contract with all dealers?

Mr. BOUTELL. All those who handle the watches.

Mr. UNDERWOOD. So that as to railroad watches there is a trust or a combination in restraint of trade?

Mr. BOUTELL. Hardly, as the gentleman will see when I come to the contract on those watches which constitute this small fraction of the whole output. These contracts have nothing to do with any relation between the manufacturers; they are simply individual contracts made by each company with its jobbers and retailers, and the reasons for these contracts are these. The dealers who insist on these contracts are retail jewelers along the line of the railroads, who get appointed subinspectors, and when they sell a watch it is understood in the business with the railroad employees that they will keep track of and examine and regulate all of these watches for an indefinite time; and these retail jewelers acting as subinspectors want to get a little margin above the ordinary retail price to reimburse them for this extra service. And, furthermore, these movements are seldom sold for cash, but usually on installments at the retailer's risk. It is a contract in which the manufacturers have no interest whatever. These contracts bring no additional profit either to the manufacturer or to the jobber.

Now, I pass to another subject. My colleague asserts on the strength of Keene's advertisement that the various watch movements made by the Elgin Watch Company and the Waltham Watch Company are sold at Keene's at a price greatly below those for which the same movements can be purchased from the ordinary retail dealer. He quotes one advertisement of February 2, 1906, but fails to call attention to a phrase near the end, which reads as follows: "The prices quoted below are for movements alone; I do not sell movements without cases or cases without movements."

Now, we all know that the watch consists of two parts, the movement and the case, and it is immaterial in a certain measure what the price fixed on the works is if the price on the case makes an abnormal or an unreasonable price for the complete watch. I have here in my possession two bills of Keene's, of Broadway, the one to Mr. W. Russ and another to Theodore Weigele, ordinary citizens, who purchased these advertised watches. I have no doubt they went in there pursuant to these advertisements.

Mr. RAINEY. I would like to ask the gentleman a question.

Mr. BOUTELL. I will yield to the gentleman.

Mr. RAINEY. I would like to ask my colleague if it is not true that the Waltham Company does not make cases?

Mr. BOUTELL. Neither the Elgin Company nor the Waltham Company makes cases. These two men evidently went into the hospitable shop of Mr. Keene and asked him for one of those antiprotection, trust-busting, tariff-smashing watches he advertised, and they were shown the watches to which I now refer. They bought them, paid for them, and took them away. Then they inquired of ordinary retail dealers and found that they had been defrauded; then they went to the Elgin Company and submitted these bills. Mr. Russ wrote a letter to the Elgin Company, which I will here insert in the RECORD:

HOBOKEN, N. J., *March 19, 1906.*

THE ELGIN NATIONAL WATCH COMPANY,
11 John street, New York City, N. Y.

GENTLEMEN: I recently purchased an Elgin watch of Charles A. Keene, 180 Broadway, New York City. This dealer has been advertising cut prices on Elgin and Waltham movements in the New York Herald and New York Press for some time, which attracted my attention, as I had in mind to purchase a watch. I went into his place of business at 180 Broadway March 14 with the intention of purchasing a cheap Elgin watch. A salesman showed me several makes, and upon request showed me an Elgin, No. 11285859, in a twenty-year Dueber case, No. 5917320, which he said would cost $25. Being satisfied to pay that much for a good watch, and feeling certain that I struck a bargain, I purchased this watch at that price. Several days later I heard different reports as to the character of this dealer, and at once became suspicious. After taking it to several other dealers, I found that I could purchase the identical watch for $15.

I trust that my experience, as related above, will be interesting to

you, and sincerely hope that you will do something to stop this dealer from further robbing the public, as I presume I am only one of many who have gone into this store with the intention of buying a "cheap watch."

Very truly, yours, WALTER RUSS.

Here we have the receipted bill, dated March 14, 1906, made by Charles A. Keene to Mr. Russ, for an Elgin watch, 17 jewels, open face, 18 size, twenty-year filled case. It is billed at $25 for the completed watch. This watch, it appears from the statement of Mr. Kinna, can be purchased as follows: The works, $5.08; case, $3.50; complete watch to ordinary retailers in the trade, $8.58; profit at $25, $16.42, or a profit of 191½ per cent. [Laughter.] As shown by the record of the Elgin Watch Company, that keeps a record of all of its watches, neither of these watches was ever sold abroad.

The next is a similar receipted bill from Charles A. Keene to Theodore Weigele, Hoboken, N. J., March 17, 1906, for a 15-jewel Elgin watch, twenty-five-year gold-filled case, which is likewise billed and sold at $25. Mr. Kinna states that this watch just as it stands, movement and case, can be purchased by retail jewelers at $9.13. So the profit on the price at which Keene sold it is 175 per cent. I repeat that neither of these watches, notwithstanding the advertisement, ever went abroad.

Mr. WILLIAMS. Mr. Chairman, I would ask the gentleman upon whose authority he is stating that these watches were sold at these percentages of profit that he has just stated?

Mr. BOUTELL. The opinion given by the officers of these companies from the retail dealers to whom they were submitted.

Mr. WILLIAMS. The officers of these companies submitted these receipts to retail dealers?

Mr. BOUTELL. Submitted these watches to retail dealers.

Mr. WILLIAMS. Did they have the watches that these men had bought?

Mr. BOUTELL. I understand they had the watches themselves.

Mr. WILLIAMS. And officers of the companies submitted them to the retailers and the retailers gave this opinion?

Mr. BOUTELL. Yes.

Mr. WILLIAMS. Did the officers of the companies send the gentleman the names of the retailers to whom they were submitted?

Mr. BOUTELL. I think I have the names of the retailers and the affidavits of the retailers relating to the watches, and if so, I will insert them in the appendix to my remarks.

Mr. LACEY. Mr. Chairman, I would like to ask the gentleman if these are the original receipted bills?

Mr. BOUTELL. They are the original receipted bills.

Mr. DALZELL. By Keene?

Mr. BOUTELL. There is no question about it. There is no attempt to get at anything except the actual facts in the case. The watches as advertised had not been exported. The watches as advertised were sold in cases at much more than their value.

Mr. WILLIAMS. Mr. Chairman, I desire to get at the truth, and I know at the same time that the gentleman desires to get at the truth. The gentleman is stating nothing of his own knowledge, and I want to get at the source of the gentleman's information. What is the source of the gentleman's statement that these watches were never exported?

Mr. BOUTELL. The statement of the officers of the Elgin Watch Company from their own records. They keep a record of all their sales of watches and of all watches exported.

Mr. LACEY. Mr. Chairman, I will ask the gentleman if he will give us the cable address of this man Keene?

Mr. BOUTELL. The cable address of this man was given earlier in my remarks, but this would seem to be a proper place for repeating it, in answer to the gentleman's question. It is "Keenness," and as I remarked before, as appears from all the examinations I have been able to make, for keenness he is a veritable stem-winder.

Now, the time is passing rapidly by, and I can not go into the details of the subject to which I would like now to briefly call the attention of gentlemen of the committee.

Several MEMBERS on the Republican side. Take the time.

Mr. BOUTELL. Gentlemen are very kind, but I must not weary the patience of the committee. My colleague from Illinois—and those of you who heard it can bear me out and those of you who did not can see it in the RECORD—made another positive assertion that all these watches are imported from abroad—all these watches in the stock of Keene, of Broadway. The Waltham Company, seeing this advertisement of their own watches which were said to have been exported and reimported, giving the numbers, sent men, unknown to Keene, to buy some of the watches, and they have purchased in this way, in the ordinary course of business, six of these watches. This was a mere business step, of course, on their part, to see what truth, if any, there was in this statement that their watches in this stock were all reimported watches, and of course we are simply interested in knowing what truth there is in the statement confidently made by my colleague, that all of them have been reimported. Theses watches I have just referred to, I will state, are now in the committee room of the Committee on Ways and Means—if anyone has any curiosity at all to examine them—with the numbers attached to them, and most of them have the private mark of Keene, of Broadway, on the inside of the case, discernible with a glass.

Mr. SMITH of Kentucky. Mr. Chairman, I rise to ask the gentleman a question—whether or not his colleague from Illinois, in speaking of the reimportation of watches, did not refer to the watches that he was exhibiting here?

Mr. BOUTELL. Mr. Chairman, my colleague's statement, I think, is such that there can be no mistake in respect to its interpretation, as we read the language in the RECORD. He was referring to the stock of watches as advertised by Keene, of Broadway.

Mr. SMITH of Kentucky. I did not so understand it at that time.

Mr. BOUTELL. He said: "Remember all these watches have been reimported."

Mr. RAINEY. All the watches embraced in his so-called "protection" sale. That is what I said.

Mr. BOUTELL. Absolutely; that is it exactly.

Mr. PRINCE. Mr. Chairman, as I understood my colleague from Illinois [Mr. RAINEY], he held up certain watches and gave the numbers of those watches and said that they were made in Illinois at the Elgin Watch Company, or at Waltham, Mass., by the Waltham Watch Company; that those identical watches were sent abroad and returned and sold here cheaper. Has my colleague from Illinois [Mr. BOUTELL] investigated as to the truthfulness of those statements with reference to the watches that my colleague from Illinois [Mr. RAINEY] held up in the presence of the Committee of the Whole House?

Mr. BOUTELL. Mr. Chairman, the watches referred to and held up here as reimported watches may have been such. I believe that few of the high-grade watches were ever exported as advertised. In one of these advertisements Keene says he succeeded in getting hold of thousands—notice the language in the advertisement—of watches of the Elgin company of certain of their best makes. The record of the Elgin company shows that in five years only thirty-seven of that particular make of watches were sold for export.

I refer now to the Waltham watch known as the "Traveler" movement No. 11918774, in a ten-year gold-filled hunting case, which was sold by Keene on January 20, 1906, for $10 just as it stands. I have here the affidavit of the man making the purchase. The identity of the watch is proved by Keene's private mark scratched on the watch case, reading "K S 1-20-06." This watch was submitted to the old established concern of A. C. Benedict & Co., doing business at 28 Bowery, New York, a concern which has been established in the same spot since the year 1818, and Robert S. Ferguson, the proprietor of that firm, makes affidavit that he would sell a watch, movement and case complete, similar in every respect to this one, in the ordinary course of business for $10, which is exactly Keene's price.

The next exhibit is a "Riverside Maximus," Waltham movement, Montauk, twenty-year gold-filled open-faced case, movement No. 11570101, and the case is No. 7305085. The movement in this watch was advertised by Mr. Keene at $42.30, with the usual extravagant statements with regard to lowness of his price compared with those of other dealers, and the assertion that he was able to sell the movements so low because they were purchased abroad. The complete watch was sold by Keene on January 27, 1906, for $54.30. This complete watch was submitted to the same firm of A. C. Benedict & Co., who quoted the price at which they would sell the identical watch, movement and case complete, in the ordinary course of business at $55, only 70 cents more than Mr. Keene's boasted low price.

Mr. RAINEY. Is it not true the watch the gentleman has just described is one of the movements that can not be sold for less than $60 under this contract they exact from retailers? And if that is true, then this retailer has violated his contract with this company.

Mr. BOUTELL. I do not think so. These contracts only cover lever setting Riverside Maximus movement. This movement, being a stem setting, is not under the contract.

Mr. RAINEY. I put the contract in the RECORD, and it shows for itself.

Mr. BOUTELL. The next exhibit is a so-called "lady's Waltham" movement, 10574385, in a 14-carat gold open-face case. This movement was advertised on January 28, 1906, at

$9.98. It was sold in the case for $29.98. I have here the bill and price at which it was sold.

Mr. RAINEY. Will the gentleman state the kind of case in which that was sold?

Mr. BOUTELL. It was a 14-carat gold open-face case.

Mr. RAINEY. They are the most expensive cases, I believe?

Mr. BOUTELL. Benedicts quote as their price for that kind of case and movement, $23. There are several other instances——

Mr. RAINEY. I will ask my colleague to describe what kind of a case that was.

Mr. BOUTELL. That is the same one I answered my colleague about just now.

Mr. RAINEY. A 14-carat gold case is the most expensive case made, I believe?

Mr. CHARLES B. LANDIS. Does the record kept by the watch people show any of these watches had been exported?

Mr. BOUTELL. No; they had not been exported.

Mr. SMITH of Kentucky. I would like to ask the gentleman one other question at that point.

Mr. BOUTELL. Certainly.

Mr. SMITH of Kentucky. Do the affidavits or statements of these retailers that you produce here show that they have been selling at the prices stated, or do they say they would sell at those prices?

Mr. BOUTELL. That the prices given would be the ordinary retail prices for these watches.

The next exhibit is a Waltham "Grade No. 820" movement, having the serial number 11725401. This movement was advertised by Mr. Keene in the New York Sunday Herald of February 4, 1906, at $3.98. It was sold by Mr. Keene in a twenty-year, gold-filled, open-faced case on February 6, 1906, for $13.98. The price of A. C. Benedict & Co. for the same movement and case identically is $10. I have here the affidavit of the person making the purchase, and the bill rendered by Mr. Keene for the same.

The next exhibit is a Waltham 15-jewelled, 16-size movement, No. 11456022, which was sold June 21, 1905, for $15 for the complete watch. I have here the bill for the same and the affidavit of the purchaser. The price of A. C. Benedict & Co. for the same movement and case identically is $13.

The last watch exhibit which I shall present you at this point is perhaps the most interesting of all. It is a Waltham "Royal" movement, No. 12599521, which was advertised by Mr. Keene at $10.98. The movement in this watch is exactly of the same grade and quality as the Royal movement mentioned by my colleague (RECORD, p. 4939), and of which he says: "Mr. Keene sells it for $10.98, cheaper than any retail dealer can buy it from the watch trust." Let us see how these alleged low prices of Mr. Keene's benefit the purchaser. Mr. Keene charged for the movement in a 14-karat, open-faced case $35.75. The price quoted by A. C. Benedict & Co. for exactly similar movement and case is $28. I have also the affidavit and bill accompanying this watch.

All the statements that I have made in regard to these exhibits of Waltham watches are sworn to, and the affidavits and bills are here for inspection by any Member.

Where Mr. Keene has advertised a complete watch at an apparently low price, it appears that he makes it practically impossible for anybody to purchase one, and that the offer is really fictitious. I have here three affidavits, one of J. V. V. Boss, another of John T. McGovern, and a third from Robert E. Davidson, referring to Mr. Keene's advertisements of cased Elgin watches at $5.98, and stating that they called at Mr. Keene's store and endeavored to purchase one of such watches, but were told in one case that they had no such watches and in the other cases that they were out of such watches, and in each instance the salesman endeavored to sell to these affiants watches of another manufacture.

From these exhibits it may be seen how much reliance may be placed upon the attractively low prices quoted by Mr. Keene for various watch movements.

On page 4912, in the second column, my colleague said, and I quote here his exact remarks:

> Now, all of these watches in this store at 180 Broadway have been reimported from England. Every one of them has been reimported.

That is the end of the quotation. I want to call the attention of my friend from Mississippi to that, also my friend from Kentucky, who asked about that point. I have quoted the language exactly from the RECORD, and in that blunt, confident, positive assertion, without any corroboration from any authority, he states that all of these watches in this store at 180 Broadway have been reimported from England.

Mr. GAINES of Tennessee. Will my friend allow me to ask a question? I have been detained from the Chamber and missed a greater portion of the gentleman's valuable speech, and now I would ask that he permit me to ask him this question: Do you claim that watches are not made in America and sold to foreigners cheaper than to the people over here?

Mr. BOUTELL. I would say, in answer to the gentleman from Tennessee, that he puts that question in just the form in which we sometimes hear on the floor of this House a question put and the demand made that it should be answered "yes" or "no" and the assertion that you can always answer any question "yes" or "no." Now, I answer the question from the information I have gotten from these men acquainted with the watch business that no watches are manufactured in this country and sold abroad to consumers cheaper than they are to consumers here. I would say further that I have statements and affidavits here to corroborate this opinion. First, you must bear in mind that there are three transactions in the watch trade, as we learn from the correspondence that has been read. The manufacturer sells to the wholesaler—he calls him the jobber. The jobber sells to the retailer, and the retailer sells to the customer. That is on the good old principle, "live and let live." And I understand that according to a code of honor in business all first-class manufacturers, jobbers, and retailers try to live up to this rule. So that when the gentleman from Tennessee asked the question whether watches are made and sold abroad cheaper than they are here, he can quite readily see that any intelligent answer needs explanation. The real question is not whether the watch is sold cheaper to the jobber or the retailer, but does the consumer, the real one in whom we are interested, get it cheaper? The affidavits I have here and their reference to the several American watches show that a retailer in London, England, sells an American watch, if he sells it at all, at a higher price than the American consumer gets it in this country.

Mr. GAINES of Tennessee. Let us see if I can not get your question along by degrees. Do you sell cheaper over there to the jobber than to the jobber in the United States?

Mr. BOUTELL. The gentleman from Tennessee uses a pronoun to which I object. I do not do anything about it.

Mr. GAINES of Tennessee. Does the manufacturer?

Mr. BOUTELL. I do not know anything about that except this—except as I am bringing forward the statements of those familiar with the business—and if the gentleman had been on the floor at the time when I gave the full source of my information and the names of all my informants—I gave it as freely as if I had been cross-examined—he would have known to whom I refer.

Mr. GAINES of Tennessee. I regret I was not here, and regret I interrupted the gentleman now, and will not interrupt him further.

Mr. BOUTELL. Neither one of these companies export or ever has exported to Europe any considerable number of these so-called "railroad" movements, including the Elgin Veritas, 23 jewels, or the Waltham Vanguard, 23 jewels, and any statement made by Keene or anybody else to the contrary would appear to be absolutely without foundation.

Mr. WILLIAMS. I dislike very much to disturb the gentleman. We know, of course, he is speaking only from information from others. Have you any information in your possession that would enable you to answer the question whether our manufacturers—the Elgin Company or the Waltham Company—sell to the jobber abroad any cheaper than to the jobber here?

Mr. BOUTELL. I have no full information on that subject, but my impression in reference to this whole business of exporting watches is simply this, that the watch manufacturers of this country are endeavoring to build up, and succeeding to a certain extent in building up, an expert business in a class of very low-grade watches for which there is no market in this country.

Now, that, as I understand it, is about the sum and substance of the watch export business. As I understand it, the wearer of the cheaper watches in this country almost always want a nickel-plate watch. Some of these watches——

Mr. WILLIAMS. You do not mean a nickel price, but a nickel case.

Mr. BOUTELL. A nickel plate. At any rate they tell me that the cheap watches, for which they are opening up a trade, are what they call "gilt-plate watches," and these "gilt watches," so called, if there was any market for them in this country, would be sold just as cheap or cheaper in this country than abroad.

Mr. WILLIAMS. But at the same time you are under the impression that they are sold cheaper abroad?

Mr. BOUTELL. My impression is that the sale of these cheap watches, for which there is no market in this country, would be perhaps 5 or 10 per cent cheaper to the jobber abroad

than they would be sold in this country, if they were sold at all, and that the retailer makes a much larger profit abroad.

Mr. WILLIAMS. And you think that would apply only to watches of that class and sort?

Mr. BOUTELL. I understand that American watches of the better class have little market abroad; and if the gentleman from Mississippi will allow me to finish this paragraph, it may throw some light on the question. In one of these advertisements we find these words:

For the past two years I have been secretly following up the watch trust and their nefarious methods of selling watches to far-away countries for a mere fraction of the prices they charge for identically the same grades in the United States. My buyer quietly went to London and bought thousands of all grades of those watches.

And then Keene enumerates Elgin Veritas, 23 jewels; Elgin B. W. Raymond, 19 jewels; Elgin Veritas, 21 jewels; Elgin Father Time, 21 jewels. Now, the Elgin people say from their records that since 1901, five years ago, not one Elgin Veritas, 23 jewels, and not one B. W. Raymond, 19 jewels, has been exported to Europe by or for the Elgin Company, and only thirty-seven Elgin Veritas and Elgin Father Time movements collectively.

But we have still further evidence of the incorrectness of the statement that is deluding the ordinary public, that all the watches in this store are reimported and therefore can be sold more cheaply than by the ordinary retailer. It seems that these honorable watch companies have in connection with their trade what is called a "rebate sysem." That is, people in the trade who have their watches in possession and have not disposed of them, when there is some reduction made in the price by the manufacturers, are allowed to send in a report of the watches which they have on hand, duly verified, and obtain this rebate. The officers of the Waltham Company have brought here, supported by affidavits, the original list, with the stamp of Keene upon it, of the watches upon which he claims this rebate, and bearing in mind the statement of my colleague [Mr. RAINEY] that all the watches in this store are imported, we are simply stunned to find that only a very small fraction of these watches—not over 20 per cent—ever were exported. So we have here the exhibition of this distinguished financier, as it were, hoist by his own petard. [Applause on the Republican side.]

Mr. GILBERT of Kentucky. Do these companies keep a record of their watches?

Mr. BOUTELL. Yes; they keep a record of all their watches.

Mr. GILBERT of Kentucky. Clear through to the consumer?

Mr. BOUTELL. No.

Mr. GILBERT of Kentucky. How far do they trace each watch on the books of their company?

Mr. BOUTELL. They trace their watches to the jobber. The two Elgin watches referred to by my colleague [Mr. RAINEY], Nos. 7877492 and 10925821, are both gilt plate watches made solely for the foreign trade, to which I referred a few moments ago. The former of these two Elgin watches left the factory eight years ago, which is entirely sufficient evidence that it is at least not a new watch. Since that time the Elgin Company has never sold any watches of similar kind in this country, and when he states that any other dealer would ask a certain price for the watch, he states something which is obviously impossible, since the watches in question are not sold in this country at all, and the president of the Elgin Company tells us that if the company made this watch for this market the dealer would buy in this country just as cheaply as abroad.

So, Mr. Chairman, with the leave to insert some of these exhibits and affidavits in the appendix to my remarks, and to extend my remarks, I will hasten on to my close by referring briefly to what has been done by these companies in carrying on their business in establishing a foreign market. I do not know whether I understood the gentleman from Illinois corectly or not——

Mr. WILLIAMS. Let me right there ask another question.

Mr. BOUTELL. Yes.

Mr. WILLIAMS. The Elgin Company keep a list of the watches that they export?

Mr. BOUTELL. So I understand.

Mr. WILLIAMS. They do not keep any list of watches that jobbers buy from them and export, or that case makers export, do they?

Mr. BOUTELL. I do not understand that their record would show the export of these watches by jobbers other than their agents.

Mr. WILLIAMS. It is quite possible, then, that watches may have been exported by somebody else than the Elgin Company?

Mr. BOUTELL. Oh, yes; or people traveling abroad may have disposed of a few.

Mr. WILLIAMS. I do not know that I understood your colleague [Mr. RAINEY] aright the day he was talking, but as I understood him, Mr. Keene had exported some.

Mr. HAMILTON. Will the gentleman yield for a question?

Mr. BOUTELL. Certainly.

Mr. HAMILTON. The gentleman from Illinois [Mr. RAINEY] a few days ago, if I remember correctly, stated that the agent of Keene in London bought a large number of watches in Manchester, and these watches were made by the Elgin Watch Company and the Waltham Watch Company, and that he (Keene) had caused these watches to be reimported; that on arrival here they were held up, and that it was shown that Swiss dials had been substituted for American dials so as to prevent reimportation on the ground that they had been improved. Has the gentleman any information in relation to that?

Mr. RAINEY. Will my colleague yield?

Mr. BOUTELL. The gentleman from Michigan has asked for some information.

Mr. RAINEY. Very well, I will wait.

Mr. BOUTELL. Whatever watches have been reimported into this country, of course, in the very nature of things, can for the most part only be watches of the cheaper grades that have been exported.

Mr. HAMILTON. The gentleman said 2,000 watches, if I remember.

Mr. BOUTELL. Well, there may have been that number held up under the law until duties had been paid.

Mr. RAINEY. Is it not true that Waltham movements are exported by the Keystone company in Keystone cases?

Mr. BOUTELL. That I do not know; but I think not. Neither the Elgin company nor the Waltham company makes cases. If they sell the watches abroad—that is, complete watches—they have to purchase the cases. The Waltham company does no business, as I am informed, through the Keystone company.

Mr. RAINEY. Is it not true that the Keystone company is exporting the Waltham movements abroad in Keystone cases, and therefore when the gentleman says that the Waltham company has not exported any railroad watches he is telling the truth? But did not the Keystone company in London make the defense to Michael Brothers, as I set out in my speech here, to the suit brought by them against the Keystone company on account of 2,000 Waltham movements in Keystone cases contracted for by the plaintiffs in this suit, did they not file a plea that it had been represented to them that these movements were to be exported to France and that they now knew that they were to be reimported into the United States, and for that reason they claimed the plaintiffs had no right to recover in this suit?

Mr. BOUTELL. I do not find that I have any memorandum on that subject from the Waltham company, and my colleague in his speech made no such statement respecting that company.

Mr. RAINEY. The gentleman's investigation into the watch companies has not led to any denial of that fact.

Mr. BOUTELL. If I find any denial I will insert it in the RECORD.

Mr. RAINEY. The gentleman's investigation into the subject does not bring any denial to the fact stated in my speech that on the 24th of March of this year there were 2,400 American watches in New York held up in the New York custom-house by the Waltham Watch Company upon the theory that Swiss dials had been added to them and that they had thus been improved, and therefore could not be admitted to this country without the payment of duty. Has the Waltham Watch Company ever denied that?

Mr. BOUTELL. That is the correct law, isn't it?

Mr. RAINEY. Did the Waltham Watch Company deny that they protested against the admission of 2,400 American watches on the theory that 1,209 of them had been improved in value while abroad by putting a Swiss dial on them worth 4 cents apiece?

Mr. BOUTELL. According to my colleague, apparently not. [Applause on the Democratic side.]

Mr. RAINEY. Until the Waltham Watch Company and the Keystone Company deny these charges which I have made against them, the charges are admitted by them.

Mr. BOUTELL. Now, Mr. Chairman, my colleague seems to find there is something sinister in the exportation of watches.

Mr. RAINEY. The Waltham Watch Company and the Elgin Watch Company do not deny any statements that are of record against them. They dare not deny them under oath or in any other way. They only deny some statements that are not of record.

Mr. BOUTELL. Nobody here is under oath at the present time. I venture the suggestion, however, Mr. Chairman and gentlemen, that the signed statement by the president of the Waltham Watch Company, Mr. Fitch, and Mr. Hulburd, of the

Elgin Watch Company, are entitled to as much credence in this committee and I think will be given much more credence before the country than the uncorroborated advertisements of Mr. Keene, of lower Broadway. Now, Mr. Chairman, I decline to yield any further, as I have already taken too much time. No one wishes to deny the fact that these companies are attempting to build up an export trade in cheaper watches, and if anybody wishes to reimport these cheaper watches for their own advertising purposes, or for any other purpose, it does not affect the issue we have before us here to-day. What are the facts and what are the reasons for this building up of the export trade? I wish in conclusion, in a few words, to show how they are attempting to build up the foreign trade, and I wish to say that it comports exactly with the careful opinion given by my colleague some time ago.

On the 23d of October the Chicago Evening Post gave a sort of symposium of the opinions of certain Illinois Representatives on the subject of the tariff, and it is significant that the remarks of my colleague, of the Twentieth district, begin with these words:

In order to keep both capital and labor employed we must seek a market for our goods beyond the sea.

These companies are endeavoring to seek a market beyond the sea for such goods as there is a market for, and the establishment of a foreign market is in a measure necessary in order always to safeguard our industries at home. In periods of depression the manufacturer can, by selling an important part of his product abroad, keep his shops open and his workmen employed at home until the time of stagnation is over. Without the foreign market, which is not available unless previously developed, his only alternative would be to shut down his works and throw his people out of employment. In other words, the establishment of this foreign market furnishes an outlet which provides steady work for the American wage-earner. This is further shown in the history of the Elgin Watch Company, of my own State, of which all the people of Illinois are so justly proud. Prior to 1893 that company had no export trade at all. When the panic of that year came, the sales of that company diminished from $350,000 per month to $50,000 per month. The company was then paying out in wages more than three times its total sales. It could not stand this very long, and was obliged to lay off more than one-half of its employees and reduce the wages from the president down. Finally, only a small portion of the company's force was at work. After this experience the officers of the company felt that it was essential, for the sake of the company and for the sake of its employees, to endeavor to obtain a world's market, so that a panic in one place would not entirely destroy the company's business or organization.

In the panic of 1893 great numbers of employees of all American watch companies sought employment in other lines, and gave up watch making entirely. When business revived the companies were obliged to train new operators in their places, which has been a very long and a very costly task.

This, Mr. Chairman, substantially closes what I have to say in reference to the statements made by my colleague. Certainly, when he came away from New York, Keene, of Broadway, furnished him not only with those watches and those express company certificates, but he must have imposed upon him a most rococo assortment of mental suggestions as to the business of these two companies about which he knew nothing whatever. I think the gentleman from Mississippi [Mr. WILLIAMS] with his devotion to "intellectual integrity" will agree with me that there has been no such statement of facts by my colleague as makes it worth while to discuss, at least at this time, the assumptions or conclusions in his remarks.

I had almost forgotten one matter that I had before me. I asked Mr. Hulburt, the president of the Elgin company, to tell me frankly the condition of the people, the working people, in his employ, and he gave me that information very fully. My colleague, after saying that these two companies were parties to a trust,—a big four in a trust—and that sounds portentous; it suggests some sort of an ogre going around through a dark wood with a club ready to hit the retailer and consumer—after, I say, stating bluntly that these two concerns were part of a trust, my colleague stated in other parts of his remarks that the employment of women by the watch companies had increased and that they were employing children in their factories. I want to say in denial of that assertion concerning the model factory of my State, that we have in our State of Illinois the most generous and most enlightened factory and compulsory education laws in the world. [Applause.] They have substantially the same laws in the State of Massachusetts. In neither of those States can any child be employed who is under 14 years of age. Between the ages of 14 and 16 he must have the certificate of his parent or guardian as to his age and as to his school attendance.

The president of the Elgin Company assures me that the ratio between men and women in their factory has not varied 5 per cent in sixteen years. At the present time he states that the ratio of men to women is as 51 to 49, and that there are no children employed in his factory at all. Substantially the same applies to the Waltham Company. In reference to the condition of the men and women in the beautiful city of Elgin, I want to testify myself, for in the city of Elgin is one of the academies of the Northwestern University, of Evanston, Ill., of which I have the honor to be an alumnus and a trustee. I have known many of the boys and girls that have come up from that academy to the Northwestern University from the families of those engaged in this watch factory. They are among the best-paid, the most intelligent, and the best-educated mechanics in the State of Illinois, and, I think, anywhere in the world, unless it be the Waltham employees, who are fully as good. Mr. Hulburd said that he would ask the Elgin employees what they would say in reference to a proposal to repeal the present tariff on watches or to a reduction in the duty on watches. I received, in the Ways and Means Committee room a few days ago, this communication. I do not know for whom my distinguished colleague is speaking when he attacks these two companies and the fiscal system under which their prosperity has been attained. I can simply say, in recognition of this communication, that the Republican party will at least endeavor to see that the workmen of this factory are not prejudiced by anything we may do. This is the communication:

WATCH WORKERS' UNION,
Elgin, Ill., April 18, 1906.

Hon. H. S. BOUTELL,
Washington, D. C.

DEAR SIR: Whereas attempts have been made by certain Members of Congress to remove the duty on watches, which action would, in our opinion, be extremely detrimental to the watch industry of this country: Therefore, be it

Resolved, That the Watch Workers' Union No. 6961, American Federation of Labor, enters an emphatic protest against any removal or reduction of the tariff on watches or parts of watches, and request you to work and vote against the same.

Respectfully, yours,
[SEAL.] WATCH WORKERS' UNION, *Elgin, Ill.*
J. W. LEGATE, *Secretary.*

This is all I care to say in reference to the assumptions or conclusions in my colleague's speech, and I think the gentleman from Mississippi will perhaps agree with me——

Mr. WILLIAMS. I want to ask the gentleman if he has letters to read to the House from people who buy watches?

Mr. BOUTELL. The gentleman from Mississippi asked me if I have any letter from anybody in this country who buys watches. I began my remarks by saying the watch for which I paid $55 in 1874 can now be bought for $18, and that you can get a mighty good timepiece for $1. [Applause.]

Mr. WILLIAMS. Now, then, let me ask the gentleman a question there, because he has referred several times to-day to my admiration for intellectual integrity—and that is the seat and source of my admiration for the gentleman himself—is the gentleman of the opinion that that watch has been reduced in price because of the tariff which has been placed upon watches for the purpose of raising that price?

Mr. BOUTELL. The reduction in the price of watches, I will say to the distinguished gentleman from Mississippi—and he knows this quite as well as I do—has been caused by the expiration of the original patents and the cheapening which has come in the reduction of the price of silver, and by American competition under our protective system. Now, in conclusion, I am very positive that there is one point on which the gentleman and I can agree, and that is the point upon which I started—that, owing to the faith and confidence that is given to Members upon the floor of this House, it is always wise to corroborate, if possible, all statements, to give references wherever possible, and in discussion of the question relating to changes in existing laws that the discussion should proceed with as near as possible judicial calmness and deliberation, and that no conclusions should be drawn except from a statement of facts upon the correctness of which we can all agree.

So it seems to me that when my distinguished colleague bases a proposition for reconstructing and revising our revenue system upon a display advertisement of Keene, of Broadway, of lower Broadway, and upon a letter to a periodical of our dear old friend, ex-Congressman Baker, the mercurial jester of the last House, he must have in mind that celebrated reply of the great Swedish chancellor, Oxenstierna, to his son, "You do not know, my boy, with how little wisdom the world is governed." [Applause.] There is an old adage, Mr. Chairman, "See Naples and die;" but New York is a much more wonderful place than Naples, much better worth seeing, and

I would say in closing, to all those who went to New York, especially to all those who have been taken in by Keene, of Broadway, of lower Broadway, "See New York and live—live it down!" [Loud and prolonged applause.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD and include therein extracts from sundry documents. Is there objection? [After a pause.] The Chair hears none.

APPENDIX.

HORNELLSVILLE, N. Y., *February 6, 1905.*

WALTHAM WATCH COMPANY,
Waltham, Mass.

GENTLEMEN: I inclose a circular put out by Frank E. Wickwire, of Elmira, N. Y. You will see the prices he is offering them at. This is creating a dissatisfaction among the railroad men. They think the regular jeweler is trying to do them on prices. Now, can't there be some way to stop this man getting the movement to sell? I have lately been appointed official watch inspector for Erie Railroad, to take effect February 1, and there will be lots of men that will have to have new movements. Please advise me regarding this.

Yours, truly, L. L. KINNER.

GREENSBORO, N. C., *June 26, 1905.*

Mesers. ROBBINS & APPLETON.

GENTLEMEN: Jobbers selling at retail at wholesale prices; some jewelers advertising these goods at list, such as Mr. Leonard, in Winston, N. C. Of course this will stop, and the other retailers will see to it.

As 90 per cent of our railroad grades are sold on time, we feel that the price you mention is not high enough to sell goods in four monthly installments, even if the railroad companies collect the money, as even in this plan there is a loss, and we shall therefore add from $3 to $5 a movement, as to grade, when we sell goods that way; same price as we always have sold them. Shall do all in our power to maintain this new system.

Yours, truly, R. C. BERNAU.

LATROBE, PA., *August 17, 1905.*

WALTHAM WATCH COMPANY.

GENTLEMEN: I received your circular. Your scheme of selling your fine grade of watches is right. I know from my own experience dealers in our town have sold your high grade for as low as $1 profit.

Yours, truly, C. W. HOFFMAN.

STATE OF MASSACHUSETTS,
County of Middlesex, ss:

Dame Anna Fahey, being duly sworn, deposes and says that she resides at the city of Waltham, in the State of Massachusetts, and that prior to about the 1st day of December, 1905, she was in the employ of the American Waltham Watch Company at Waltham, Mass.; that she was employed during the month of October, and that her position in said factory was that of accountant; that during the said month a list of watch movements as hereinafter given, and which was stamped with the name of Charles A. Keene, was handed to her with instructions to examine the books of the said company and see to what places the said movements were sent from the factory of the said company, which deponent proceeded to do, and found from the said books that the said movements were shipped to the places named after the respective numbers; that it appears from the said list only forty-six out of the total number of movements there given were sent by the said company to any foreign country; that the rest were all shipped to places in the United States.

No. 12084061, P. S. B. O. F., to New York.
No. 12055467, P. S. B. O. F., to New York.
No. 12084067, P. S. B. O. F., to New York.
No. 12505164, P. S. B. O. F., to New York.
No. 11028920, P. S. B. O. F., to New York.
No. 12505608, P. S. B. O. F., to New York.
No. 12505182, P. S. B. O. F., to New York.
No. 12505321, P. S. B. O. F., to Chicago.
No. 12084031, P. S. B. O. F., to New York.
No. 12054990, P. S. B. O. F., to New York.
No. 12004960, P. S. B. O. F., to New York.
No. 12004981, P. S. B. O. F., to New York.
No. 12021903, P. S. B. O. F., to New York.
No. 11061757, P. S. B. O. F., to New York.
No. 10540743, P. S. B. O. F., to Boston.
No. 12070063, P. S. B. O. F., to New York.
No. 12083536, P. S. B. O. F., to New York.
No. 12004876, P. S. B. O. F., to New York.
No. 12021966, P. S. B. O. F., to New York.
No. 11505152, P. S. B. O. F., to New York.
No. 12505003, P. S. B. O. F., to New York.
No. 11529497, P. S. B. O. F., to New York.
No. 10008978, P. S. B. Htg., to New York.
No. 12055484, P. S. B. Htg., to New York.
No. 10008693, P. S. B. Htg., to New York.
No. 12004389, P. S. B. Htg, to New York.
No. 9538402, P. S. B. Htg., to New York.
No. 12004230, P. S. B. Htg., to New York.
No. 12069279, P. S. B. Htg., to New York.
No. 12004226, P. S. B. Htg., to New York.
No. 12004395, P. S. B. Htg., to New York.
No. 12529600, P. S. B. Htg., to New York.
No. 12529546, P. S. B. Htg., to New York.
No. 12004376, P. S. B. Htg., to New York.
No. 12554783, P. S. B. Htg., to Chicago.
No. 12061334, La. Wal. 6s. O. F., to London.
No. 12032847, La. Wal. 6s. O. F., to London.
No. 12032682, La. Wal. 6s. O. F., to London.
No. 12061386, La. Wal. 6s. O. F., to London.
No. 12061118, La. Wal. 6s. O. F., to London.
No. 12943011, No. 81 O. F., to New York.
No. 11980773, No. 220 Htg., to New York.
No. 11980940, No. 220 Htg., to New York.
No. 11575004, No. 220 Htg., to New York.
No. 12126317, No. 220 Htg., to New York.
No. 12126314, No. 220 Htg., to New York.
No. 12126311, No. 220 Htg., to New York.
No. 12126319, No. 220 Htg., to New York.
No. 11980938, No. 220 Htg., to New York.
No. 11980038, No. 220 Htg., to New York.
No. 11980735, No. 220 Htg., to New York.
No. 11980734, No. 220 Htg., to New York.
No. 11980733, No. 220 Htg., to New York.
No. 11980939, No. 220 Htg., to New York.
No. 11980936, No. 220 Htg., to New York.
No. 11980796, No. 220 Htg., to New York.
No. 11980774, No. 220 Htg., to New York.
No. 11980731, No. 220 Htg., to New York.
No. 11980732, No. 220 Htg., to New York.
No. 11755366, No. 220 Htg., to New York.
No. 11575005, No. 220 Htg., to New York.
No. 12186570, No. 220 Htg., to New York.
No. 12186566, No. 220 Htg., to New York.
No. 12186569, No. 220 Htg., to New York.
No. 9710996, No. 220 Htg., to New York.
No. 11755872, No. 220 Htg., to London.
No. 11575002, No. 220 Htg., to New York.
No. 11755971, No. 220 Htg., to London.
No. 11575003, No. 220 Htg., to New York.
No. 10120622, No. 220 Htg., to New York.
No. 11575001, No. 220 Htg., to New York.
No. 11755368, No. 220 Htg., to New York.
No. 9660276, No. 220 Htg., to New York.
No. 11755601, No. 220 Htg., to London.
No. 11755974, No. 220 Htg., to London.
No. 9661716, No. 220 Htg., to New York.
No. 9660273, No. 220 Htg., to New York.
No. 11755873, No. 220 Htg., to London.
No. 9660277, No. 220 Htg., to New York.
No. 10738455, No. 220 Htg., to London.
No. 10120621, No. 220 Htg., to New York.
No. 11086897, No. 220 Htg., to New York.
No. 10120625, No. 220 Htg., to New York.
No. 9661718, No. 220 Htg., to New York.
No. 11276390, No. 220 O. F., to New York.
No. 11154931, No. 220 O. F., to New York.
No. 11214207, No. 220 O. F., to New York.
No. 9850990, No. 220 O. F., to New York.
No. 11344939, No. 220 O. F., to New York.
No. 11756100, No. 220 O. F., to New York.
No. 11154933, No. 220 O. F., to New York.
No. 11214210, No. 220 O. F., to New York.
No. 11213922, No. 220 O. F., to New York.
No. 11756393, No. 220 O. F., to New York.
No. 11756102, No. 220 O. F., to London.
No. 11344788, No. 220 O. F., to New York.
No. 10735651, No. 220 O. F., to Chicago.
No. 11154934, No. 220 O. F., to New York.
No. 11154932, No. 220 O. F., to New York.
No. 12126696, No. 220 O. F., to New York.
No. 11866894, No. 210 Htg., to New York.
No. 11406111, No. 210 Htg., to Boston.
No. 11981401, No. 210 Htg., to New York.
No. 11866322, No. 210 Htg., to New York.
No. 9852041, No. 210 Htg., to Boston.
No. 10800706, No. 210 Htg., to London.
No. 10799070, No. 210 Htg., to London.
No. 10950092, No. 210 Htg., to London.
No. 10730453, No. 210 Htg., to New York.
No. 9853201, No. 210, Htg., to New York.
No. 8624509, No. 210 Htg., to Chicago.
No. 11982791, No. 210 Htg., to New York.
No. 11982794, No. 210 Htg., to New York.
No. 10736666, No. 210 Htg., to Chicago.
No. 11865381, No. 210 Htg., to New York.
No. 11981403, No. 210 Htg., to New York.
No. 10950781, No. 210 Htg., to London.
No. 10738518, No. 210 Htg., to London.
No. 10950790, No. 210 Htg., to London.
No. 10172651, No. 210 Htg., to Boston.
No. 10950091, No. 210 Htg., to London.
No. 10738452, No. 210 Htg., to London.
No. 9760094, No. 210 Htg., to Boston.
No. 10273386, No. 210 Htg., to Boston.
No. 10950099, No. 210 Htg., to London.
No. 11982253, No. 210 Htg., to New York.
No. 9886347, No. 210 Htg., to New York.
No. 9760092, No. 210 Htg., to Boston.
No. 10800701, No. 210 Htg., to London.
No. 9852604, No. 210 Htg., to New York.
No. 11981385, No. 210 Htg., to New York.
No. 10950100, No. 210 Htg., to London.
No. 10950096, No. 210 Htg., to London.
No. 9761097, No. 210 Htg., to New York.
No. 9592059, No. 210 Htg., to Boston.
No. 9661719, No. 210 Htg., to New York.
No. 9886346, No. 210 Htg., to New York.
No. 11926066, No. 210 Htg., to New York.
No. 9712757, No. 210 Htg., to New York.
No. 9663128, No. 210 Htg., to Boston.
No. 9032000, No. 210 Htg., to New York.
No. 10172614, No. 210 Htg., to Chicago.
No. 9760080, No. 210 Htg., to Boston.
No. 11926067, No. 210 Htg., to New York.
No. 11982256, No. 210 Htg., to New York.
No. 9852045, No. 210 Htg., to Boston.
No. 9591450, No. 210 Htg., to Boston.
No. 9592056, No. 210 Htg., to Boston.
No. 10738519, No. 210 Htg., to London.
No. 9591671, No. 210 Htg., to Chicago.
No. 10273384, No. 210 Htg., to Boston.
No. 11578012, No. 210 O. F., to New York.
No. 11157943, No. 210 O. F., to London.
No. 10900832, No. 210 O. F., to London.
No. 11407611, No. 210 O. F., to New York.
No. 10925121, No. 210 O. F., to Montreal.

No. 10901916, No. 210 O. F., to London.
No. 11299444, No. 210 O. F., to London.
No. 11472513, No. 210 O. F., to New York.
No. 11703643, No. 210 O. F., to New York.
No. 10900859, No. 210 O. F., to London.
No. 10900565, No. 210 O. F., to London.
No. 10952124, No. 210 O. F., to London.
No. 10900568, No. 210 O. F., to London.
No. 10901893, No. 210 O. F., to London.
No. 10900840, No. 210 O. F., to London.
No. 10900673, No. 210 O. F., to London.
No. 11578013, No. 210 O. F., to New York.
No. 10900675, No. 210 O. F., to London.
No. 10901920, No. 210 O. F., to London.
No. 9079268, No. 210 O. F., to New York.
No. 11704920, No. 210 O. F., to New York.
No 10900561, No. 210 O. F., to London.
No. 10901177, No. 210 O. F., to London.
No. 11579463, No. 210 O. F., to Boston.
No. 11579794, No. 210 O. F., to Chicago.
No. 11215009, No. 210 O. F., to New York
No. 11578862, No. 210 O. F., to Boston.
No. 11579330, No. 210 O. F., to Boston.
No. 11579470, No. 210 O. F., to Boston.
No 11579322, No. 210 O. F., to Boston.
No. 11579324, No. 210 O. F., to Boston.
No. 11579326, No. 210 O. F., to Boston.
No. 10951613, No. 210 O. F., to London.
No. 9064341, No. 210 O. F., to Chicago
No. 10951501, No. 210 O. F., to London.
No. 11814210, No. 210 O. F., to New York.
No. 10952285, No. 210 O. F., to New York.
No 11579462, No. 210 O. F., to Boston.
No. 10952285, No. 210 O. F., to New York.
No. 11579467, No. 210 O. F., to Boston.
No. 11578863, No. 210 O. F., to Boston.
No. 11472515, No. 210 O. F., to New York.
No. 10951619, No. 210 O. F., to London.
No. 11473350, No. 210 O. F., to New York.
No. 11641932, No. 210 O. F., to London.
No 10900671, No. 210 O. F., to London.
No. 11578654, No. 210 O. F., to New York.
No. 11578011, No. 210 O. F., to New York.
No. 11579323, No. 210 O. F., to Boston.
No. 11758724, No. 210 O. F., to New York
No. 11758344, No. 210 O. F., to New York.
No. 11579321, No. 210 O. F., to Boston.
No. 11578865, No. 210 O. F., to Boston.
No 12130011, No. 210 O. F., to New York.
No. 11578861, No. 210 O. F., to Boston.
No. 11579325, No. 210 O. F., to Boston.

ANNA FAHEY.

Subscribed and sworn to before me this 12th day of Auril, 1906.
[SEAL.] WILLIAM J. BANNAN,
Notary Public

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Joseph W. Goodwin, having been duly sworn, deposes and says: That he resides at Richmond Hill, Borough of Queens, New York City; that on April 10 and April 11, 1906, deponent called at the place of business of various representative jewelers in the Borough of Manhattan, city of New York, for the purpose of ascertaining the prices at which the Waltham watches, including the cases, described in the tabulation hereto annexed, would be sold by said jewelers in the ordinary course of business; that on April 11, 1906, deponent called at the place of business of George N. Joyce, jeweler, No. 123 Nassau street, Borough of Manhattan, New York City; that the prices in the annexed tabulation in the column under the words "George N. Joyce" are those stated by Mr. Joyce to be the prices at which the watches described therein would be sold by him; that on April 10, 1906, deponent called at the place of business of Benedict Brothers, jewelers, No. 141 Broadway, Borough of Manhattan, New York City; that the prices in the annexed tabulation in the column under the words "Benedict Bros." are those stated by Mr. Courvasier, a salesman in said place of business, at which the watches described therein would be sold by Benedict Brothers; that on April 11, 1906, deponent called at the place of business of Howard & Co., jewelers, No. 264 Fifth avenue, Borough of Manhattan, New York City; that the prices in the annexed tabulation, in the column under the words "Howard & Co.," are those stated by Mr. Hoffman, a salesman in said place of business, at which the watches described therein would be sold by Howard & Co.

Deponent further says that the prices in the annexed tabulation, in the column under the word "English," are those stated in a catalogue published by H. W. Bedford & Co. (Limited), 6 Cheapside, London, E. C., in pounds sterling, and changed by deponent into dollars and cents at the rate of $4.80 per pound.

JOSEPH W. GOODWIN.

Sworn to before me this 14th day of April, 1906.
[SEAL.] JOSEPH F. O'BRIEN,
Notary Public, New York County.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Myron Harris, having been duly sworn, deposes and says: That he resides at Orange, N. J.; that on April 12, 1906, deponent called at the store of A. C. Benedict & Co., jewelers, No. 28 Bowery, in the Borough of Manhattan, city of New York, and there saw Robert S. Ferguson, the proprietor of the said business, and asked him for the prices at which he would sell the Waltham watches, including the cases, described in the tabulation hereto annexed, in the ordinary course of business; that the prices in the annexed tabulation in the column under the words "A. C. Benedict & Co." are those stated on the said occasion by the said Robert S. Ferguson as the prices at which he would sell the identical watches, cases included, which are described in the first column in said tabulation.

MYRON HARRIS.

Sworn to before me this 14th day of April, 1906.
[SEAL.] JOS. F. O'BRIEN,
Notary Public, New York County.

Waltham watches.

Description	English.	Howard & Co.	Geo. N. Joyce.	Benedict Bros.	A. C. Benedict & Co.
Riverside, 16 S., O. F., in 14 K. 25-year filled case	$42.00	$35.00	$34.00		$32.00
Riverside, 16 S., Htg., in 14 K. 25-year filled case	43.20	35.00	35.00		33.00
Riverside, Os., O. F., 17 J., in 14 K. 25-year filled case	35.28	33.00			26.00
Riverside, Os., Htg., 17 J., in 14 K. 25-year filled case	36.48	33.00			28.00
Riverside, Os., O. F., in solid 18 K. gold case	55.44	50.00			
Riverside Maximus, 16 S., O. F., in 14 K. 25-year filled case	79.20	$75.00 to 80.00			63.00
Riverside Maximus, 16 S., Htg., in 14 K. 25-year filled case	80.40	75.00 to 80.00			65.00
Riverside Maximus, 16 S., O. F., in solid 18 K. gold case	132.00	125.00		$115.00	100.00
Riverside Maximus, 16 S., Htg., in solid 18 K. gold case	141.60	125.00		125.00	110.00
Royal, 16 S., O. F., in 14 K. 25-year filled case	28.80				26.00
Royal, 16 S., Htg., in 14 K. 25-year filled case	30.00				28.00
P. S. Bartlett, 18 S., 17 J., O. F., in 14 K. 25-year filled case	30.24				22.00
P. S. Bartlett, 18 S., Htg., in 14 K. 25-year filled case	31.44				24.00

£=$4.80.

NOTE.—The above is the tabulation referred to in the last two preceding affidavits.

English prices.—H. W. Bedford & Co. (Limited), 6 Cheapside, London E. C.

American prices.—Howard & Co., 264 Fifth avenue, New York; George N. Joyce, 123 Nassau street, New York; A. C. Benedict & Co., 28 Broadway, New York; Benedict Brothers, 141 Broadway, New York.

STATE OF NEW YORK,
County of New York, ss:

Robert S. Ferguson, being duly sworn, says: That he resides at 529 Mount Hope place, Borough of Bronx, New York City, and is now sole proprietor of A. C. Benedict & Co., jewelers, established in the year 1818, and engaged in selling jewelry and watches at retail, and doing business at No. 28 Bowery, Borough of Manhattan, city of New York. Deponent says that he has been engaged in the jewelry business, particularly in buying watch movements and watch cases and selling them at retail, for upward of fifty years, in the city of New York.

Deponent further says that he has been shown and has examined a 16-size "Traveler" American Waltham watch movement, No. 11918774, in a ten-year, filled hunting case, No. 771030, and that he would sell a watch, movement and case, complete, similar in every respect to this one, in the ordinary course of business, for $10.

Deponent further says that he has been shown and has examined a 16-size "Riverside Maximus" American Waltham watch movement, 23 jewel, No. 11510701, in a Montauk twenty-year, gold-filled, open-face, screw-back case, No. 7305085, and that he would sell a watch, movement and case, complete, similar in every respect to this one, in the ordinary course of business, for $55.

Deponent further says that he has been shown and has examined an 0-size "Lady Waltham" American Waltham watch movement, No. 10574385, in a 14-carat gold, open-face case, No. 238026, made by Dubois Watch Case Company, and without a cap, and that he would sell a watch, movement and case, complete, similar in every respect to this one, in the ordinary course of business, for $23.

Deponent further says that he has been shown and has examined an 18-size "grade No. 820" American Waltham watch movement, 15 jewel, No. 11725401, in a S. W. C. Co. twenty-year, gold-filled, open-face, screw-back case, No. 558136, and that he would sell a watch, movement and case, complete, similar in every respect to this one, in the ordinary course of business, for $10.

Deponent further says that he has been shown and has examined a 16-size American Waltham watch movement, 15 jewel, No. 11456022, in a Montauk twenty-year, gold-filled, open-face, screw-back case, No. 7305742, and that he would sell a watch, movement and case, complete, similar in every respect to this one, in the ordinary course of business, for $13.

Deponent further says that he has been shown and has examined a 12-size "Royal" American Waltham watch movement, No. 12599521, in a Solidarity 14-carat open-face case, No. 203584, and that he would sell a watch, movement and case, complete, similar in every respect to this one, in the ordinary course of business, for $28.

Deponent further says that the aforementioned prices would in each instance insure him a fair profit on the cost of the movement and case complete.

ROBT. S. FERGUSON.

Sworn to before me this 12th day of April, 1906.
[SEAL.] E. A. LAHM,
Notary Public, New York County.

CHARLES A. KEENE,
WHOLESALE WATCHES AND DIAMONDS,
180 Broadway, New York, February 6, 1905.

Sold to H. Stanley, one 18 O. F., 20 Y., 15 J. Walt.; movement No. 11725401, $13.98.

Received payment February 6, 1906.

CHARLES A. KEENE.

NOTE.—The foregoing bill is for the second watch, described in the following affidavit:

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Harry Mousley having been duly sworn, deposes and says: That he resides at No. 109 South Oxford street, Borough of Brooklyn, New York City. That on the 20th day of January, 1906, deponent called at the place of business of Charles A. Keene, No. 180 Broadway, in the Borough of Manhattan, New York City, and there purchased a watch containing a 16-size movement, No. 11918774, known as the "Traveler," made by the American Waltham Watch Company, in a "Winner" case, No. 771030, and paid for the same $10. That the said watch purchased by deponent is marked "Exhibit 1," and the tag accompanying the same is identified by deponent's initials. That at the time when deponent purchased said watch the salesman selling the same scratched on the case of the watch a private mark, reading apparently as follows: K. S. 1-20-06.

That on the 6th day of February, 1906, deponent again called at the store of Charles A. Keene, No. 180 Broadway, and asked to see a 15-jewel Waltham, grade No. 820, which deponent had seen advertised in the Sunday Herald for $3.98. That deponent was told by the clerk in the said store that the price stated was for the movement only, and that the case alone for the movement would cost $10, as it was a large size. That the movement shown deponent was a grade No. 820, 15-jewel, 18 size Waltham, No. 11725401, and the case containing the same was an open-face, gold-filled S. W. C. Co., bearing the number 558136. Deponent purchased the said movement in said case and paid for the same $13.98, receiving a receipted bill for the same under the name of H. Stanley, which is hereto attached, marked "Exhibit A." That the watch so purchased is marked "Exhibit 4," and is identified with deponent's initials.

Sworn to before me this 12th day of April, 1906.

HARRY S. MOUSLEY.

[SEAL.] ARTHUR J. RONAGHAN,
Notary Public, New York County.

CHARLES A. KEENE,
WHOLESALE WATCHES AND DIAMONDS,
180 Broadway, New York, January 27, 1906.

Sold to Miss Olano, 1319 Bedford avenue, one 20-year Riverside Maximus, $54.30. Fully warranted.

Received payment January 27, 1906.

CHARLES A. KEENE.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Charles Olano, having been duly sworn, deposes and says that he resides at No. 1319 Bedford avenue, borough of Brooklyn, New York City. That on the 23d day of January, 1906, deponent called at the store of Charles A. Keene, No. 180 Broadway, borough of Manhattan, New York City, and there asked one of the salesmen to show him a watch he had seen advertised in the New York Herald of January 21, 1906, as the "pride of the trust," at $9.98. That said clerk told deponent that they were not selling the watch referred to any more, but showed deponent a watch called the "Traveler," which he said they were advertising for $10. Deponent did not then buy.

That on the following day, January 26, deponent again called at the store of the said Charles A. Keene and asked to be shown a "Riverside Maximus," and was then told by the clerk that he could purchase a Riverside Maximus movement for $42.30 in a gold-filled $12 case, making the price $54.30 for the movement and case.

That on the following day, January 27, 1906, deponent again called at the store of Charles A. Keene with his wife, and then purchased a 16 size Riverside Maximus, 23 jewels, movement No. 11510701, made by the American Waltham Watch Company, in a Montauk open face, twenty-year, filled case, bearing the number 7305085, and paid for the same $54.30. That deponent at the time asked the clerk how he could sell the watch so cheap, and was told that they bought them in the open market and were fighting the trust and made practically nothing on the works, but their profits came in on the case. That deponent at the same time obtained a receipt, which is hereto attached marked "Exhibit B," with deponent's initials, and the watch so purchased is marked "Exhibit 2," and bears a tag identified with deponent's initials.

CHAS. H. OLANO.

Sworn to before me this 12th day of April, 1906.

[SEAL.] ARTHUR J. RONAGHAN,
Notary Public, New York County.

CHARLES A. KEENE,
WHOLESALE WATCHES AND DIAMONDS,
180 Broadway, New York, February 1, 1906.

Sold to Mr. Joseph Johnston, lady's 14-K. gold case, $20; watch movement, $9.98=$29.98. Fully warranted.

Received payment February 2, 1906.

CHARLES A. KEENE.

UNITED STATES OF AMERICA,
Town of Old Lyme, County of New London,
State of Connecticut, ss:

Marcie Dunn, having been duly sworn, deposes and says: That he resides at No. 345 West Twenty-seventh street, in the Borough of Manhattan, city of New York; that on the 29th day of January, 1906, he called at the store of Charles A. Keene, No. 180 Broadway, Borough of Manhattan, city of New York, and there asked to be shown a lady's Waltham 0 size, which deponent had seen advertised for $9.98. The salesman stated that he had no watch at that price. Deponent then went out and bought a New York Sunday World of January 28, 1906, and showed said salesman an advertisement by said Keene of a lady's Waltham for $9.98. The salesman then said: "Oh, that is what we charge for the movement." Deponent then asked what he would charge for the movement in a 14-karat open-face case. The salesman said $20 for the case and $9.98 for the movement, making in all $29.98. Deponent did not purchase on that day, but on February 1, 1906, deponent again called at the said store, and purchased the watch previously shown him, same being an 0 size lady's watch, containing a movement numbered 10574385, made by the American Waltham Watch Company, in an open-face case numbered 238026, and paid for the same $29.98. That on the following day, February 2, 1906, deponent called at the said store and obtained a receipt showing the payment for said watch, which receipt is hereto attached marked "Exhibit E." At the time the said watch was purchased deponent gave his name as Joseph Johnston, which name appears on said receipt.

MARCIE DUNN.

Sworn to before me this 13th day of April, 1906.

[SEAL.] R. W. CHADWICK,
Notary Public.

CHARLES A. KEENE,
WHOLESALE WATCHES AND DIAMONDS,
180 Broadway, New York, June 21, 1905.

Sold to Mr. J. Kinzig, 32 Nassau street, city, one gent's 15-jeweled, 20-year Waltham watch, $15. Warranted.

Received payment June 22, 1906.

CHARLES A. KEENE.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Joseph F. O'Brien having been duly sworn, deposes and says that he resides at No. 556 West Thirty-eighth street, in the borough of Manhattan, city of New York; that on or about June 22, 1905, deponent called at the store of Charles A. Keene, No. 180 Broadway, in the borough of Manhattan, city of New York, and purchased a 16 size, open-face Waltham watch, inscribed on the plate of the movement "A. W. W. Co., Waltham, Mass.," 15-jewel, No. 11456022, and on the case with the words, "Fahy's Montauk, guaranteed 20 years, No. 7305742," paying therefor the sum of $15 and receiving a receipt for the same, which is hereto attached, marked "Exhibit D." Deponent gave the name of J. Kinzig, and the said receipt is made out in that name. That said watch is marked "Exhibit 5."

JOS. F. O'BRIEN.

Sworn to before me this 14th day of April, 1906.

[SEAL.] ARTHUR J. RONAGHAN,
Notary Public, New York County.

CHARLES A. KEENE,
WHOLESALE WATCHES AND DIAMONDS,
180 Broadway, New York, February 7, 1906.

Sold to R. D. Dunn one 14 K gold O. F. Royal Waltham watch, $35.75. Fully warranted.

Received payment February 16, 1906.

CHARLES A. KEENE.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Richard D. Dunn, having been duly sworn, deposes and says that he resides at No. 345 West Twenty-seventh street, in the borough of Manhattan, city of New York. That on February 7, 1906, deponent called at the store of Charles A. Keene, No. 180 Broadway, borough of Manhattan, city of New York, and there asked to see a 12-size Waltham watch, known as the "Royal." A clerk in said store, whose name deponent learned is C. E. Katsch, then showed deponent such a movement in a 14 K. open-face case and stated that the price of the case was $22.75 and the price of the movement and case was $35.75. The said clerk also told deponent that such a watch would cost $40 in any other jewelry store. Deponent then paid a deposit of $2 on account of the watch and received a receipt for the same, with the understanding that the watch should be held for him.

That on February 16, 1906, deponent again called at the store of said Charles A. Keene and purchased the said watch, paying the balance of $33.75 for the same and receiving a receipt which is hereto attached, marked "Exhibit C." That the watch purchased by deponent was a 12-size Royal movement, No. 12599521, made by the American Waltham Watch Company. That the case was open faced, with cap, and bore the number 203584. Said watch is marked "Exhibit 6," identified with deponent's initials.

RICHARD D. DUNN.

Sworn to before me this 12th day of April, 1906.

[SEAL.] ARTHUR J. RONAGHAN,
Notary Public, New York County.

Comparative profits on Swiss and American watches.

The gravamen of my colleague's speech is the implied charge that American watches are sold by dealers at unreasonably large profits. The fact is that the jobber's profit on Elgin and Waltham watches is only 10 per cent and the retailer's profit is ordinarily not over 25 to 35 per cent, with a slightly higher rate on the railroad movements. On the other hand, it is well known throughout the trade that profits made by retail dealers on Swiss watches are very much greater than those made by retailers on American watches. I have here six Swiss watches with an affidavit showing the prices at which they may be bought by the retailer, the prices at which they were sold by retail dealers to their customers, and the bills rendered for them. These exhibits show that the profits of the various retail dealers on these six watches ranged from 54 to 100 per cent, and averaged for the whole six 77 per cent. These large profits can be obtained because Swiss watches, generally speaking, bear no trade-marks or other distinguishing marks by which a purchaser can identify the movement or determine its actual value. Thus he is entirely at the mercy of the dealer. In contrast to this, the better movements made by the Elgin and Waltham companies and practically all their high-grade movements bear well-known trade-marks by which any purchaser can identify the movements and can approximate their value and their fair selling price.

The following is the affidavit referred to:

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Frederick Leach, having been duly sworn, deposes and says that he resides at Tompkinsville, Borough of Richmond, New York City. That he has been in the watch business for over thirty years and is at present employed as material clerk for the firm of Robbins & Appleton, selling agents of the American Waltham Watch Company, at No. 21 Maiden Lane, Borough of Manhattan, New York City. That previous to his employment with the said firm, deponent was employed by retail dealers and jobbers of watches of all kinds, including Swiss watches, and was then and has always since been familiar with the prices at which Swiss watches of all grades are bought by retailers in New York City.

That on April 13, 1906, deponent purchased the six Swiss watches complete described in the following schedule and paid for the same.

That the prices set opposite each watch therein described, in the column under the words "Cost to consumer," are the prices paid by deponent in each instance for that particular watch complete; that at the time of such purchases deponent received with each watch a receipted bill describing the same, with the price paid, and said bills are hereto attached numbered corresponding to the watch exhibits themselves and identified with deponent's initials; that deponent has inquired of various jobbers in New York City and persons familiar with jobbers' prices as to the cost to the retailer of the various Swiss watches purchased by deponent, and from such inquiries and from deponent's own knowledge, deponent states that the prices set opposite the various watches in the column under the words "Cost to retailer" are in every instance in excess of the actual cost to retailers; that the figures under the words "Percentage of profit to retailers" represent the percentage of profit to the retailer upon each watch so purchased by deponent.

Description.	Cost to retailer.	Cost to consumer.	Percentage of profit to retailer.
Swiss No. 1, 20-year gold-filled 12 s., O. F., nickel, 7-jewel movement, No. 701993; case No. 1058554	$7.26	$12.50	72
Swiss No. 2, gold-filled 16 s., 20-year, nickel, 17-jewel movement, No. 14453; case No. 5447602	26.02	45.00	72
Swiss No. 3, 6 s. silver, Htg., gilded movement and case, No. 510578	7.50	15.00	100
Swiss No. 4, silver, 6 s., Htg., nickel movement and case, No. 1092513	10.34	16.00	54
Swiss No. 5, silver, O. F., 12 s. case with 6 s., nickel movement No. 907901, and case No. 907901	12.10	23.00	90
Swiss No. 6, 12 s., silver, O. F., nickel, 15-jewel movement No. 1492555, and case no. 1492555	14.10	25.00	77
Average percentage of profit			77

FREDERICK LEACH.

Subscribed and sworn to before me this 24th day of April, 1906.

[SEAL.] JOS. F. O'BRIEN,
Notary Public, New York County.

APRIL 13, 1906.

Mr. F. Leach, bought of Benjamin F. Spink, manufacturing jeweler and importer of diamonds, office 9–11 Maiden Lane, New York, one 20-year gold-filled Wadsworth case Swiss Gotham movement (7 J.), $12.50.

Received payment.

B. F. SPINK.

NEW YORK, *April 13, 1906.*

Mr. F. Leach, bought of J. A. Linherr, diamonds, watches, and rich gold jewelry, 193 Sixth avenue, gentleman's gold-filled watch, 17 jewel, Swiss movement, $45; 6 size silver watch, Swiss movement, Longine, $15=$60.

Received payment.

J. A. LINHERR.

THEODORE B. STARR,
IMPORTER AND MANUFACTURER,
Madison Square West, New York, April 13, 1906.

Sold to Mr. F. Leach, 321 West Seventy-ninth street, one silver hunting-case watch (15 J.), $16.

Received payment.

THEODORE B. STARR.

328 FIFTH AVENUE, NEW YORK, *April 13, 1906.*

Mr. Leach bought of Bartens & Rice Company open-face silver watch, case No. 907901, $23.

Received payment.

BARTENS & RICE COMPANY.

LINDO BROTHERS,
1157 Broadway, New York, April 13, 1906.

Sold to Mr. F. Leach setter O. F. watch, No. 1492555 (15 J.), $25.

Received payment.

LINDO BROTHERS.

Comparison of wages.

SWISS.

About a year ago Mr. Burckes, an employee of the American Waltham Watch Company, made a visit to a large number of the more prominent Swiss watch factories, and carefully inquired as to the wages paid, with the following result: Women received from 2 to 3 francs (40 to 60 cents) per day, only a few skilled ones earning as high as 4 francs (80 cents) per day. Men received from 6 to 7 francs ($1.20 to $1.40) per day. These figures are corroborated by the figures given in consular reports (see below).

AMERICAN.

In the factory of the Waltham Company at Waltham, Mass., the average wages of women is $1.50 per day, and of men considerably over $3 per day. The wages paid by the Elgin Company in its factory at Elgin, Ill., are about the same as those in the Waltham factory for men and women separately, and for men, women, and children the average is $2.28.

This comparison shows that the prices paid by the American watch companies are from two to two and a half times as much as those paid in Switzerland for the same class of labor.

NOTE.—The authority referred to is a Government publication entitled "Special Consular Reports—Money and prices in foreign countries," Vol. XIII, part 1, 1896, p. 106, under heading "Wages in Switzerland in 1895." This publication is in the Bureau of Manufactures of the Department of Commerce at present in the Census building. It gives the following as the wages of mechanics and factory operatives in Switzerland in 1895:

Mechanics, per day, 3.7 francs to 7 francs (74 cents to $1.40).

Factory operatives, per day, 2 francs to 3.5 francs (40 cents to 70 cents).

These reports do not mention watchmakers separately, but they are presumably included in one or both of the foregoing classes.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRYE, Mr. LODGE, and Mr. BACON as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 15911. An act to amend the laws of the United States relating to the registration of trade-marks; and

H. R. 11946. An act to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17757. An act extending to the subport of Spokane, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutable merchandise without appraisement.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LAMB. I yield one hour to the gentleman from New York.

Mr. SULZER. Mr. Chairman, yesterday the gentleman from Ohio [Mr. GROSVENOR] addressed the House at great length in support of the so-called "Gallinger ship-subsidy bill," now pending in the Committee on the Merchant Marine and Fisheries, of which he is the chairman. In doleful tones the gentleman depicted the decline of our over-seas carrying trade and sorrowfully deplored the fact, which of late has become quite patent, that he was unable, with all his ability and astuteness, to secure enough votes in his own committee to have the bill favorably reported to this House. No doubt this is exasperating to the gentleman from Ohio, but we can console ourselves with the reflection that the taxpayers of the country will survive the gentleman's discomfiture without serious disaster.

We know the gentleman from Ohio is working, and has been working, assiduously in his committee and out of his committee for months, in season and out of season, for this ship-subsidy bill, but I do not think the honest people of the country generally sympathize with his arduous efforts any more than they did with the late Senator Mark Hanna's unwearied struggle to pass a similar ship-subsidy measure.

Now, let us see for a moment just what this Gallinger ship-subsidy bill—the bric-a-brac work of the Merchant Marine Commission—does, so that we will understand what we are considering. I will read the subsidy part of it: "That in the interest of the national defense and for the performance of the public services hereinafter specified, after July 1, 1907, the Secretary of the Treasury is hereby authorized and directed to pay, subject to the provisions of this act, out of any money in the Treasury, to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates, to the owner or owners of any steam vessel of over 1,000 gross tons, and of any sail vessel of over 200 gross tons, and fishing vessel of over 20 gross tons hereafter built and registered in the United States or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof), engaged exclusively as a common carrier for the service of the public, subventions [that is, subsidies; they both mean the same thing] as hereinafter provided—that is to say, (a) the sum of $5 per gross registered ton for each vessel which has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of twelve months, including time necessarily consumed in receiving or discharging cargo, or not to exceed two months in making annual or extraordinary repairs; (b) the sum of $4 per gross registered ton

for each vessel which during any twelve consecutive months has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of nine months or over, but less than twelve months, including the time necessarily consumed in receiving or discharging cargo or not to exceed one month in making extraordinary repairs; (c) the sum of $2.50 per gross registered ton for each vessel which during any twelve consecutive months has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of six months or over, but less than nine months, including time necessarily consumed in receiving or discharging cargo or not to exceed one month in making extraordinary repairs." This is the salient subsidy feature of the Gallinger bill, and it is all I desire to read to the House at the present time for the purpose of this discussion.

Mr. Chairman, this ship-subsidy proposition is not a new one. It is the same old effort to get something from all the people for somebody for nothing. It has been pending in either one branch or the other of the Congress, in one form or another, for the last ten years. At one time it was the Hanna-Payne ship-subsidy bill, and Senator Hanna succeeded in passing it through the Senate, only to have it ignominiously defeated in the House of Representatives. In another Congress Senator Hanna did his very best to pass it again through the Senate, but failed, and in this Congress we have the old foe with a new face in the Gallinger ship-subsidy bill, introduced by the Senator from New Hampshire at the beginning of this session.

This Gallinger ship-subsidy bill differs but little in principle from its predecessors, and its fate should be the same. It is essentially a subsidy bill, and by subsidy I mean that the Government is compelled by law to take a part of its money, paid in taxes by all the people for the support of the Government, and give the money to a special interest to aid that interest in its special line of business. This is the scheme in a nutshell, and any policy of this character is inherently wrong in principle, constitutionally indefensible, and can not be justified by any theory of our system of government. Subsidies are monarchial and not republican; they have no place in a government of the people and by the people.

The Gallinger ship-subsidy bill was cleverly manipulated through the Senate on the 14th day of February last by a vote of 38 to 27. Not a Democratic Senator, I am glad to say, voted for the bill, and to their eternal fame be it said that five Republican Senators voted against it. These Republican Senators, in my opinion, are entitled to the commendation of the people, and I take great pleasure in giving their names. They were: Messrs, BURKETT, DOLLIVER, LA FOLLETTE, SPOONER, and WARNER. The American people should remember these names.

It is not my purpose to-day, Mr. Chairman, to discuss at length the cause of the decline of our deep-sea carrying trade, or my own views, if I could have my way in the matter, concerning the speediest remedy to restore our merchant marine. I have not the time at my disposal to do so, even if I wanted to go into an exhaustive examination of the intricate question. I want to speak to the House at this time briefly on this ship-subsidy question and frankly point out the evils incident to subsidies and sure to follow their adoption.

My position regarding this subject I believe is well known, but I want to say again to the Members of this House that I have always been, am now, and always hope to be opposed to every effort to place upon the statute books of our country a ship-subsidy law. I have given considerable study to this question and I think I know something about it. I agree substantially with the gentleman from Ohio regarding the deplorable condition of our merchant marine, but I differ with him absolutely respecting the cause of the decline of our over-seas carrying trade; and we are as far apart as the poles respecting the best and most practical remedy for the rehabilitation of our shipping industries and the carrying of our ocean trade in American ships, built by American workmen, manned by American sailors, and flying the American flag.

Mr. Chairman, it is a fact, and a most deplorable fact, and every man who has investigated the subject knows it, that we have less registered tonnage for ocean carrying trade to-day than we had one hundred years ago. In 1806 the United States, with a population of less than 7,000,000 inhabitants, owned more registered tonnage for ocean carrying trade than the United States in 1906, with a population of over 85,000,000. The American tonnage in 1806 was over 900,000, and it is now less than 800,000, and, what is worse still, it showed an actual decrease of more than 6,000 tons last year. In 1806 American ships, flying the American flag and manned by American sailors, carried over 90 per cent of our deep-sea trade and a great part of that of all the countries of Europe. To-day we carry very little of our own trade and practically none of other countries, notwithstanding the fact that we should be the foremost maritime power in the world. More than nine-tenths of our once great and powerful deep-sea fleet has vanished, and not one new keel for an ocean-going ship is being laid to-day on either our Atlantic or Pacific coast, while the vessels of foreign nations throng our ports and monopolize more than nine-tenths of all our import and export commerce.

In 1806 over 92 per cent of our export and import trade was carried in American bottoms; in 1906 less than 8 per cent of our imports and exports are carried in American ships. The United States pays to the owners of foreign deep-sea vessels for conveying our freights and passengers over $200,000,000 a year, and much of this vast sum of money goes to the owners of foreign steamers which are regularly enrolled on the merchant cruiser lists of European governments, manned by naval reserve officers and sailors, and available for immediate service against us in case of war. The British Empire has 14,800,000 tons of merchant shipping; Germany has 4,960,000 tons; France, 1,680,000; Norway, 1,460,000, and Italy, 1,280,000. The larger part of all these great deep-sea fleets is engaged in the ocean carrying trade, but the Government of the United States, which produces and exports more merchandise than any other nation on earth, has a fleet registry of deep-sea commerce of less than 800,000 tons.

I agree with the gentleman from Ohio that this statement of the facts exhibits a most deplorable condition of our merchant marine affairs, but I say to him, and I say to the country, that it is all our own fault, and due entirely to our own short-sighted maritime policy, and especially to our failure to enact proper navigation legislation.

The gentleman from Ohio seeks to remedy the situation by ship subsidies, and hence earnestly favors and eloquently advocates the Gallinger ship-subsidy bill, which is no remedy at all, but a mere temporary makeshift to rob the many for the benefit of the few, by taking money out of the pockets of the taxpayers generally and giving it to a few favored individuals. I am opposed to this subsidy policy. The taxpayers, when they understand it, will never consent to it. The Gallinger bill is a subsidy bill pure and simple, and at the very best is only a temporary expedient, and no one who understands this subject believes for a single moment that it will ever accomplish what its advocates so vociferously claim. A subsidy is a bounty, a bonus, a gratuity, and it never has succeeded, and it never will succeed, in accomplishing the purpose desired. All history proves it conclusively. Wherever and whenever it has been tried it has failed. In my opinion, if this Gallinger subsidy bill should pass as it is to-day it would not restore our American merchant marine or aid materially our shipbuilding industries. It is a waste of time to talk about ship subsidies, and I believe every honest American is absolutely opposed to them. We might just as well pass a bill to pay a subsidy to every man who grows a bushel of wheat, or a barrel of potatoes, or a bale of cotton, or who makes a wagon, or builds a locomotive, as to pay a subsidy to a man who builds a ship or sails a vessel.

The taxpayers of our country, burdened now almost beyond endurance are opposed to ship subsidies. They are opposed to this Gallinger gift bill. They say no private business interests should be aided by direct grants from the Treasury. Ship subsidies are subversive of the eternal principles of justice and equality, contrary to the theory of our free institutions, of doubtful expediency, and at war with the spirit of the Constitution. Congress has no power to subsidize any trade or any calling or any business on land or sea at the expense of the taxpayers of our country.

But, Mr. Chairman, in my opinion, the Gallinger subsidy bill will not materially benefit our shipbuilding industries, and of course if it will not benefit the shipping industries of the country no new ships will be built and American tonnage on the high seas will not be increased, and only the ships now in commission will get the benefits of the subsidies. This being so, this Gallinger ship-subsidy bill, giving away from four to six millions of dollars a year, will benefit no shipowners except the Standard Oil trust, the American shipping trust, the New England fishing smacks, and perhaps a few vesels on the Pacific Ocean. It will be observed by reading the bill that the Senator from New Hampshire was particularly watchful of the interests of the fishing smacks that go out of New England ports to fish on the Grand Banks, and the bill provides that these small craft shall participate in the subsidy.

The principal ships, however, that would benefit by the Gallinger ship-subsidy bill and get most of the subsidies are the ships plying the high seas, owned by the American shipping trust and the Standard Oil trust. But at best the Gallinger ship-subsidy bill is only a temporary expedient—a mere makeshift—and unless it should be continued and the subsidies increased it will accomplish practically no good whatever. However, there are many far-seeing citizens who believe that this subsidy bill is a mere beginning—only an entering wedge—and

that it will be followed ere long, if it becomes a law, by greatly increased subsidies until the Treasury is depleted or the patience of the taxpayers exhausted.

Mr. Chairman, the people who are clamoring the loudest for the ship-subsidy bill are the bounty beggars who will get the subsidies; but so far as I have been able to find out, I have heard no great demand from the honest folk of the country in favor of this iniquitous measure to take money out of the Treasury of the people and pay it over to the American shipping trust in order that it may get additional gratuities under this trust-ridden Republican Administration.

It seems to me, sir, that this is an inopportune time to ask for ship subsidies when the people all over the country are demanding a revision of the tariff, especially of those tax schedules which shelter monopoly and give protection to the trusts that sell their manufactured wares cheaper abroad than they do at home. But it seems that the chief argument of these ship-subsidy schemers, reduced to its simplest form and last analysis, amounts to about this: As all other monopolies are protected, therefore the shipping monopoly must be protected; as all other trusts are licensed to rob the many for the benefit of the few, therefore the shipping trust must have an opportunity to pilfer the people and get its share of the spoils. The plea, however, seems to come at a very unfortunate time, because from one end of the land to the other the people are demanding not only the prosecution of the criminal trusts, but the revision of all protective tariff taxes that aid and abet and shelter monopoly.

But the advocates and supporters of this ship-subsidy iniquity, by which all the people of the country are to be compelled to contribute a few millions of dollars a year to the American shipping trust, forget the history of the past and are reckless as to the consequences of the future. They seem to forget that consequences are unpitying, and that there is no cause without an effect. Their contention reminds one a good deal of a Chinese almanac in which every other day is labeled, "This is a lucky day to pay taxes." But these ship-subsidy grafters go even further, and write in their selfish almanac that every day is a lucky day to pay subsidies. If foreign governments grant subsidies, they say we should grant subsidies; and if foreign governments do not grant subsidies, they say that is the very reason we should grant subsidies. If foreign steamship owners raise the price of ocean freight rates, they get up in Congress and demand subsidies. If foreign steamship owners reduce ocean freight rates, they also get up in Congress and demand subsidies. Every wind that blows, in their opinion, evidently blows in favor of the Government giving the American shipping trust subsidies. But I am satisfied that the farmers and the toilers of our country, the men who pay the taxes, understand this subsidy question and are not in favor of putting their hands in their pockets and contributing gratuities to the extent of millions of dollars a year to any shipping trust or to any trust-owned steamship line.

Mr. Chairman, I have always been, and always expect to be, a sincere friend of our shipping industries and an enthusiastic advocate of just and proper and honest legislation that will build up and restore our merchant marine. I believe every true American desires the supremacy of American ships in our over-seas carrying trade, but I believe they prefer it along the lines of tonnage taxes, and not by subsidies. They see no necessity of taking money out of the Treasury and paying it to the present trust owners of ships for doing what they are already doing; and those most conversant with the subject even go so far as to declare that this Gallinger ship-subsidy scheme, if enacted into law, will not lay a new keel in any American shipyard, or secure an additional ton of freight of our over-seas commerce. Practically every dollar granted will go to the ships now afloat owned by the oil trust and the shipping trust.

Ship subsidies do not build ships—they create ocean-trading monopolies. Ship subsidies will not give workmen employment in American shipyards—the money will simply go into the capacious pockets of the plutocratic beneficiaries of the shipping trust. Every scheme of this kind simply permits respectable corruption and benefits the few at the expense of the many. The principle of ship subsidies is inherently wrong and absolutely indefensible—it is unrepublican, undemocratic, and un-American, and no man who understands the question can justify the steal in the face of the facts. If the Congress should pass this pilfering ship-subsidy bill, I believe the people will demand its repeal in less than five years, but I hope the wisdom of this House will never permit this iniquitous bill to pass.

Mr. Chairman, I am now, always have been, and always will be a friend of the American merchant marine. I long for the coming of the day when American ships will be on every sea, and our flag gloriously floating on the breeze in every port. I am willing to go as far as any man in this country to legislate for the restoration of the American merchant marine to all its former glory, and to secure for the American people their just share of the over-seas carrying trade of the world. As I have said, I do not agree with the reasons advanced by the advocates of the Gallinger ship-subsidy bill as to the cause of the decline of our merchant marine and the loss to the United States of our over-seas carrying trade. I know, and every man who has investigated this subject knows, that our loss of deep-sea commerce is due entirely to our own iniquitous legislation and short-sighted policies. If the American Congress would legislate intelligently regarding this subject, we could restore our merchant marine and secure nine-tenths of all our commerce on the high seas, exports and imports, without a ship subsidy, or without taking a single dollar from the pockets of the taxpayers to give subsidies to favored shipowners and shipbuilders. This whole subject is a very simple matter when reduced to an intelligent business proposition. We do not need to take a dollar out of the pockets of the taxpayers, or out of the Treasury of the United States, to revive our shipbuilding industries or restore our merchant marine. All we need to do is to legislate intelligently, repeal the iniquitous laws against our deep-sea shipping now on our statute books, put in their place laws similar to the navigation laws that were enacted by the early statesmen of the country—laws that built up our merchant marine in those historic days—laws that placed our flag on the high seas and gave us nine-tenths of our entire over-seas carrying trade. It is a simple matter, and would be done but for the influence of special interests and the tenacious power of monopoly.

Now, sir, I have introduced in several Congresses bills to accomplish this—not subsidy bills, not bills that rob the many for the benefit of the few—not bills that take money out of the pockets of the taxpayers generally and hand the money over specifically to special interests—but bills along intelligent businesslike lines, and in accordance with the policy of the fathers of the Republic and the framers of our Constitution who understood this subject of over-seas shipping trade and commerce and legislated accordingly, and the United States had in those days the finest merchant marine the world had ever seen. If we had continued the policy of the fathers we would to-day be the greatest maritime nation in the world and our flag would be on every sea, and our ships would be carrying the commerce not alone of our own country but perhaps half of that of all the other great nations of the world.

I introduced at the beginning of this Congress a bill to accomplish this (H. R. 8767), but it has been sleeping the sleep that never awakes in the Committee on Merchant Marine and Fisheries. It will never come out. It will never be reported, simply because it is an honest bill and not a subsidy bill, because it does not rob the many for the benefit of the few, because it will accomplish practically all the people of the country desire—the building up of our merchant marine upon legitimate lines, in a business way, and the restoration of the American flag to the high seas.

My bill is a tonnage-tax bill along discriminating lines in favor of American-built ships and against foreign-built ships—and the foreigner pays the tonnage tax. In other words, the essential difference between my ship tonnage-tax bill and the Gallinger ship-subsidy bill is that the Gallinger subsidy bill compels the American people to give a bonus, or a subsidy, or a subvention—and they are all the same—to the American shipowner, while my bill makes the foreign shipowner pay an additional tonnage tax on goods, wares, and merchandise brought into this country in foreign bottoms. This bill of mine is a most comprehensive measure, covering every phase of this question, and in the judgment of those who know most about the matter it would effectually solve the problem without taking a single dollar from the pockets of the taxpayers of our country. I send this bill of mine to the Clerk's desk and ask to have it read in my time. I want the bill to go into the RECORD, so that those interested in this subject can read it and judge for themselves.

The Clerk read as follows:

A bill to regulate commerce with foreign nations; to make preference for the use of American freighting vessels; to extend the postal service by American steamships, and to promote American trade.

Be it enacted, etc., That the law relating to vessels, to the duties of tonnage, and to the ocean mail service in force when this act shall be approved be, and the same is hereby, supplemented and amended, as follows:

PART 1. TONNAGE DUTIES.

SECTION 1. That a discriminating tonnage duty based upon the gross admeasurement, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from all vessels not of the United States that shall arrive with merchandise, passengers, or mails to be landed in the United States from countries, colonies, or possessions where the said cargo, in whole or in part, was laden, to which said vessels do not belong, as follows:

Clause 1. On all vessels not exceeding 5,000 tons the additional duty shall be $1.25 per ton until the 1st day of January, A. D. 1909, after

which date it shall be $1.50 per ton until the 1st day of January, A. D. 1911, after which date it shall be $2 per ton on the gross admeasurement.

Clause 2. On all vessels between the sizes of 5,000 and 10,000 tons the additional duty shall be $1.50 per ton until the 1st day of January, A. D. 1909, afted which date it shall be $2 per ton until the 1st day of January, A. D. 1911, after which date it shall be $2.50 per ton on the gross admeasurement.

Clause 3. On all vessels between the sizes of 10,000 and 15,000 tons the additional duty shall be $2 per ton until the 1st day of January, A. D. 1909, after which date it shall be $2.50 per ton until the 1st day of January, A. D. 1911, after which date it shall be $3 per ton on the gross admeasurement.

Clause 4. On all vessels exceeding the size of 15,000 tons the additional duty shall be $3 per ton until the 1st day of January, A. D. 1909, after which date it shall be $3.50 per ton until the 1st day of January, A. D. 1911, after which date it shall be $4 per ton on the gross admeasurement. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 2. That a duty of $1 per ton on the gross admeasurement, in addition to the regular duty imposed on tonnage by law, shall be levied and collected from every vessel not of the United States that shall arrive in ballast or without merchandise, mails, or passengers to be landed in the United States from a country, its colony or possession, to which said vessel does not belong, if it shall be shown to the satisfaction of the collector that no bounty, subsidy, or subvention of any sort from its Government has been promised, earned, or will be received in consideration of making such voyage; but in case such voyage to the United States has been made with the understanding and expectation on the part of owners, arising from law or agreement, that bounty, subsidy, or subvention of some sort will be earned or received in consideration of said voyage, then, and in that case, the duty aforesaid shall be at the rate of $2 per ton until the 1st day of January, A. D. 1909, after which date the additional duty aforesaid shall be at the rate of $2.50 per ton until the 1st day of January, A. D. 1911, after which date the additional duty shall be at the rate of $3 per ton of gross admeasurement. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 3. That a duty of 50 cents per ton on the gross admeasurement, in addition to the regular duty imposed by law, shall be levied and collected from every vessel not of the United States that shall arrive in ballast or with merchandise or passengers in a proportion less than one-fourth of her capacity for the same from the country, its colony or possession, to which said vessel or vessels may belong. But no vessel coming direct from her own country, its colony or possession, with merchandise or passengers in excess of one-fourth of her capacity for the same to be landed in the United States, shall be charged with an additional or extra tonnage duty, except in cases where the country from which she comes direct charges an additional or extra tonnage duty to vessels of the United States; and in all such cases, if there be any, the extra duty per ton of the vessel's country shall be added to the extra duty per ton of the United States, and the sum so found shall be the full charge per ton for additional or extra duty to be collected; or unless the country from which such vessel so laden or coming direct shall hold out to its vessels by law the payment of bounty, subsidy, or subvention of some sort in consideration of making voyages like the one in question, in which case three-fourths of the amount of the gratuity as aforesaid shall be charged and collected as countervailing duty in addition to the regular and extra duty otherwise chargeable and to be collected. Surveyors of tonnage shall certify to the collector the proportion of carrying capacity occupied by passengers, by freight, and by ballast, respectively.

SEC. 4. That a duty of $2.50 per ton on the gross admeasurement, in addition to the regular duty imposed on tonnage by law, shall be levied and collected from every vessel not of the United States that shall arrive from a country not its own, whether with or without cargo, but under engagement to load for another country than its own, or that shall effect such engagement after arrival at a time and while there shall be one or more vessels of American registry in port listed at the custom-house as ready and offering to engage for the same or a similar voyage, until the 1st day of January, A. D. 1909, after which date the duty aforesaid shall be at the rate of $3 per ton; but if there be not such vessel or vessels so listed at the time of arrival or of engagement in port, then tonnage duty shall be payable under section 1 or section 2; but if in addition to coming as aforesaid under engagement or making it after arrival as above, a foreign vessel shall have held out to her by law the payment of bounty, subsidy, or subvention of some sort in consideration of making voyages like the one in question, then, and in such cases, a duty of $4 per ton additional to the regular duty shall be levied and collected. And vessels of foreign register running under bounty, subsidy, or subvention by law of their country arriving at the Gulf ports of the United States from the Atlantic ports, or vice versa; or arriving at the Pacific ports of the United States from the Atlantic or Gulf ports, or vice versa; or arriving at any port of the mainland of the United States from any part of the insular possessions of the United States, or vice versa, in ballast, seeking cargo, shall pay additional tonnage duties as follows: On arrival from Atlantic to Gulf ports, or vice versa, $1 per ton; on arrival from Atlantic or Gulf ports to Pacific ports, or vice versa, $2 per ton; on arrival from any port of the mainland to any port of the insular possessions of the United States, or vice versa, $3 per ton. No foreign vessel shall take in cargo without a permit. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 5. That a tonnage duty of $1 per ton on the gross admeasurement, in addition to the regular duty imposed on tonnage by law, shall be levied and collected from every vessel that shall enter a port of the United States from a port of her own country, either with or without cargo, passengers, or mails, if she has called or stopped on the way at a port of a country not her own and there received merchandise, passengers, or mails to be landed in the United States, unless said vessel has been built in the United States or is owned by citizens of the United States to the extent of 40 per cent, to be proved to the satisfaction of the collector and the district attorney of any United States court.

SEC. 6. That a tonnage duty, to be termed light tax, of 5 cents per ton on the gross admeasurement of every merchant vessel, not of the United States, that shall enter a port of the United States, shall be levied and collected, in addition to the duties required by preceding sections, before clearance for sea, except in case such vessel shall clear in ballast or may have made port in distress, or was built in the United States.

SEC. 7. That a tonnage duty, to be termed race tax, of 4 cents per ton, on the gross admeasurement of every merchant vessel not of the United States that shall enter a port of the United States and there discharge merchandise, passengers, or mails, shall be levied and collected, in addition to the duties required by preceding sections, if said vessel shall be manned to an extent exceeding 10 per cent of the crew by persons belonging to a different race of men from the owners of said vessel. The regular tonnage tax to be paid by all vessels in the foreign trade shall be collected hereafter on every entry; the said tax shall be computed on the gross admeasurement, and the rates shall be increased from 6 cents to 10 cents and from 3 cents to 5 cents, respectively. American mail steamers shall pay tonnage tax but once a year.

PART 2. EXPORT PREMIUMS.

SEC. 8. That all collections of tonnage duties and charges against vessels of every kind, whether regular or additional, light, race, and passenger tax, entrance and clearance fees provided by this and former acts to be levied, collected, and paid at the custom-house, and all fines, penalties and forfeitures paid into the courts from violations of the navigation laws of the United States, this act included, shall, after the passage of this act, be set apart in the Treasury as a special fund from which to pay, first, for the support of marine hospitals for American seamen in the foreign trade; and, second, for the payment of premiums to exporters of merchandise for giving preference in the employment of vessels to those of the United States not in fact owned by themselves.

SEC. 9. That on and after thirteen months from the passage of this act there shall be paid, out of the special export fund in the Treasury provided for by section 8 of this act, to the bona fide owners and exporters of merchandise, the growth, production, and manufacture of the United States, to foreign countries not adjoining the United States, in vessels of the United States, registered pursuant to law, and not owned in fact by themselves, as follows: A premium of one-fourth of 1 per cent on the cash valuation of each shipment direct to a port not less than 65 miles from the tidal boundary of the mainland of the United States; and a premium of one-half of 1 per cent on the cash valuation of each shipment direct to a port not less than 400 miles from the port of departure in the United States; and a premium of 1 per cent on the cash valuation of each shipment direct to a port not less than 1,000 miles from the port of departure in the United States; and a premium of 1½ per cent on the cash valuation of each shipment direct to a port not less than 2,000 miles from the port of departure in the United States; and a premium of 2 per cent on the cash valuation of each shipment direct to a port, not less than 3,000 miles from the port of departure in the United States; and a premium of 2¼ per cent on the cash valuation of each shipment direct to a port not less than 4,000 miles from the port of departure in the United States; and a premium of 2½ per cent on the cash valuation of each shipment direct to a port not less than 5,000 miles from the port of departure in the United States, which premium shall be the highest paid whatever the distance in excess of 5,000 miles, and such premiums to an exporter shall be payable to his order upon report of the clearance of the vessel, with a statement of the collector of the port fixing the value of the shipment, which must be sworn to by an appraiser for the United States, within ten days, according to such regulations as the Secretary of the Treasury shall prescribe, distances between ports to be determined by the Hydrographic Office of the Navy Department and stated in sea miles.

PART 3. MAIL CARRIAGE.

SEC. 10. That the postal act, approved March 3, 1891, be, and it is hereby, amended to provide and to read as follows:

Clause 1. The Postmaster-General shall, as often as once in each year, advertise for informal proposals for the carriage of mails by sea in American vessels between such ports of our own and other countries as to exporters may seem advantageous. The advertisements shall be inserted four times weekly in a paper printed in Boston, New York, Philadelphia, Baltimore, New Orleans, Galveston, Norfolk, Charleston, Savannah, Mobile, San Francisco, Portland, and Seattle, describing the service as that of mail and naval vessels adapted to promote the postal, commercial, and naval interests of the United States, and to subserve those of their owners as well. Proposers will state the size and speed of vessels, number of trips yearly, remuneration required, time when service could be begun, and such other particulars as may seem useful for the Government to consider.

Clause 2. Within one month after receipt of informal proposals the Secretary of the Navy and the Postmaster-General shall together consider their contents, the wants of the Navy, and the needs of the Post-Office, and fix upon a schedule of requirements that will satisfy both services. The Secretary of the Navy will control the plans for the vessels and the Postmaster-General will decide upon the postal programme, and the two together shall advertise formally to let contracts for the running of the vessels required. Such advertisements shall be inserted in the same papers that called for informal proposals four times weekly, describing the route, the character of the vessels, the size and speed, the number of trips yearly, the times of sailing, and the time when the service shall begin. The letting of such contracts shall be the same as prescribed by law for the letting of inland mail contracts so far as shall be applicable to vessels. Every contract must have the approval of the President, and none shall exceed the limit of thirty years; but the President may require improved service every ten years.

Clause 3. The vessels employed under this act shall be commanded by citizens, and at least two officers and two engineers of each vessel shall also be citizens of the United States; and on each departure a portion of the crew, inclusive of firemen, shall owe allegiance to the United States, to wit: During the first year, one-eighth thereof; during the next two years, one-fifth; during the fourth and fifth years, one-fourth; during the sixth and seventh years, three-tenths; during the remainder of contract time, one-third thereof. But no mail carrier shall be delayed in sailing to obtain a crew in above proportion. It may be stipulated that mails may be brought from abroad, the foreign country paying for the service; also that passengers and baggage and freight may be carried both ways. After January 1, 1908, the mails shall be sent foreign by vessels of the United States, and no others, without express consent of Congress; and in cases of need, when private enterprise fails to undertake or carry on the service at reasonable or lawful rates of remuneration, the Secretary of the Navy shall have authority, and it shall be his duty to furnish suitable vessels of the Navy in which to send mails foreign or bring them home, until the further order of Congress.

Clause 4. That all vessels in the postal service and hereafter built for it shall be prepared to receive arms for immediate use as cruisers, scouts, or transports in time of war; and in future their plans and specifications shall be agreed upon by and between the owners and the Secretary of the Navy, the strength and stability to be sufficient to carry armament most useful in naval service, and the materials of hull

and machinery to be such as will command the highest classification given by American inspection and rating. And all such vessels hereafter built shall be constructed under the inspection of a naval officer detailed by the Secretary of the Navy, to whom he will report in writing the progress made monthly, whether or not the contract is being well performed, and when the trial trip may be made; and no vessel not approved by the Secretary as fulfilling the contract shall be accepted for the service.

Clause 5. The compensation to be agreed upon and paid for such service as may be contracted for under this act shall be reasonable and as low as responsible bidders will perform the same, having regard to the encouragement to vessels provided by this act, to the commercial circumstances in each case, and to the rate of compensation for similar service paid by other countries. Where a bid may be deemed too high, the programme may be modified or the route readvertised; payment for service to be made at the end of each round voyage. If the contract shall fail to be fulfilled for six months the President may declare it forfeited, and thereupon the route shall be readvertised and let to another bidder.

Clause 6. Upon each mail vessel the United States shall have transported, free of charge, one messenger, whose duty shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for himself and for the mails.

Clause 7. Officers of the Navy may volunteer for service on said vessels, and when accepted by the contractors may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without harm to the service, and while in said employment they shall receive furlough pay from the Government and such other compensation from the contractors as may be agreed upon: *Provided*, That they shall be required to perform only such duties as pertain to the service.

Clause 8. Said vessels shall carry as cadets one American boy under 21 years of age for each 2,000 tons gross register, who shall be educated to the duties of the service as seamen, rank as petty officers, and receive reasonable remuneration.

Clause 9. Said vessels may be taken and used by the Government as cruisers, scouts, or transports at any time, on payment to the owners of their fair actual value at the time of the taking, and if there shall be a disagreement as to the value, then the same shall be settled by two appraisers, one appointed by each party, they selecting the third, who shall act in case the two shall fail to agree.

Clause 10. All vessels not of the United States coming with passengers from a country to which said vessels do not belong shall pay to the collector of the port an entrance tax of $20 for each and every passenger brought from such country who shall be landed, with his or her effects.

PART 4. GENERAL PROVISIONS.

SEC. 11. That marine underwriters or insurance companies belonging abroad, in person or through agencies in the ports of the United States, may issue policies, in conformity with State regulations, on shipments of goods, wares, and merchandise to be exported, but any discrimination made by them or their agents in the clauses of policies, in the premium rates, or effected through inspection of hulls or otherwise, which shall tend to favor the employment of foreign vessels, or tend to disfavor the engagement of vessels of the United States, shall be deemed a misdemeanor, punishable by a fine as a penalty in a district court of the United States. Said fine for the first offense shall not exceed $5,000 nor be less than $3,000; for a second offense said fine shall be not less than $10,000, and for the third offense and each one afterwards said fine shall be not less than $15,000 nor more than $25,000, and suits shall be prosecuted by the attorney of the court aforesaid for each and every violation brought to his notice. In any such suit it shall be no defense that the orders or directions of any person, or the rules and regulations of any association of underwriters, shipowners, merchants, marine surveyors, or their agents, not citizens of the United States, or that the inspection or classification of any vessel by any person, society, or authority whatsoever, can be claimed to justify the discrimination that may have been the subject of complaint. In a time of peace it shall not be lawful for any officer of the Government to receive tenders of service to be performed by vessels not of the United States, and in all contracts for the performance of public work it must be provided that transportation shall be performed by vessels of the United States.

SEC. 12. That on and after the passage of this act it shall be lawful for the space of thirty months, but no longer, for any bona fide citizen, citizens, or domestic corporation engaged in, or intending immediately to engage in, the carriage of merchandise, mails, or passengers in the foreign trade of the United States, to import and enter at the customhouse, for his or their own use, and no other, in said trade, but not to be held for sale or sold to others, and not to be employed in the domestic trade more than two months in the year, any vessel or vessels suitable therefor, of size not less than 2,000 tons gross and of age not more than 5 years, and have the same duly registered as a vessel or vessels of the United States, but upon the following conditions, nevertheless, to wit, that all vessels imported in the first six months of the term of thirty months as aforesaid shall pay a duty of $4 per gross ton; those imported in the second six months shall pay a duty of $5 per gross ton; those imported in the third six months shall pay a duty of $6 per gross ton; those imported in the fourth six months shall pay a duty of $7 per gross ton; those imported in the fifth six months shall pay a duty of $8 per gross ton measurement. The Treasury Department may allow credit on duties for imported tonnage to the extent of six and twelve months' time on secured notes of owners. And it shall be unlawful, upon penalty, as for a misdemeanor, punishable by fine of not exceeding $1,000 in a district court of the United States, for the master, owner, or agent of any foreign-built freighting vessel or yacht not duly registered, enrolled, or licensed to fly the flag of the Union from or abaft of the aftermost mast, spar, or pole, except as a sign of distress.

SEC. 13. That where it may become known to the collector that rebates of freight are paid in the commerce of any port of the United States, either by citizens or foreigners, he shall bring the facts to the attention of the United States district attorney, who shall bring suit to break up the practice. And for the prevention of frauds under this act, in indirect voyaging, foreign vessels not built in the country of registry shall undergo a probation of three years before being adjudged by the collector as belonging in good faith to the country of registration.

SEC. 14. That, coincident with the passage and approval of this act, section 4136 of the Revised Statutes of the United States shall stand repealed, and it shall not be lawful longer for any officer of the Government to issue a register, enrollment, or license for any vessel built abroad except such as have been captured in war and condemned as prize, and such as have been forfeited for a violation of the laws and bought at public sale, or admitted by an act.

SEC. 15. That the regular duties of tonnage computed on the gross admeasurement shall be paid alike by American and foreign vessels on each and every arrival when entry of vessel is made. Entrance or passenger tax shall be paid when permit is given for the landing of passengers from vessels not of the United States brought from countries to which said vessels do not belong. All additional tonnage duties and the light and race tax to be paid before lading permit is issued, but if loading be delayed, then, at latest, at the end of two months from date or entrance. American vessels carrying crews of which one-eighth the number are citizens or owe allegiance to the United States shall have rebate of tonnage tax to the extent of 20 per cent; if one-fourth of the crew be citizens, the rebate shall be 30 per cent; if three-eighths of the crew be citizens, the rebate shall be 40 per cent; if one-half of the crew be citizens, the rebate shall be 50 per cent; if five-eighths of the crew be citizens, the rebate shall be 75 per cent; and if three-fourths of the crew be citizens, the rebate shall be 100 per cent. The United States shipping commissioner shall ascertain and certify to the collector the proportion of citizens in each crew where rebate of tax may be demanded. Regular apprentices as seamen or engineers, if citizens, shall count as men in computing rebate of tax. In trade to and from tropical countries, where it may not be practicable to find any but natives of such regions to man American vessels, permits may be issued on applications under oath of the owner or agent by the Secretary of Commerce and Labor for one year, or while necessary, to carry a crew such as it may be practicable to engage in any given place. In all cases where vessels may be fined for infractions of law in accordance with the statutes it shall be unlawful for the Secretary of the Treasury or other Department to remit any portion thereof without an order of court; and it shall also be unlawful for the Commissioner of Navigation to order refunds of tonnage taxes that have been paid to a collector without an order of court.

SEC. 16. That sections 8, 10, 11, 12, 13, 14, and 16 of this act shall take effect upon its passage, and sections 1, 2, 3, 4, 5, 6, 7, 9, and 15 in one year and thirty days thereafter; and all acts or provisions of law in conflict herewith are hereby repealed; also any and all articles or clauses in existing conventions or treaties in contravention herewith are hereby annulled and abrogated, in conformity with the stipulations and equities of said agreements and the rights of the United States; and the formal notice of the Congress of the United States is hereby given that in one year from the approval of this act all convention or treaty stipulations for the suspension of discriminating duties under the aforesaid agreements are receded from on the part of the United States, and all enactments therefor are by this act repealed.

Mr. SULZER. Now, Mr. Chairman, that bill speaks for itself, and I have had it read at the Clerk's desk for the purpose of getting it in the RECORD, so that the people who are interested in this great shipping question can read the bill and judge accordingly. I place this tonnage-tax bill by the side of the Gallinger ship-subsidy bill and submit the merits of the two measures to the impartial judgment of the taxpayers of the country, confident that the general principles of my bill will be accepted by them in preference to those of the Gallinger ship-subsidy bill. My bill is a practicable, honest, businesslike measure, and, in the opinion of those most competent to testify regarding this matter, its enactment into law will go far to solve the shipping problem, restore our merchant marine, place our flag on the high seas, and give us at least nine-tenths of our ocean-going commerce. There is a difference as wide as the poles between the principle of my bill and the principle of the Gallinger bill. My bill is a tonnage-tax bill, and the foreigner pays the tax. In other words, all goods brought to this country in foreign bottoms would have to pay a tonnage tax on the ship's gross admeasurement. This being the case, foreign shipowners would have to charge higher freight rates than American shipowners, with the consequence that the American shipowners would get all the ocean-carrying trade. This would create a demand for American-built ships, and the demand would revive our languishing shipbuilding industries and the revival of those industries would give employment to thousands and thousands of workmen on both the Atlantic and Pacific coasts. Of course no foreign shipowner will commend my bill. No subsidy grabber advocates it. No shipowners' trust favors it. No marine monopoly likes it. Naturally every foreign shipowner is absolutely opposed to it, because every foreign shipowner knows that if a bill like this should become a law in this country in less than ten years the United States would be the mistress of the seas and do the major part of the deep-sea carrying trade of the world. I do not expect foreign shipowners to favor my bill, but I know when the question is understood by the taxpayers of our country every patriotic American will be in favor of my bill in preference to the Gallinger ship-subsidy bill, which takes money out of the pockets of the people of this country and pays it over in the nature of a gratuity to a special business interest. There is no graft in my bill; no private gain at public expense; it is just a plain, simple, practical, business, maritime measure for a tax on the tonnage of the gross admeasurement of foreign ships.

Now, Mr. Chairman, I know we all realize that there is a strong feeling throughout the country in favor of the rehabilitation of our merchant marine. This is a patriotic sentiment, eminently proper, and should be encouraged by every true American. It is unfortunate, however, that a great many well-meaning citizens, who desire to see our ocean carrying trade restored, have little knowledge of the causes which drove our shipping from the high seas and placed us at the bottom of the

list of the world's maritime powers; and consequently the noisy subsidy boomers, knowing they are sure to get all the benefits, are having everything down here pretty much their own way.

There are a great many people who have an idea that the civil war was responsible for the destruction of our ocean commerce, but this is not true, because between 1865 and 1875 the statistics show that about 63 per cent of American imports and exports were carried in American bottoms. Our registered tonnage in 1861 stood at 2,496,000, and to-day it is less than 800,000. Deep-seated economic conditions, together with barbaric navigation laws, are really responsible for our deplorable maritime condition and have done more than all other agencies combined to deprive us of our rightful position in the ocean carrying trade of the world.

Now, Mr. Chairman, what shall we do to restore the American merchant marine? What shall we do to place our flag on every sea? What shall we do to regain our ocean carrying trade, and revive our ship-building industry? There are several policies, sir, advocated by those who desire to restore the American flag to the high seas and secure for our country its proper share of the world's ocean commerce; and succinctly enumerated, they are as follows:

First. Free ships, which means the right of an American citizen to build or buy a ship anywhere, give it the benefit of the American registry laws, and place upon it the American flag. This is the good old honest American plan. To bring this about all that is necessary is to repeal our antiquated prohibitive navigation laws, which are a blot on our maritime intelligence, and this will never be done while the Republicans can prevent it, because they believe it will be a death blow to their pet doctrine of protection. This policy of free ships has been advocated for years by a great many sincere and able and patriotic men who understand this shipping question thoroughly and deplore as much as any of us the loss we are sustaining every year by reason of the elimination of our merchant marine. As Senator NELSON said in the Senate just before the final vote on the Gallinger subsidy bill: "It is my opinion, and it is my honest opinion, that you can grant subsidies as much as you please, but you will never put our shipping on a par with other countries until you grant them that which every other maritime country has on the face of the earth, and that is free ships." Under our existing navigation laws the American who builds or buys a ship in a foreign country is an outlaw, prevented from giving the ship American registration, and compelled to sail the ship under the protection of a foreign flag. There are other objections urged, however, to free ships, tenable or untenable, and very briefly stated, these objections are that the American shipbuilder can not compete with the foreign shipbuilder; that the prices of labor and material are higher here than in foreign countries, and that if American capitalists had the right to build ships and buy ships in foreign countries and bring them here and register them under our laws it would close the shipyards of our country and force a great many workmen out of employment.

This proposition, however, is controverted, but I am frank to say there is reliable testimony regarding it sustaining both sides. I have not the time in the hour at my disposal to go into details, as I should like to do. Suffice it for me to say now that I know it has been stated that ships can be built cheaper abroad than at home, but the statement loses much of its force when we realize that we have the greatest shipyards on earth, and can build battle ships and cruisers as quick and as cheap as any other country in the world. They say that it costs more for ship material here than it does abroad. If this is so, then the trust manufacturers of steel and iron are selling their manufactured products cheaper abroad than they are here, and if such is the fact, it seems to me to be the immediate duty of Congress to legislate so that the trust manufacturers of ship material for our shipyards shall sell to American purchasers just as cheap as they sell to foreign purchasers. They say that wages are higher here than they are abroad. This may be so in some instances, but if it is so I undertake to affirm that the reason is because American skilled mechanics are better and more efficient workmen and perform more work in a given time than foreign workmen. There are no tariff barriers against the importation of foreign workmen to compete with American workmen, and if American shipbuilders were paying so much more to their workmen than foreign shipbuilders, what is to prevent the workmen of foreign shipbuilders from coming to this country and working in American shipyards? There is no law to prevent it. Labor, skilled and unskilled, comes into this country free, while the necessaries of life that labor must buy are brought in under a heavy tax, and the consumer pays the tax. This is the argument pro and con, and those interested can pursue it to its logical conclusion. All I have time to say further regarding free ships is that efforts have been made for years in Congress to secure free ships, but without avail, and I believe at the present time it is absolutely impossible to pass a free-ship law. But before I leave this phase of the subject I want to say that I am a friend of organized labor, first, last, and all the time—and if I thought free ships would injure the rights and interests of the workingman of our country, I do not hesitate to say that I would be for the rights of labor first and the policy of ships afterwards. So much for free ships, and we will now consider the next plan.

Second. Ship subsidies, in accordance with the provisions of the Gallinger ship-subsidy bill. This plan, however, meets with much adverse criticism from those who are opposed to taking money out of the Treasury of the Government to aid any special line of business, and the principle is radically wrong and undeniably untenable. Democrats are absolutely opposed to ship subsidies or bounties or gratuities, because it is a scheme that robs the many for the benefit of the few, because it is trust favoritism, rank class legislation, and a policy of doubtful constitutionality. I do not believe it ever was intended by the framers of our Constitution that taxes should be levied on all the people to aid any special class of people, and the policy of our Government has always been adverse to ship subsidies of any kind. All recent efforts along this line have failed, and I believe they will fail now and in the future. Whenever the Government puts its hand in one man's pocket and takes a dollar from that man and gives it to another man, the Government is guilty of larceny.

The cohorts of ship subsidies who want to pilfer the people know that their scheme is contrary to the spirit of our institutions and can not be justified under our system of government. They do not attempt to justify it, but make flamboyant speeches about the glory of the flag, the deplorable condition of our merchant marine, and the great financial loss we are sustaining every year in our ocean carrying trade. But I can not bring my mind to believe that the House of Representatives will be so recreant to its duty as to pass a subsidy bill, and I will take up the next plan suggested—that of discriminating duties.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman from New York allow me to ask him a question?

Mr. SULZER. Yes.

Mr. HUMPHREY of Washington. I should like to ask the gentleman how discriminating duties will help us on the Pacific coast? Take it at Puget Sound to illustrate. Forty-seven per cent of our imports are already on the free list. I had a calculation made, taking the Boston Steamship Company's larger vessels, of 10,000 tons each, as to how much it would benefit them to have a discriminating duty of 10 per cent in their favor on the imports that they brought into Puget Sound; and this calculation, according to mathematics, showed that one of these great steamers of 10,000 tons each would be benefited just $70 for a 6,000-mile trip.

Mr. SULZER. Benefited just $70 on what?

Mr. HUMPHREY of Washington. Seventy dollars by a 10 per cent discriminating duty on the imports brought in at one trip; in other words, giving them the advantage of a 10 per cent discriminating duty, dividing it among the vessels, it would amount to $70 a trip for a 6,000-mile trip of one of those steamers.

Mr. SULZER. I assume the ship the gentleman refers to a cargo of tea carried from Yokohama to Seattle, and tea is not now taxed, and the tea coming in free of duty, the ship, of course, carrying a cargo of nondutiable goods, under a discriminating duty would not receive much advantage. But the ship gets no advantage under the law now, and there are not many articles on the free list under the present tariff laws—and not likely to be for some time to come. But let me call the gentleman's attention to his party's platform——

Mr. HUMPHREY of Washington. I do not want to interrupt the gentleman, but I want information.

Mr. SULZER. Very well, the gentleman shall have all the information I can give in regard to discriminating duties. I want to call the attention of the House to the Republican national platform of 1896. I read from it, as follows: "We favor the early American policy of discriminating duties for the upbuilding of our merchant marine."

And now, if the gentleman will allow me, I shall briefly discuss this plan for the upbuilding of our merchant marine.

Third. Discriminating duties in favor of American vessels built in American shipyards. This was practically the policy in vogue in this country up to 1828, when, to please some foreign interests, the law was repealed, and from that day to this our prestige on the high seas has been declining until it is less to-day that it was a century ago. Many disinterested friends of our merchant marine believe that if this policy of the

fathers was restored to-day it would revive our over-seas carrying trade and in a very few years build up our shipping industries so that we would secure our share of the ocean commerce of the world and save millions and millions of dollars that we now pay annually to foreign shipowners. In reading over the report of the Merchant Marine Commission, I observe that several large shipbuilders and shipowners testified that they formerly believed in subsidies, but had changed their opinions and now believed in and preferred discriminating duties. There seems to be only one objection, so far as I can learn, to a return to discriminating duties, and this objection comes from the advocates of ship subsidies, who declare that we have about thirty commercial treaties with foreign governments containing the favored-nation clause, and in order to inaugurate the policy of discriminating duties it will be necessary to change our commercial treaties, and this can not be done without giving these favored nations one year's notice. However, there is no doubt the change could be made if this Government wanted to make it, and a year's notice to bring it about would cause no great delay, especially when we consider that the subsidies granted under the Gallinger bill do not begin until after July, 1907. If we desire to change our commercial treaties with these favored nations, we have a perfect right to do so and no nation can object, and I do not think that any of the nations would retaliate. Besides, if there is to be retaliation, two can play at the same game, and our trade is more important to other nations than their trade is to our country. Many citizens and several distinguished Members of Congress who have given this subject much thought and consideration believe that discriminating duties will effectually solve the problem in the most feasible and practicable way, and heretofore this has been the plan of the Republicans as outlined in their several platforms, especially in the platform of 1896, and President McKinley, in his letter of acceptance, said: "We must encourage our merchant marine; we must have more ships; they must be manned by and owned by Americans. The policy of discriminating duties in favor of our shipping which prevailed in the early days of our history should be again promptly adopted by Congress and vigorously supported until our prestige and supremacy on the seas are fully attained."

The leading Republicans of the country, in Congress and out of Congress, adhered tenaciously to this policy of discriminating duties until Mr. Hanna introduced in the Fifty-sixth Congress his ship-subsidy bill, and since then the Republican platforms have dodged the subject, and Republican leaders have been divided, some favoring subsidies, some tonnage taxes, and some discriminating duties. I now come to the next plan.

Fourth. Tonnage taxes on gross admeasurement by way of discrimination in favor of American-built ships, owned by Americans, flying the Stars and Stripes, and against foreign-built ships sailing under foreign flags. In this case the foreign shipowner would have to pay this tonnage tax on the gross admeasurement of his ship, and of course he would have to charge freight rates high enough to cover this tax, and the consequence would be that foreign exporters would send their goods to this country in American ships and bring their imports home in American ships. This would create an immediate demand for American ships and speedily revive our shipbuilding industries on our Atlantic and Pacific coasts. In some respects tonnage taxes and discriminating duties are similar, but in my opinion tonnage taxes are less complicated than discriminating duties and will more speedily bring about the desired result. In several previous Congresses I introduced a shipping bill on the lines of discriminating duties. The bill was always referred to the Committee on Ways and Means, because it related to the revenue, and I was never able to get it reported, so I made up my mind that the Republican leaders in the House of Representatives were not in favor of discriminating duties and would never pass a discriminating-duty bill to revive our merchant marine and secure for our country its share of the world's over-seas carrying trade. I therefore introduced at the beginning of this session of Congress a bill for tonnage taxes on the gross admeasurement of the foreign ships, and this bill, not being a bill affecting the revenue, was referred to the Committee on Merchant Marine and Fisheries, over which the gentleman from Ohio presides.

This bill has met with much favor from people opposed to subsidies and who want to see Congress do something to revive our merchant marine. This bill of mine is a tonnage-tax bill and nothing more. It is not a subsidy bill nor a free-ship bill nor a discriminating-duty bill, and under its provisions it would not take one dollar out of the Treasury of the Government or out of the pockets of the taxpayers of the country. It makes the foreigner pay the tax, and this ought not to be objectionable to the Republicans, because up to very recently they claimed that under the protective tariff the foreigner paid the tax, but I understand they have abandoned that absurd claim, and now admit that the consumer pays the tax. This tonnage tax on the gross admeasurement of foreign ships in favor of American ships is, I believe, substantially in line with the policy of the men who molded our legislative marine history in the early days of the Republic. The bill is indorsed by the American Shipping Society of the United States, of which Hon. W. W. Bates, of Denver, Colo.—formerly United States shipping commissioner—is president, and has been approved by some of the ablest writers and thinkers and political economists in our land. It is a comprehensive bill, but when studied its provisions are very simple, and those who know most about the subject affirm that if this bill were enacted into law it would solve our maritime problem, restore our merchant marine, build up our shipyard industries, place our flag on ships on every sea, and give us a great auxiliary navy in case of foreign complications; and it would accomplish all of this without doing violence to any of the principles of our Government or taking one dollar out of the Treasury or the pockets of the people.

The bill may not be perfect, and if it is not, I shall be glad to do my share to perfect it; but I believe, from a careful study of all bills that have been offered on this subject in Congress for the past ten years, that my bill presents the most speedy and effective remedy. I know it is said by the friends of the shipping trust, and the advocates of subsidies, that the bill discriminates in favor of American ships against foreign ships; but I reply that we never can build up our shipping industries and restore our merchant marine unless we adopt the policy of free ships, or a policy that will discriminate in some way in favor of our own ships and against foreign ships. The fact is that we discriminate now against our own ships in favor of foreign ships. My bill simply reverses the situation. I sincerely believe that if this bill, or one similar to it, containing substantially its provisions, should be enacted into law, that the United States in a few years would become mistress of the seas, and American ships, built in our own shipyards, would do all of our own ocean commerce besides a great part of the deep-sea carrying trade of the other countries of the world.

Mr. Chairman, I see my time is nearly consumed and I must conclude; and in doing so I want to say that my bill is not a makeshift. It is not a temporary expedient. It is a permanent remedy, and once adopted and upon the statute books it would continue in favor for years and years to come, until the American people possessed the greatest merchant marine in all the world; and I therefore say in conclusion that from a careful study of the whole subject-matter I sincerely believe that the adoption of this bill, in my opinion, will speedily restore our ocean carrying trade, revive our shipbuilding industries, give employment in our shipyards to thousands and thousands of men in all parts of the country, bring about an era of prosperity such as we have never known before in our shipping trade and deep-sea commerce, place our flag on ships on every ocean and in every port, and make the American sailor what he was in the historic days of the Republic—the pride of the people, the master of the seas, and the arbiter of the ocean highways of the world. [Loud applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SIMS. Mr. Chairman, I am not going to talk about free seeds, although I am in favor of them. I think this Government is getting very economical at the little end of the horn, but there is another matter about which they are getting extremely economical, that is very practical, and that I am confident will come home, if the policy is pursued, to some of my Republican brethren as well as to some of my Democratic brethren, and that there will be some vacant seats on both sides of the House if it is not discontinued. I have reference to a recently adopted policy of the Post-Office Department with reference to rural service. The Department in the past has been fairly liberal in the establishment of rural service. It is acting now just about as far the other way in disestablishing it and preventing it. A certain number of prescribed boxes must now be bought and put up before the Department will order the service established.

Heretofore after inspection by the special agent the number of families were ascertained and the service put in and time given in which to buy and put up the regulation boxes, but now the special agent goes over the route, ascertains the number of families, and orders it put in and the service held up until the regulation-approved boxes are first purchased and put up.

Mr. WM. ALDEN SMITH. If my friend will permit me, I will state the same rule applies to all post-office boxes. They have to be approved. General uniformity is what they are after.

Mr. SIMS. I am going to talk about uniformity, and that uniformity is going to vex somebody on that side as well as on this. Why is it that the patron of the rural route, whose box stands right in front of his door, can not for himself determine what kind of a box and out of what material and who shall make it in which he receives his mail after it is deposited there and the Government has no further responsibility?

Why is it, I ask the gentleman from Michigan [Mr. WM. ALDEN SMITH], because he is a very representative gentleman of this House, and it looks like he is determined to leave us and go to the Senate, which will be our loss—why is it that the Government must say what kind of a box your mail shall be put in? In the rural service, where the rural carrier is paid $720 a year to carry the mail, we must have uniformity, when right by the same box in which the rural carrier delivers the mail is a box put up in which the star-route carrier delivers mail, and that may be any kind of a box that the patron sees proper with which to provide himself.

Mr. WEBB. Will the gentleman permit a question there?

Mr. SIMS. Certainly.

Mr. WEBB. Do you know anything as to the enormous profits that are being made out of the sale of these regulation rural boxes?

Mr. SIMS. I do not know, but I have a suspicion, and I think a well-grounded suspicion, that there is a good profit, a very good profit, to the men who manufacture and sell them, and a good profit to the steel manufacturers who prepare the material from which they are made, so commonly called the "steel trust." But here is the Second Assistant Postmaster-General, with as large experience as the Fourth Assistant, and he says to the star-route carrier, "Put the mail in the box that the patron prepares and puts up himself." That is a part of the Department of the Government; and the Second Assistant, with the same character of mail, valued just the same to the man who receives it, says the farmer can make his own box or get a carpenter near him to make it, or get his own tinner in his own town to make it, and the mail is put in that box.

Mr. WM. ALDEN SMITH. I think that is proper, and he ought to have that privilege, and——

Mr. SIMS. I know you could not think otherwise; you have too much common sense, too good a heart, to indorse this arbitrary method of the Fourth Assistant that says he must prescribe the kind of property you must put up and use yourself, and the material with which even the boxes themselves are manufactured, which is made by one of the worst and most gigantic trusts that ever flourished in any country.

I am not here charging that the Fourth Assistant Postmaster-General and his Department are intending to benefit the manufacturers of iron and steel, the material of which these particular boxes are made, but I am here to say they are men of common sense, and we presume every intelligent man intends the natural result following his act. I want to show how this thing is going on. The people have resented this idea of having to buy the regulation boxes, and on many routes that have been established they have not bought the number of boxes the Department wanted them to buy from these enormously profitable private sources, and now what are they doing? Discontinuing the service, reducing it to three times a week where it was daily, because, by the arbitrary, tyrannical, and unjust requirements of the Department, that benefits nobody but the men or corporations who manufacture the material of which the boxes are composed, the service is held up, with no law to authorize it but a post-office regulation, until 75 per cent of the patrons purchase the boxes so foolishly, unjustly, and unnecessarily required of them.

Now, let me tell you of an actual case in point. From my little town of Linden, Tenn., there is a rural free-delivery route from Linden going west toward Perryville. Going right up by and over the same road from Perryville is a star route, and there stands to-day on that road a rural route box put up under the regulation requiring steel or iron (trust-made products), right by the side of which stands a wooden box made by the farmer, in which the United States star-route mail carrier deposits the mail just the same as the rural carrier does in the other. It is just as reasonable, just as necessary that the mail should be adequately protected in one box as in the other. The order for a box in each case emanates from the same Department. I say that the Second Assistant Postmaster-General is a patriot and a man of common sense, a friend of the people, and not their oppressor, but the action of the Fourth Assistant that requires a man to put up a certain kind of box to receive his own mail in is a friend of the manufacturer of that character of box, is an oppressor of the people, who resent being dictated to as to how they shall receive that which is their own.

I suppose it will not be very long until the Fourth Assistant Postmaster-General will say: "You shall not open your letters unless you do it by using a certain kind of approved opener." He is invading the rights and privileges of the private citizen for the benefit of a trust-manufactured material and we tamely submit to it, surrendering our liberties one at a time. That is what we are coming to. That is what is being done. No longer than yesterday I received a letter about a route just inspected where there are 114 families on the route, and the order is made that it go into operation, provided 75 per cent of these people first buy these trust-manufactured boxes and put them up before they get the service, and all this with no law of Congress behind it; nothing but the tyrannous regulation of the Department depriving the people of what is right and just and what Congress intended they should have.

Why should we extend the rigorous criminal laws of the United States and rigorous criminal penalties to protect this trust-made box?

Mr. JOHNSON. Will the gentleman from Tennessee yield for a suggestion?

Mr. SIMS. I will.

Mr. JOHNSON. I spent three months last summer in going all over the rural routes in my district with the carriers, and in nineteen cases out of twenty somebody stood on the side of the route to get the mail, and the carrier never had to open a box.

Mr. SIMS. Why, the gentleman from South Carolina has suggested that which is within the knowledge of every man who knows anything about it, except the Department, that we would presume should know something about it, but seems to be groping in darkness. In nine cases out of ten, unless the weather is bad, there stands a little boy or a little girl, the wife of the farmer or the farmer himself, or somebody beside the road and gets the mail before the carrier has a chance to put it in the box. Yet they are telling us, "You shall not receive this mail unless you put in this trust-manufactured box." You can not put in the box made by the carpenter next door, or made by the farmer himself, or the village tinner, because a Government official forsooth has not stamped on it "approved."

Where are the liberties of the private citizen going if we are to submit to such tyranny as this, while on a star route the mail carrier puts the mail in a box that is prepared by the patron himself?

Mr. GAINES of Tennessee. How do you know there is a trust making these boxes?

Mr. SIMS. Who makes nearly all the steel, iron, and tin? And there is very little that is manufactured of any one of those articles that is not in a trust. Why should the criminal laws be applied to these boxes? No registered letter can be put in them, no pension letter can be put into them, but if it is maliciously destroyed or mutilated it is a high crime and misdemeanor against the United States. It is right to have criminal-law protection against malicious destruction or damage of these boxes, but let the State furnish it. The United States needs not to extend its criminal jurisdiction for the protection of these boxes. It is all right to extend it to the receiving boxes, to those boxes for which the Government is responsible after the mail is deposited in them, but when a patron puts his money in a box it is his own private property; if he is willing to take take the risk, let him take it. Let the States make the laws to punish those who damage these boxes, and let the boy or man, whoever he may be, be tried by a jury of the citizens of his own county.

Now, let me give you an example of the result of this glorious method of procedure. Three boys, one of them 15 years old, started from the county seat of a county in my district five years ago to attend an evening meeting. The younger boy was in advance of the others. They came along singing, whooping, and hallooing, as boys will. The younger boy with his riding switch struck a rural mail box to make a noise to cause the other boys' horses to dodge. It was a box of very poor quality, and it made a little dent, not as big as your finger. It did not damage the box at all. What was the result? It got talked about, and the postmaster was informed that he must report it to the Department at Washington.

Three long years after that occurred this 15-year-old boy, who has an invalid father, an invalid mother, and a sister whom he is trying to educate, had gone to the State of Texas, working there as a wage-earner. Three years after this thing occurred an inspector came down there to hunt up this thing. He sent for the two boys that were along and took their testimony or statements. He sent for the man who owned the box, and that man would not come. He cared nothing about it; no injury was really done him. The inspector sent back a most threatening message to come or he would apply the thumbscrews of Federal power to him. The poor man was dragged up there and made this statement in the post-office, with numbers of good Republican witnesses present. It was stated to

this inspector that this boy did not hurt this box. The owner made no complaint. The father of the boy offered to buy a new box, and the owner said "I do not want it;" but this imperial inspector was sent out to find something, and he found it. He said there, in the presence of the postmaster, "If you lay the weight of your hand upon one of these boxes, you will be carried to court."

He made his report; it was sent to the United States district attorney at Memphis, and these witnesses were dragged to the Federal court. In the meantime the boy was in Texas trying to make an honest living. He was indicted for maliciously damaging a mail box. The parents of the boy are poor and unable to employ a lawyer. I went to see the district attorney. He said that his assistant handled the case. I talked to the assistant and he said, "Well, I came very near advising the grand jury to ignore the case, but there had been a number of complaints up there and we never could locate the individuals, and we thought we would indict this boy as an example to others." That is what happened about this trust-made box. That young man has to be dragged back from Texas, where he is at work making a modest but honest living, to be tried in the criminal court of the United States, when in the bottomless pit of hades no jury could be found mean enough to convict him. If it had been a wooden box made by this good farmer, in which he was willing to receive his mail, that boy would not be to-day bound over to a criminal court for doing that which he had no more idea was wrong than if he was an infant child, and did not even know what it was when he struck it. If the boy had done something wrong, and could have been tried in his own State court, there would not have been all this delay and injustice. Who wants to create Federal crimes for Federal courts to punish in such a way as this? The people would rather not have the service, if they have got to accept it under such tyrannous conditions as these.

I want to say to my friends over there, politically I am "agin" you, but I know many of you are as good men as there is to be found anywhere. You might not expect me to say that, but it is a fact; I know it by experience. Do you know that a great many intelligent people look to us as the author of this rural-route service, and that they will hold us responsible for its discontinuance? I will prove it to you. Out of one little town in my district there were three rural mail routes. Two of the routes were doing well, and the third one showed a poor return. One of these inspectors was sent down there and he made a report to discontinue route 3 absolutely, and, I think, was entirely justified in that. The people made no complaint; but he changed routes 1 and 2 to three times a week; then he took out the carrier from route 2 and put the carrier on route 1 to carry both routes. What was the matter with the carrier on route 2?

He has done nothing wrong; he has his horses, he has his hack, and on the 30th of April his route stops, when it is too late for that poor man to get land and plant a crop. With no notice, he is thrown out of his job. What for? To be economical, to make a showing that the Department is doing something on the side of retrenchment. When I asked over the telephone, a few hours ago, why didn't the Department let both carriers on these routes carry the mail, after reducing to three times a week, and thus reduce each man the same—each would have had something to help himself along the balance of the year—the reply was it was more economical for one carrier to carry both.

Mr. WM. ALDEN SMITH. The gentleman is talking about rural carriers?

Mr. SIMS. Rural carriers. Now, I want to read to you a letter to show that the people down there do hold us responsible. I am not making a speech for buncombe. Let me read you a letter, a well-written letter, from a man who is no fool, although he is not fully informed, as to all the red-tape requirements that are enforced here against the plain people:

FINGER, TENN., *April 24, 1906.*

Hon. T. W. SIMS, *Washington, D. C.*

DEAR SIR: About one year ago our mail route started with about 450 or 500 pieces of mail; this month it will be about 2,000 pieces. We are doing all we can to educate the people to the great benefit of the same. It seems now that our route (No. 2) is to be cut down to every other day, and we therefore beg earnestly of you to please continue our route every day, as we think it will be only a short time until we will have better than 3,000 pieces per month.

Mr. SIMS, we have stood by you in every race that you have made and expect to stay with you. We favored you when you needed help and will favor you this year when your reelection is certain, and now you have an opportunity to favor us. We think that if our route has grown from 500 to 2,000 in one year, and it the first year at that, that it is nothing but right for it to still continue every day.

I fully believe that it will increase at least 1,200 pieces this coming year. You will greatly favor your many friends here by coming to the rescue and giving us our route every day.

You know how inconvenient it would be to you to get your mail only every other day, and should we not feel as well?

I voice the sentiment of every true Democrat and every wide-awake Republican when I say that we ask of you to give us daily mail.

We thank you in advance for your kindness.

Your Democratic friend, J. T. ROBISON.

You see from this letter that we are to be held responsible for this tyrannous course pursued by the Department, without any statutory requirement for it. Here is another letter just like it, which I now read:

FINGER, TENN., *April 23 1906.*

Mr. T. W. SIMS, M. C.,
Washington, D. C.

KIND SIR AND FRIEND: I understand that rural free delivery No. 2 and No. 1 have been cut out one-half, and No. 3 cut out entirely April 30, 1906; Levi B. McIntyre, carrier of No. 2; Murry F. Walker, carrier of No. 1. Murry F. Walker has been selected to carry both routes (or mails). Mr. SIMS, we want route No. 2 put back to full time, and we want Levi B. McIntyre placed back carrier of route No. 2, as formerly. This rural free delivery justifies what we ask for. Here are some figures to show you that I am right in the matter. The inspector was here and inspected route No. 2 the latter part of February; Mr. McIntyre was carrying 1,000 pieces per month, with 30 boxes; through the month of March the people added to that number 57 boxes, with prospect of more, and carrier carried 2,000 pieces during March; rural free delivery No. 3 being killed will add five to six hundred more pieces to route No. 2. This rural free delivery passes through a good section of country, and they are good people, and have always been for you and are for you yet; with the reestablishing of the route to full time, and Levi B. McIntyre carrier, will still add voters to your list. Please see to this work promptly before the change comes, which will take place April 30, 1906. If you can do anything for this it will be appreciated.

Yours, truly, W. H. HARRIS.

It may be that I am the first gentleman that has received such letters, but they will come to more than to myself. Now, that identical section in McNary County, Tenn., is white; there are not a half a dozen negro families in it. Two-thirds of them are Republicans and never voted for me in their lives.

To show you what the people think, here is a petition signed by many names asking me to restore the service to six times a week. It is no use to read it; it is just like the letters in substance.

The Fourth Assistant Postmaster-General, with reference to these routes, says in his letter just received:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, April 26, 1906.

Hon. T. W. SIMS,
House of Representatives.

SIR: Referring to your telephone message of to-day inquiring as to the reasons for discontinuance of rural route No. 3, Finger, Tenn., and the substitution of every-other-day service for daily service on routes 1 and 2, involving the discontinuance of the services of one of the carriers, I have to say that it appearing from the reports of the amount of mail handled on these routes that there was a lack of patronage, an inspection was made with a view to ascertaining the exact conditions.

As to route 1, it appears that, although the route had been in operation for almost two years, of the 110 families within the territory only seventy-five families are patronizing the service, using thirty-five boxes, and the amount of mail handled during the three months ended December 31, 1905, was 3,142 pieces, of all classes. On the average route throughout the country for the fiscal year ended June 30, 1905, the average number of pieces of mail handled per month was 3,688. It was not found practicable to rearrange the service so as to increase the patronage materially, because the adjacent territory is supplied by rural delivery from other points. A slight change was made in order to place the service nearer six families, in the hope that they might patronize it.

The same general conditions prevailed as to route No. 2. It is being patronized by 90 families out of 115, with 30 boxes in use, and the total number of pieces of mail handled during the three months ended December 31, 1905, was 3,955. It appearing from the patronage and the amount of mail handled that daily service is not appreciated in this territory, the Department feels that it is not warranted in continuing such service, and accordingly has ordered that these routes be operated every other day, the service being performed by one carrier.

As to route No. 3, it was found that this route, which was established September 1, 1905, has handled about 700 pieces of mail per month, the whole amount of mail handled during the three months ended December 31, 1905, being only 1,956 pieces. There are 26 boxes erected on the route, which is patronized by 48 families out of 98 families reported convenient for service. As there is no unserved territory which can be added to this route with a view to increasing its patronage, and as there is no prospect of an increased interest on the part of the existing patronage, 30 per cent of which can be served by route No. 2, and some of whom are located on the star route from Finger to Leapwood, which duplicates with the rural route for a distance of 2 miles, the continuance of service on this route was not deemed warranted, and it was accordingly ordered discontinued. The action of the Department in this case is in line with its policy as announced by the Postmaster-General in his annual report, issued December 5, 1905, page 89, which contemplates the discontinuance of the service where, because of a lack of appreciation of it, the expenditure involved is unwarranted, and the substitution of every-other-day service for daily service where the patronage is not sufficient to warrant daily service.

Very respectfully,

P. V. DE GRAW,
Fourth Assistant Postmaster-General.

Here is the statement that in the month of March this year in the letter I read from W. H. Harris, a merchant and a reliable man, who says since last December, the time referred to by the Fourth Assistant, fifty-seven additional boxes have

been put up on this route No. 2, and they will soon have more than 3,000 pieces of mail per month. But without notice, without anything but the report of an inspector, the Department here with nothing but a regulation behind it, in pursuance of a policy which they speak of, discontinued one route entirely. of which I do not complain, neither do the people, and turns the other into a tri-weekly service, and sent one carrier in the cold world to live as best he can for no wrong of his. They turned him out after it was too late in that country to plant and make a crop successfully. Here he is with his horses, here he is with his hack, here he is with his wife and children, if he has any, to starve, because this great Government through one branch of one Department says it is more economical to starve one man than to half starve two. Where is the justice? Why should Congress sit here waiting for adjournment with this kind of tyranny hanging over them? You will be blamed if you do not stand up against it. Now, let the Post-Office Committee or some member of it introduce and report a bill to allow a free-born, educated, and enlightened citizen decide for himself what kind of a box he can use. Let us say to him, You have sense enough to say what kind of a box you want to receive your mail in, and let him put it up and brand it. What are the facts now? There is no law or regulation requiring a box to be locked. Go up and down the rural routes and these little tin boxes, sold at I don't know how many hundred per cent profit, stand wide open with no kind of fastening device.

Mr. GAINES of Tennessee. Can't you take a penknife and cut any one of them open?

Mr. SIMS. Oh, of course I would not say that, for I do not know.

Mr. GAINES of Tennessee. Well, I can do it. [Laughter.] Are not our papers in the little towns in Tennessee delivered and put in the little wooden boxes at the front gates, and no one takes them away?

Mr. SIMS. Why, of course. I want to state that in all the star routes in my district where the box delivery has been established there has never yet been a complaint of destruction or damage to one of the wooden boxes, but, on the other hand, there have been a number of complaints that the steel-trust-made boxes have been damaged and broken open. The evil man thinks that the best value is where there is the greatest apparent security. A thief cracks a safe to get money, but never an ash barrel. [Laughter.] What do you want with these boxes if it is not simply to protect the mail from the weather? Nothing else. The Second Assistant Postmaster-General says that it is common sense and justice to let patrons on star routes put up such boxes as they desire, but the Fourth Assistant Postmaster-General says, in effect, to the rural route patron: "No; you shall not risk your own property with your own method of protection; we will stop your routes, curtail them, shorten them, refuse to establish them, if you do not first patronize the steel-trust-made product."

Mr. Chairman, I am not talking because I feel in a good humor. [Laughter.] I am afraid I am manifesting a little too much temper. It does not help a case; but when you see people—humble, honest, God-fearing, country-loving citizens, who go to war and bare their breasts to the cannon's mouth—who are denied the simple privilege of receiving a postal card in such a box as they are willing to receive it in, it is enough to get one out of patience with the red-tapism of any autocratic, despotic bureau official who says that I must eat with a fork or starve. [Prolonged laughter.]

I want the people to know that we, their representatives, do not indorse the course being pursued by the honorable Fourth Assistant Postmaster-General and that we are in no sense responsible for it.

I have thus held up the ridiculous spectacle of one of the Assistant Postmaster-Generals saying that the rural patron shall not receive a postal card in any kind of a box except those of his dictating and choosing and another Assistant Postmaster-General saying to patrons on star-route lines: "Yes; put up boxes of your own choice, and the mail shall be deposited in them." Which of these officials would you suppose is possessed with the spirit of free-born American independence and self-respecting manhood?

I am indeed surprised that the present Postmaster-General permits such a state of affairs to exist in his Department. But I say to you gentlemen on the other side, you are responsible; this is your Administration; you can stop this unjust and tyrannical course now being pursued in hostility to the further extension of the free rural delivery service. It will be noticed in the letter above read from the honorable Fourth Assistant Postmaster-General he says that his action is taken in pursuance of the policy of the Postmaster-General. Who is the present Postmaster-General? Hon. George B. Cortelyou, chairman of the national Republican committee. If I wanted party advantage I should rather encourage the present administration of the free rural-delivery service; but as I prefer the best service the Government can give my constituents rather than party advantage I can not too strongly condemn the so-called "policy" of the Postmaster-General.

Mr. HEPBURN. Mr. Chairman, I am of the opinion that gentlemen on the other side of the Chamber believe that the next great political contest in this country will be based upon the question of protection—protection to American industries. I arrive at that conclusion from the number of gentlemen who have addressed the country upon this subject, upon the bitterness of assault that they have made upon the system, and upon the hedging that I think I have discovered upon the part of some of these gentlemen as to the position they propose to take on the question. Everyone who is conversant with the history of this country, who knows aught of its politics, who has ever studied the attitude of parties upon this question, knows that the position of the Democratic party has at all times been that of a party of free traders. Recently two gentlemen of importance in the councils of that party have challenged this statement, and have declared that "the Democratic party at no time"—the gentleman from Mississippi [Mr. WILLIAMS] emphasizing the fact by saying "either before or after the war"—"has declared itself to be in favor of free trade." I have thought that gentlemen who made that statement lacked something of familiarity with their own platforms. I would like to call attention to this language that I find in the twenty-first resolve of the Democratic platform adopted in the national convention in the year 1848:

Resolved, That the fruits of the great political triumph of 1844, which elected James K. Polk and George M. Dallas President and Vice-President of the United States, have fulfilled the hopes of the Democracy of the Union in defeating the declared purposes of their opponents in creating a national bank; in preventing the corrupt and unconstitutional distribution of the land proceeds from the common Treasury of the Union for local purposes; in protecting the currency and labor of the country from ruinous fluctuations, and guarding the money of the country for the use of the people by the establishment of the constitutional Treasury; in the noble impulse given to the cause of free trade by the repeal of the tariff of 1842, and the creation of the more equal, honest, and productive tariff of 1846.

Again I invite the attention of these gentlemen to the platform adopted in 1856. In the first resolve they say:

Resolved, That there are questions connected with the foreign policy of this country which are inferior to no domestic question whatever. The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world, and by solemn manifestations to place their moral influence at the side of their successful example.

"Progressive free trade!" What does it mean?

Progressive.—A moving forward toward ideal completeness or perfection in respect to quality or condition.

Can you avoid the charge of having declared yourselves in favor of free trade as a policy that under Democratic rule and sway was to be made worldwide? The great question above all other domestic questions was this one of free seas and progressive free trade throughout the world.

Again, in their next convention they affirmed that same doctrine. Again it is their faith. Three times they have declared it, and everyone whose recollection goes back so far as to encompass some of those memorable campaigns knows that the watchword of the party in 1840, in 1844, in 1848, was free trade and sailors' rights.

I am not an old man like my friend here [Mr. GROSVENOR]. [Laughter and applause.] He was born twenty-four hours before I [applause]; and yet I can remember some of those campaigns, the torchlight processions, the legends on banners and transparencies, and free trade was their watchword and their shibboleth. Again, I have some proofs. There is in this House a gentleman from Missouri, stalwart in his politics, and a man whose word any man can take, a man in whom there are no disguises in politics, that which he believes he announces, and there are no occasions when policy, political, curbs his speech. He glories in his Democracy. Let me read briefly from him. [Laughter and applause on the Republican side.]

Mr. CLARK of Missouri. Mr. Chairman, after nine days of sore travail, at least one truth has been brought forth on the Republican side of this House, and that by the gentleman from North Carolina [Mr. LINNEY], when he said that I would destroy every custom-house in America. He is entirely correct. If I had my way to-day, sir, I would tear them all down, from turret to foundation stone, for from the beginning they have been nothing but dens of robbers.

And at that utterance, so destructive to the property of the United States, involving so many millions of dollars, every gentleman on that side of the House laughed and applauded. Why? Because back of his declaration they recognized there lay the very foundation of their faith. But the gentleman went a little further than this. If he had not, it might be said this was a

mere figure of speech, that this was but Pike County oratory, based upon some Scottish story. He said:

I am not in favor of free whisky, as is the gentleman. Neither have I any sympathy for the "moonshiners" in his district, who shoot down the revenue officers in the legitimate discharge of their duty as though they were so many dogs. I repeat, so that all men may hear, that I am a free trader, and proudly take my stand with Sir Robert Peel, Richard Cobden, John Bright, and Henry George. I may be but an humble member of that illustrious company, but it is better to be a doorkeeper in the house of honest free traders than to dwell in the tents of wicked protectionists.

And again there was laughter and applause on the Democratic side.

My entire plan for raising money enough to run the Government, "economically administered," which is the old Jeffersonian measure of taxation, is: First, to levy internal revenue on all proper subjects—high on luxuries, low or not at all on necessaries; second, to so amend the Constitution that a fair and equitable direct tax can be levied, and pass a law in pursuance thereof, which will cause the people to closely scrutinize their tax lists, that would prevent jobs and stealing here; third, to levy a graduated income tax, which would force the aggregated wealth of the country to bear its just proportion of the public burden. Sooner or later this scheme will be accepted as the settled policy of the country.

That is the opinion of this gentleman, and I undertake to say that could the House have been polled—that side of it—he would have been sustained by an overwhelming majority. It is their doctrine; it is their faith——

Mr. GILBERT of Kentucky. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. HEPBURN. For a question.

Mr. GILBERT of Kentucky. May I ask one little bit of a question? Did the gentleman from Iowa, in the second session of the Forty-seventh Congress, make a speech in favor of free trade in lumber?

Mr. HEPBURN. I think it is likely; yes, sir. We were cutting off our forests at a rate that we are now suffering from, and if you remember that speech, if you have done me the honor to read it, you will find I had based my argument upon that fact—upon the statement that we then had that within ten years the entire northern supply of lumber would be gone. I await the gentleman's pleasure.

Mr. GILBERT of Kentucky. I just wanted to remind the gentleman that free trade has been advocated by different members of all parties under certain particular circumstances.

Mr. HEPBURN. No, sir. Free trade in certain particular things has been advocated at different times by different people, but no party has ever advocated the general policy of free trade that I know of except the Democratic party. [Applause on the Republican side.]

I can cite hundreds of speeches not less strong, positive, and vehement than that of the gentleman from Missouri, all declaratory of the faith of the party, "free trade," and especially is this true of the southern wing of the party. For ten years before the era of nullification and ever since that time it has been the one principle of party faith that has had the support of the largest number of Democrats. Sometimes it has been thinly veiled by declarations favoring a tariff for revenue only, or some other pretense, but always there has been hostility to the protection of American labor or American industries.

But, Mr. Chairman, what is the use of gentlemen splitting hairs about this matter? They are free traders, so far as protection is concerned. They are unwilling to give to the American manufacturer protection according to their own theories. What are they? Why, they tell us that they are in favor—some of them do now—I think the gentleman from Mississippi is hedging a little, and getting around on to a platform that was somewhat popular in 1884, and that did bring value to the Democratic party in 1892, namely, they are in favor now, they will tell us, of a tariff for revenue, with incidental protection—that kind of protection, we are told, that will not at once and totally destroy the manufacturing institutions that we have or drive from their employment the great multitude of laborers. But I insist that for purposes of protection there is no difference between free trade and a tariff for revenue only. There is no difference between them. What is a tariff for revenue purposes? That which will produce the largest amount of revenue. If that is your object, you want to establish such a rate as will not prevent the inflow of the article to be taxed. You want such a rate as will not inhibit the competition of the foreigner. You want such a rate as will give you the largest amount of imports; that will carry the largest rate of duty; because then you will have the largest amount of revenue. So that, logically, there is no difference, so far as protection is concerned, between a man who says that he is a free trader and a man who says that he is in favor of a tariff for revenue purposes only, and this shifting of position is somewhat ludicrous.

Mr. WALLACE. Will the gentleman permit one inquiry? Is it not a fact that Henry Clay stated he was a free trader at one time?

Mr. HEPBURN. That is not material to the argument that I am making. At one time John C. Calhoun and Daniel Webster changed places on the tariff question. They both shifted their position. I remember being told once by a gentleman in the city of Murfreesboro, Tenn., that he, as a boy, stood near the steps of what was then the capitol of Tennessee and saw Andrew Jackson leading a procession of Democrats into the hall of that house, carrying a transparency upon which was inscribed, "We are in favor of a national bank and a high protective tariff." [Laughter.]

Mr. Chairman, if it should be true that our friends should shift their position and become advocates of a tariff for revenue purposes, with incidental protection, how singular will appear to them their platform of last year and earlier years, where they denounced all protection as robbery. Incidental protection! Would it not be incidental robbery? A little protection! Would it not be a little crime? It seems to me that there will be the difficulty that these gentlemen will labor under.

But they have many methods of assault upon the Republican party. One of those that is now most insisted upon is the fact that dumping is indulged in by Americans. It is not a new thing. Dumping is the disposal of the surplus of production in another country, even at less than the ordinary price charged for it in the country of production. Our Democratic brethren talk about that as if it were a new growth and result entirely of the protective system. Why, it is more than a century old. It is a practice that merchants have followed for a century of time. Whenever they have found that a rival is looming up in any country, that menaces in any way their future supremacy, at once, by the process of dumping, they strive to break down that industry. Their surplus is sent into that market, underselling the market at home, striking down the rival manufacturers; and when the purpose is accomplished, and the rival has been destroyed, when the competition has ceased, then go back to old prices and the foreign merchant recoups himself and makes good the losses after he is monarch of the situation and owns and controls absolutely his rivals. [Loud applause on the Republican side.] Let me read very briefly from an English author, W. J. Ashley, upon this subject. He says:

But just as it will pay a manufacturer or merchant to cut prices for a time below what will give him the ordinary profit——

Mr. WILLIAMS. What is the title of the book?

Mr. HEPBURN. The Tariff Problem, page 70—

or even to a point involving actual loss, if thereby he can drive out of business a rival manufacturer or merchant, so it may pay to "dump" goods on a foreign market if thereby a dangerous competition can be destroyed. This dumping, of which we hear so much of late, is nothing new. It is the ordinary outcome of mercantile ethics, the ethics of industrial war.

That is on page 70. Again, on page 93, he says:

Let us quote first the evidence, in May, 1901, before the United States Industrial Commission, of Mr. Charles M. Schwab, then president of the United States steel trust: "Export prices are made at a very much lower rate than those here, but there is no one who has been a manufacturer for any length of time who will not tell you that the reason he sold, even at a loss, was to run his works full and steady. That has been the chief thing regarding all of these companies in their export business. For example, export in very busy times like these is comparatively light, because we have been able to run full, and it is maintained more for the purpose of keeping in the foreign market than for any other reason. When we have as much as we can do at home, as we have to-day, people are not anxious to sell material at low prices, but when our mills are not running steadily and full we will take orders at low prices, even if there is some loss in so doing, in order to keep running."

On page 71 I find a note, which I insert here. It is as follows:

Of course, as Mr. Carnegie observes, speaking of the "dumping of surplus" upon the American market by English makers in earlier decades, "it forces the home makers to accept for their entire output the extreme low rates which had only to be taken by the invader for a small part of his." (Empire of Business, p. 230.)

On page 96 I find the following:

My idea is that the English and German manufacturers invariably make a dumping ground of America when they are slack of work; they distribute their fixed charge over a full tonnage; they get their profit out of the home trade and dump their surplus into America. We want to take a leaf out of the book of the German and the Englishman, and we want to send stuff abroad.

On page 97 there is an extract from the testimony of Mr. Gates, president of the American Steel and Wire Company, from which I quote:

Question. Will you kindly explain the business reasons for doing that?

Answer. The business reason for doing that is that by working up a foreign business we can operate our mills more fully, we can make our goods cheaper, and whenever the time comes that there is a decline of the home price it will not necessarily affect the foreign prices. There are times when the export prices are higher than the home prices. Just at the present time our home prices, I think, are probably 50, 60, or 70 cents a hundred higher than our export. I do not really know

just the difference, but I know there is a difference in favor of export to-day. At times it is the other way: But by manufacturing, say, 200,000 tons of wire per annum to export to all parts of the world we cheapen the entire cost of manufacture very materially. By doing that we are able to give the consumer at home a lower price in the long run, and employ perhaps 25 or 30 per cent more workmen, so that in the long run we figure that it will equalize itself. Our home prices and our foreign prices are never necessarily on a parity; one might be higher and the other might be lower; it would depend entirely upon circumstances.

On page 98 I find the following:

Hitherto I have said nothing of the payment by industrial combinations of quasi bounties upon exports. This is because, so far as I know, this plan has never been resorted to by American producers, and it is from America that incomparably the gravest danger to English manufactures is to be expected. It has, indeed, been an important factor in encouraging the sale of German steel in this country during the last year or so; and accordingly I shall return to its consideration in the next chapter.

Again, from page 114, I quote:

We have seen what the economic forces are which will increasingly oblige the great manufacturing countries to seek an outlet from time to time for their surplus product in foreign markets; and this at prices below those at which they sell at home, and even below the cost of production, if we understand by cost of production the normal remuneration of all the agents of production, including capital. We have seen that this is no exceptional phenomenon, but the inevitable and periodically recurring consequence of modern methods of production under competitive conditions. We have seen, also, that this export policy is facilitated by the absence of customs barriers in the countries to which the goods are offered and by their maintenance at home, so as to protect the higher domestic prices.

This subject was industriously studied by the Commission mentioned in this volume, and it was found and reported by them that of our entire manufactures, then reaching to nearly $13,000,000,000, only $4,000,000 worth had been dumped in other markets at a lower than the home price—one-thirtieth of 1 per cent of our manufactures.

I heard a gentleman the other day make a statement that I am satisfied he was not warranted in making. He was discussing this practice, and he said:

As a result of this sort of practice, already in this country it has not only become impossible to buy in the cheapest market, but it has become impossible for the American citizen to buy American goods made in the cheapest market. Up here for fifteen hundred miles along our northern frontier they have built a railroad out of American steel rails, and it cost $27 a ton for the rails that built every mile of it. It cost $27 per ton for the rails that built every mile of siding, and for the rails that keep it in repair. Just on the other side of the border, over in Canada, they have built another railroad, in every sense of the term a parallel and competing line, out of rails that cost $22 a ton, but the rails out of which the Canadian road is built and the rails out of which the American road is built all came from the same factory here in the United States, protected by our tariff laws.

I say, Mr. Chairman, that gentleman was misled when he made that statement. No such statement of fact is true or can be proved.

Mr. RAINEY. Will the gentleman yield?

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. To which does the gentleman from Iowa yield?

Mr. HEPBURN. I will yield to either.

Mr. RAINEY. The statement I made was based upon the statement of James J. Hill, of the Great Northern road, before the Senate committee which investigated this subject. [Applause on the Democratic side.]

Mr. WILLIAMS. Now, if the gentleman will permit me, I want to state that the late Daniel Lamont told me in New York himself, and gave me liberty to make the statement wherever I chose, and refer to him as authority as one of the officials of the Great Northern Railway, that that was a fact. [Applause on the Democratic side.]

Mr. HEPBURN. I do not care who makes the statement. I deny it.

Mr. WILLIAMS. I do not say all the rails.

Mr. HEPBURN. I challenge any man to make the proof. It can not be made. It is one of the statements of the men who are trying to break down the protective system, and because of its very boldness and audacity men give credence to it; but I challenge the proof. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Chairman, if the gentleman will permit me, I afterwards made that statement during the last campaign and stated my references, and now I go one step further and state that the proof can be furnished.

Mr. HEPBURN. Very well, furnish it.

Mr. WILLIAMS. And in due time I will furnish this proof as to the railroad called the "Mexican National," I believe (and that evidence appeared before a Senate hearing). The rails for that part of their road to be laid in Texas cost them $27 a ton, and the rails for that part of their road to be laid upon Mexican soil cost them $20 a ton, all bought from the same manufacturers, and they were all carried there over the same road. [Applause on the Democratic side.]

Mr. HEPBURN. Mr. Chairman, I do not desire to have my time taken up now. The gentleman can make the proof in his own time. What do I care for your simple denial? I demand proof on these matters, gentlemen. [Applause on the Republican side.] Why, Mr. Chairman, we heard the gentleman from Illinois [Mr. RAINEY] the other day take two hours, and he contented himself with making bold, broad, baseless charges, with not an iota of proof; he told us the other day of the great watch trust. Did he introduce an iota of proof as to the existence of such a trust? It was simply his ipse dixit in this matter, no proof whatever. We have heard this thing long enough. I want the gentleman to verify some of these statements.

Mr. HARDWICK. Mr. Chairman, I want to read the gentleman some proof.

Mr. HEPBURN. Will the Chairman protect me from that stalwart? [Laughter on the Republican side.] Mr. Chairman, it is an easy matter for gentlemen to get up on the floor and talk about the trusts and combinations and all of these evil things when it brings reproach upon their political adversaries, but it is an entirely different thing for these gentlemen to furnish the proofs of these facts.

Mr. WILLIAMS. If the gentleman will allow me, I have the proofs right here.

Mr. HEPBURN. I will allow the gentleman to read them in his own time.

Mr. WILLIAMS. The gentleman has called for proofs, and I will read them to him. I have them here—the sworn testimony before the Committee on Merchant Marine and Fisheries, the sworn testimony before the committee upon the railway rate hearings——

Mr. HEPBURN. Mr. Chairman, I decline to yield at this time.

The CHAIRMAN. The gentleman from Iowa has declined to yield, and the gentleman from Mississippi is out of order.

Mr. WILLIAMS. Will the gentleman yield for me to ask him this question and not to read?

Mr. HEPBURN. The gentleman will not yield, but the gentleman will listen patiently to you when your time comes. [Laughter on the Democratic side.]

Mr. WILLIAMS. I will not defy you to furnish proof and then decline to let you do it.

Mr. RAINEY. I want to say to the gentleman I will furnish proof for the charges I have made.

Mr. HEPBURN. I think it is very likely that gentlemen may be able to find that on many occasions there has been sold American manufactures abroad cheaper than at home—that is, cheaper than the price that the articles have been sold for when there was a demand for them at home. But who is there that does not know that this charge with regard to this railway company north of us is an untruth when they say that the price was $27 a ton for nearly 300,000 tons of steel? That means that the article could be sold for that price, and yet that the owner of that immense amount of property, in this transaction of nearly $8,000,000, elected to sell to Canadians across the border at a loss of a million and a half dollars. The trouble about this proposition is this—the gentleman establishes a fabulous and untruthful and unreal price at home. There was no $27 price here, or else the articles would have been sold here. There was no demand for it here at that price or it would have been sold here. It might have been that at some other time there was a demand, and before the lull in the demand came that there was a price such as they suggest and quote and bring in close juxtaposition with the price received abroad.

Think of the absurdity of the statement I have quoted from the speech of the gentleman from Illinois concerning the two railroads—evidently the Northern Pacific or the Great Northern in the United States, and the Canadian Pacific in Canada. Remember, these roads were not built simultaneously. They each occupied years in building. During the years of their building the prices did not remain uniform either in the United States or Canada. There was great fluctuation in the price of rails both at home and abroad, and a large portion of all of the three roads had been built long before the price of steel rails reached $22 per ton or even the price of $27 per ton. The gentleman has been deceived by some designing person, who wanted to use his excellent speech in an unwarrantable way to attack the protective system. A system that made it possible to buy rails at even $27 per ton, or any price greatly below the English price of $150 per ton, the price prevailing when protection made it possible for our manufacturers to enter into competition with their English rails.

Mr. Chairman, the Republican position in regard to the tariff

question is not a matter of doubt. In the last national convention we said:

Protection, which guards and develops our industries, is a cardinal principle of the party. The measure of protection should always at least equal the difference in the cost of production at home and abroad. We insist upon the maintenance of the principle of protection, and therefore rates of duty should be readjusted only when conditions have so changed that the public interest demands their alteration, but this work can not be safely committed to any other hands than those of the Republican party. To intrust it to the Democratic party is to invite disaster. Whether, as in 1892, the Democratic party declares the protective tariff unconstitutional, and whether it demands tariff reform or tariff revisions, its real object is always the destruction of the protective system. However specious the name, the purpose is ever the same. A Democratic tariff has always been followed by business adversity, a Republican tariff by business prosperity. To a Republican Congress and a Republican President this great question can be safely intrusted. When the only free-trade country among the great nations agitates a return to protection, the chief protective country should not falter in maintaining it.

We have extended widely our foreign markets, and we believe in the adoption of all the practicable methods for their further extension, including commercial reciprocity wherever reciprocal arrangements can be effected consistent with the principles of protection and without injury to American agriculture, American labor, or any American industry.

[Applause on the Republican side.]

That is the Republican doctrine. Where we engage even in reciprocal commercial treaties we want to see to it that every interest is protected and that no industry is injured by that arrangement. It is as broad in its declaration as the land; it is as complete as the varied industries; it is as widespread as all the people who may be benefited and blessed by it.

Mr. Chairman, we have often been told that this policy—this protective policy; this "building a Chinese wall about us"—must result in isolation and all of those evils that come to the isolated nation. Our tariff scheme and policy by its enemies is sometimes called a Chinese wall, and we are told—oh, how many times has the country been told!—that its maintenance and perpetuation means our separation from the balance of the commercial world. How is it in actual practice, contradistinguished from Democratic theory? Instead of isolation, our intercourse with other nations is as progressive as is our enterprise. There has been no reduction of our exports. Oh, no; but each effort that we have made toward the securing of the home market for ourselves has given us broader and further entry into the markets of the world. [Applause on the Republican side.] I was particularly amused the other day at the bland and childlike manner with which the gentleman from Tennessee asked the gentleman from Illinois if in the days of the tariff of 1846 this wicked practice of selling watches abroad for less than they sold at home was in vogue, and I saw the expression of relief, of intense gratification, that came over his handsome face when the gentleman from Illinois told him that never, no, never, under the tariff of 1846 had American manufacturers sold watches abroad for less than they sold them at home. [Applause and laughter on the Republican side.]

Mr. BROOCKS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HEPBURN. I prefer not to yield.

Mr. BROOCKS of Texas. I desire to ask just a question for information.

Mr. HEPBURN. Then I will give it to the gentleman after I am through. If it is just for information he seeks, he can afford to wait a little while. [Laughter.] I do not want to be rude, but I have only a little time. Surely not. We sold no watches abroad for less price than we sold them at home. No; nor for any price. We made but few watches here prior to 1870, and none for export. We bought our watches from abroad—from the English and the Swiss. And we paid them just such prices as their cupidity demanded. We could not compete. Our manufacturers had no protection, and our consumers had no competition, so that the foreigner charged us what he pleased. In 1842 the value of watches imported was $399,424. In 1858 we imported watches and parts of watches to the value of $3,800,000, and in 1860 to the value of $2,788,671. Our entire production of watches and parts of watches, including watch repairing, in 1860 amounted to but $1,524,000. Last year the watches manufactured in the United States amounted to more than $14,000,000. And I have no doubt that a small fraction of them were sold in foreign countries for a less sum than was habitually demanded here. Yet think of the price, the exceedingly low price we pay for the superior watch of today compared to the price, the exorbitant price, we were compelled to pay fifty years ago for the inferior watch of that day.

Mr. Chairman, I want to call the attention of this committee briefly just for a moment to something that the census for the ten years from 1895 to 1905 discloses in the State in which I live. The increase in the value of farm lands was 41 per cent in that time. The increase in the value of farm grains was 80 per cent; the increase in the value of cattle was 68 per cent; the increase in the value of swine was 93 per cent; the increase in the value of dairy products was 46 per cent; the increase in the gross earnings of railroads was 82 per cent, and the net earnings 60 per cent; the increase in the product of manufacturers was 84 per cent, and in the products of coal mines 152 per cent; the increase in bank deposits of all banks 193 per cent, and of savings banks deposits only 255 per cent. These are all increases in ten years under this tariff system of ours, as will be seen from the following table:

[From the State Census Report, 1905.]

	1895.	1905.	Included in ten years.	Per cent.
Value of land in farms	$1,088,063,065	$1,552,106,449	$464,043,381	41
Value of farm grains	90,344,364	162,599,910	72,255,546	80
Value of cattle	53,820,197	91,019,753	37,199,556	68
Value of horses and mules	42,986,312	82,807,463	39,821,151	93
Value of swine	23,596,962	34,464,153	10,867,191	46
Value of dairy products, poultry, and poultry products	27,192,312	49,554,651	22,362,339	82
Gross earnings, railroads	35,874,444	57,396,848	21,522,204	60
Net earnings, railroads	10,365,290	15,345,574	4,980,284	48
Products of manufacture	63,798,025	160,604,161	96,806,136	152
Products of coal mines	4,997,939	10,439,496	5,441,557	108
Bank deposits (all banks)	76,298,934	a 223,493,958	147,195,024	193
Savings bank deposits (only)	28,158,489	100,232,671	72,074,182	255

a National and private banks estimated.

Mr. RUCKER. Mr. Chairman, I would like the gentleman to yield for a question.

Mr. HEPBURN. I do not want to be interrupted. I do not want to be rude, but I want to use my hour.

Mr. RUCKER. I merely wanted to say——

Mr. HEPBURN. Very well, I do not want the gentleman to say it. Mr. Chairman, I undertake to say that that is a wonderful growth, and it should be borne in mind that two years of this time were lost to progress, that two years and more of this time our Democratic brethren were in control and policies of their making were in vogue, and that we were laboring under the distressful conditions that came to the whole country as a result of their being intrusted with a brief period of power. For two years of this time the tariff of 1894 was in force. I have no doubt that if this census had been taken from the year 1897 instead of from the year 1895 the same percentage of growth would have been apparent in the eight years which is shown in the total of ten years.

Of course, Mr. Chairman, neither I nor any friend of the protective system believes that it is perfect. No one can be found to assert that. All that we claim for it is that under it, as compared with any other system, the blessings are shown to be beyond comparison greater than under that other system, no matter what it is. [Applause on the Republican side.] Look at our currency and see how it has grown. In 1878 there was eight hundred millions all told. We have now quite three billions, and it is natural that it should be so, because, instead of sending our wealth abroad when we are under a tariff that invites the competition of the nations and the inflow of the products of their industry, instead of sending abroad our money, gold and silver and portable wealth, to pay for that which we ought to make, we do under our system make that which we need and keep our money at home, and so the circulation grows, and with the circulation grows the individual credit and the national credit, as evidenced by the rate of interest for the public and for the private individual.

Think of the interest rate under the old system of 1846 to 1861 and compare that with the rate of interest now. Two-thirds of all the land within the State of Iowa from 1846 to 1861 was taken from the Government on the basis of the payment of 40 per cent interest. The land agent, the man with means or with the land warrants, would say to the entryman, "Give me your note for $280 and I will give you a bond for a deed at the end of one year," time being the essence of the contract on the payment of $280 for the 160 acres of land, the minimum Government price of which was $1.25 an acre. That was the manner in which the hardy pioneers of that day were able to secure their land from the Federal Government under the system that our friends tell us is the best. But look at the comforts of life; compare the wage system now with that of olden times; look at the comforts in the home. Gentlemen tell us sometimes that there are no more now than there used to be. I think that is a serious mistake. They tell us now that there has been such an enhancement of value of articles entering into daily life that at the end of the year the workman has no more than in former times. I think that is a mistake. I remember, though, that it is not in the mouths of our Democratic

brethren to tell us, to taunt us wih the rise in values. What was the contention of ten years ago, gentlemen? What were you then striving for? What was the mission of the Democratic party and of Bryan in those days if it was not to arrest the downward trend of falling prices? [Applause on the Republican side.] We have done it. We have arrested that trend and prices are going up. I have given you some evidences of it here in this little statement that I have made of comparison of values this last year in Iowa with a period ten years earlier.

Mr. Chairman, the Democratic party itself indulged in some inconsistencies in regard to this matter of the tariff. They say in their platform of 1884:

Knowing full well, however, that legislation affecting the operations of the people should be cautious and conservative in method—not in advance of public opinion, but responsive to its demand—the Democratic party is pledged to revise the tariff in a spirit of fairness to all interests. But in making reductions in taxes, it is not proposed to injure any domestic industries, but rather to promote their healthy growth. From the foundation of this Government taxes collected at the custom-house has been the chief source of the Federal revenue. Such they must continue to be. Moreover, many industries have come to rely upon legislation for successful continuance, so that any change of law must be at every step regardful of the labor and capital thus involved. The process of reform must be subject in the execution to this plain dictate of justice; all taxation shall be limited to the requirements of economical government. The necessary reduction and taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

That was Democratic doctrine once—that is, one of their national platforms—and when that struck my attention the other day I could not help but think that perhaps the gentleman from Illinois, in some of those wonderful figures of speech that he indulged in toward the close of his second day's oration, was not very far wrong. He said that the Democratic party has no leaders. He particularly emphasized the fact that the gentleman from Mississippi, while he thought he was the leader, as a matter of fact was but masquerading in the plumage of one. [Applause on the Republican side.] That the leadership in fact did not belong to him; and the gentleman further said that the great living motto of the Democratic party was, "Equal rights to all and special privileges to none," and that they had emblazoned that in letters of living light upon the clouds, and that that pillar of clouds by day and pillar of fire by night were the leader of the Democratic party. [Applause on the Republican side.] And possibly that might be true. We remember how light and easily wafted are the clouds; how the wind blows wheresoever it listeth, and move this leader here or there, wherever the breeze might indicate [laughter and applause], and if you will take the trouble to diagram the Democratic national platforms you will find that there is nothing on earth that looks so much like the diagram as the diagram of prices in the Chicago wheat pit when there is an exciting period [laughter and applause], following the angles, jagged here and there and elsewhere, moved by this breeze.

Gentlemen, quit it! quit it!! It is the most foolish thing for you to do to rely on leadership like that. Why, it is even worse than your triple-headed leadership of Bryan HEARST & Co. [Laughter.] You have no right to follow that kind of leadership now, because you have had an example. The Jews did it once. They had to pass a little wilderness of some 200 miles or less, and they had a pillar of cloud by day and a pillar of fire by night, and they followed it, and they were forty years in getting through. [Laughter and applause.] And only two of them got a glimpse of the Promised Land, and they were on the other side of Jordan. [Great laughter.] Do not do it; any kind of leadership is better than that, although you have become so used to it and have been following it, lo, these many years. Let me urge you, gentlemen, not to take as your type and symbol the type and symbol of the great Democratic party—that figure that was introduced by the gentleman from Illinois. It is not a fit one. A Roman soldier, that has been sightless for two thousand years—twenty centuries—that has only been dug out of the ashes a very little while [laughter], and that still hangs on to the chain, not that opens the gate, but that closes the gate—[loud applause on the Republican side]—that is hardly a desirable symbol of the Democratic party, although its wonderful fitness might excite the risibles of Americans. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I ask unanimous consent that the gentleman may proceed until he finishes.

Mr. HEPBURN. I only want a moment more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Iowa may continue his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. Mr. Chairman, I do not sympathize with the gentleman from Illinois in the disregard that he pays to majorities. I take great pride, great pride, in the fact that the American people, the voters, by an overwhelming majority, a majority of more than a million and a half of the voting force of the United States, gave approval less than two years ago to the policies of the Republican party and to its views on the protective system, and encouragement to them to hold on and persevere. [Loud applause on the Republican side.]

Ah, gentlemen, there are those who attempt to deride us and belittle us by applying as opprobrious the term "stand-patter;" and some have said that the only "stand-patter" is that one that is dead. Not so. We mean by that, having tried the various policies, to hold fast to that one that we know is good—the protective system. [Applause.] That is what we mean. We have shown that, holding fast to our principles, we have been right, making that progress that the nation has needed. We have been able to guide it on its wonderful way. We have been able to push it forward. Everything great or good that has been suggested to the men living on this continent during the last forty-five years has come from the Republican party. [Loud applause on the Republican side.] Progressive! Oh, yes; we are. We could progress from the old teachings of the old masters to that height of patriotism and love of liberty that declared slaves should not exist. We could progress from our love of peace to entering into the greatest war that the nations have known in order to preserve the Union. We could make sacrifices of the gravest character in order to restore the States. We could build up the broken fortunes of the Republic by restoring its credit. We could progress from the penury of the old days to the splendid conditions of currency and of credit of to-day. We could go forward from this, being a borrowing nation, a purchasing nation, a dependent nation, to one where we stood at the apex, capable of loaning to the world, capable of manufacturing for the world, capable of meeting the commerce of the world, capable of feeding and of clothing the nations. Ah, the Republican party is a progressive party, but it never progresses beyond the limitation of its principles. [Loud and continued applause on the Republican side.]

Mr. LAMB. I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Chairman, the gentlemen on the other side are applauding the usual able and eloquent speech of the gentleman from Iowa [Mr. HEPBURN], defending, as he did, protective tariff, and indirectly their unholy offspring—trusts—and yet, Mr. Chairman, not one word did he utter in defense of the proposition to put building material on the free list to aid the unfortunate earthquake victims in rebuilding their homes and business houses at a reasonable and just expense.

In days gone by, under ordinary conditions, the monopolized article was placed on the free list to rid the people of monopolies, that the people might live and move about at a reasonable expense. But here, when the earth has opened up and swallowed hundreds of Californians, and fire has laid their homes in ashes, a whole hour is spent in defending the Republican party and its robber tariffs, while the steel and lumber trusts hold up these mourning victims, demanding their oppressive prices for building material, and yet not a word has the distinguished gentleman said about untaxing such material for the benefit of the Californians spared by the earthquake, although bills to remove this tax are pending before this body.

Protective tariffs are and must be defended while these people suffer. [Applause on the Democratic side.] Ah, gentlemen, the distinguished Speaker ridicules free trade, while a Republican State and her voters suffer for the want of it.

Mr. Chairman, did the gentleman and his party help to make Garfield President? Certainly they did. In 1866 and in 1870 Mr. Garfield said:

I am for a protection which leads to ultimate free trade.

Yet he was made President by the gentleman's great influence and that of his allies, who stand to-day mute when we urge free-listing building material to aid these victims.

The Democratic party is not for free trade per se; it is for revenue tariff only, Mr. Chairman; the same kind of a tariff that the Senator from Iowa, Senator ALLISON, said for all general purposes of this Government was the best tariff that we ever had—the act of 1846. We do not hear the gentleman refer to that indorsement. We do not hear him refer to the words of John Sherman, who said:

Every advance toward the free exchange of commodities is an advance of civilization.

The gentleman is against civilization, according to John Sherman. He further said:

Every obstruction to free exchange is born of the same narrow despotic spirit which planted castles upon the Rhine to plunder peace-

ful commerce. Every obstruction to commerce is a tax upon consumption. Every facility to a free exchange cheapens commodities, increases trade and population, and supports civilization.

Mr. Chairman, I have risen at this hour to protest against an hour's speech for tariff robbery with not one word said for free trade for suffering California, a State whose people came to the rescue of McKinley, that came to the rescue of Roosevelt. Yet the Republican party dare not go to its rescue and free-list structural material; but, on a moment's notice, they quickly, and rightfully, vote a million and a half of the hard tax-earned money of our people out of the Treasury to help them. Verily, gentlemen, your sins will yet find you out. [Applause on the Democratic side.]

Mr. WADSWORTH. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the agricultural appropriation bill (H. R. 18537) and had directed him to report that they had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 14508. An act permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power; and

H. R. 16954. An act providing for the reappraisement of certain suburban lots in the town site of Port Angeles, Wash.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. J. Res. 141. An act for the further relief of sufferers from earthquake and conflagration on the Pacific coast;

H. R. 10152. An act granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and cemetery purposes; and

H. R. 15910. An act to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURTON of Ohio, for two days, on account of important business.

JOSEPH FLEWHARD.

By unanimous consent, on motion of Mr. SMITH of Maryland, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Joseph Flewhard (H. R. 6908), no adverse report having been made thereon.

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

The motion was agreed to.

Accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, transmitting a certified copy of an ordinance of the executive council of Porto Rico permitting an extension of a railroad track into the city of Arecibo and the use of a portion of a certain highway—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a statement of the documents received and distributed by the Department during the calendar year 1905—to the Committee on Printing, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William A. Bethel, administrator of the estate of Martha Harrison, and Oliver P. Lister against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Calcasieu Lake and River, Louisiana—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, 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. BUCKMAN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2785) to authorize the sale of down timber and hay on the ten sections of land in the Chippewa of the Mississippi Indian Reservation, in the State of Minnesota, reserved from sale or settlement in accordance with the provisions of the act of January 14, 1889, as amended, reported the same without amendment, accompanied by a report (No. 3614); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 18336) for the current deposit of public moneys, reported the same without amendment, accompanied by a report (No. 3617); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto, reported the same with amendment, accompanied by a report (No. 3629); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TALBOTT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9577) for the relief of Charles H. Stockley, reported the same without amendment, accompanied by a report (No. 3615); which said bill and report were referred to the Private Calendar.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17982) to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone line across said reservation, reported the same without amendment, accompanied by a report (No. 3616); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8474) to correct the military record of Daniel Graeher, reported the same adversely, accompanied by a report (No. 3618); which said bill and report were ordered laid on the table.

Mr. WILEY of Alabama, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9821) for the relief of Elijah Crabtree, reported the same adversely, accompanied by a report (No. 3619); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 9823) for the relief of Fletcher H. White, reported the same adversely, accompanied by a report (No. 3620); which said bill and report were ordered laid on the table.

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11899) to correct the military record of Wiley W. Woolard, reported the same adversely, accompanied by a report (No. 3621); which said bill and report were ordered laid on the table.

Mr. TALBOTT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12712) for the relief of Warren A. Woodson, reported the same adversely, accompanied by a report (No. 3622); which said bill and report were ordered laid on the table.

Mr. WILEY of Alabama, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13215) to remove the charge of desertion against Thomas J. Shopshire, reported the same adversely, accompanied by a report (No. 3623); which said bill and report were ordered laid on the table.

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15318) to remove the charge of desertion from the record of J. F. Harbaugh, reported the same adversely, accompanied by a report (No. 3624); which said bill and report were ordered laid on the table.

Mr. WILEY of Alabama, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15598) for the relief of Andy Inman, reported the same adversely, accompanied by a report (No. 3625); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 15601) for the relief of D. C. Napier, reported the same adversely, accompanied by a report (No. 3626); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 17405) correcting the military record of William McCormick, reported the same adversely, accompanied by a report (No. 3627); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 17867) for the relief of David Parrott, reported the same adversely, accompanied by a report (No. 3628); 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. LILLEY of Pennsylvania: A bill (H. R. 18663) amending the first paragraph of section 1059 of the Revised Statutes, enlarging the jurisdiction of the Court of Claims—to the Committee on Patents.

By Mr. BOWERS: A bill (H. R. 18664) to provide for the acceptance of the channel and anchorage basin, between Ship Island Harbor and Gulfport, Miss., and to repeal certain portions of the river and harbor act of March 3, 1899, relating thereto—to the Committee on Rivers and Harbors.

By Mr. FOSS: A bill (H. R. 18665) to extend the time for the completion of the Alaska Central Railway, and for other purposes—to the Committee on the Territories.

By Mr. BABCOCK: A bill (H. R. 18666) to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LAFEAN: A bill (H. R. 18667) to improve and maintain certain public roads and parts thereof included within the limits of the national park at Gettysburg, as defined by the act of Congress entitled "An act to establish a national military park at Gettysburg, Pa.," approved February 11, 1895, and making an appropriation therefor—to the Committee on Appropriations.

By Mr. JONES of Washington: A bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia River Indian Reservation, in the State of Washington—to the Committee on the Public Lands.

By Mr. WM. ALDEN SMITH: A bill (H. R. 18669) to quiet title to certain land in Donna Ana County, N. Mex.—to the Committee on the Public Lands.

Also, a bill (H. R. 18670) to quiet title to certain land in Donna Ana County, N. Mex.—to the Committee on the Public Lands.

By Mr. ESCH: A bill (H. R. 18671) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS of Pennsylvania: A bill (H. R. 18672) authorizing the erection of consular buildings in China, Korea, and Japan—to the Committee on Foreign Affairs.

By Mr. GARDNER of Massachusetts: A bill (H. R. 18673) to regulate the immigration of aliens into the United States—to the Committee on Immigration and Naturalization.

By Mr. McGUIRE: A bill (H. R. 18674) in respect to condemnation of land for public purposes in the Territories of the United States—to the Committee on the Territories.

By Mr. WM. ALDEN SMITH: A joint resolution (H. J. Res. 146) extending the thanks of the people of the United States to Horace Porter—to the Committe on the Library.

By Mr. PALMER: A joint resolution (H. J. Res. 147) proposing an amendment to the Constitution of the United States, providing for the removal from office of civil officers of the United States—to the Committee on the Judiciary.

By Mr. BENNETT of Kentucky: A memorial of the legislature of Kentucky, urging Congress to take steps for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, a memorial of the legislature of Kentucky, requesting Congress to amend the Constitution of the United States relative to taxes on incomes, etc.—to the Committee on Ways and Means.

Also, a memorial of the legislature of Kentucky, favoring a broad and liberal policy relative to river and harbor improvements—to the Committee on Rivers and Harbors.

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. BENNETT of Kentucky: A bill (H. R. 18675) granting an increase of pension to William Weare—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 18676) granting a pension to James P. Summers—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 18677) granting a pension to Martin A. Luther—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 18678) granting an increase of pension to Evans P. Hoover—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 18679) granting an increase of pension to Edward R. Cunningham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18680) granting an increase of pension to Joel Jackson—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 18681) granting an increase of pension to William E. Gray—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 18682) granting an increase of pension to Jacob J. Staiger—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 18683) granting an increase of pension to Warren Munger—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 18684) for the relief of the heirs of Jesse Phares, deceased—to the Committee on War Claims.

By Mr. DRESSER: A bill (H. R. 18685) granting an increase of pension to Francis G. Fuller—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 18686) for the relief of Bolser H. Pullin, of McDowell, Highland County, Va.—to the Committee on War Claims.

By Mr. GUDGER: A bill (H. R. 18687) granting a pension to M. C. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 18688) granting a pension to R. L. Nettles—to the Committee on Pensions.

By Mr. HENRY of Texas: A bill (H. R. 18689) for the relief of the heirs of James Tandy, deceased—to the Committee on War Claims.

By Mr. HINSHAW: A bill (H. R. 18690) granting a pension to Jennie M. Lowley—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 18691) granting an increase of pension to James Pharo—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 18692) granting an increase of pension to Lewis Brown—to the Committee on Pensions.

By Mr. KNAPP: A bill (H. R. 18693) granting an increase of pension to William Loan—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 18694) granting an increase of pension to Eliza Rebecca Sims—to the Committee on Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 18695) granting an increase of pension to Lewis F. Allen—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 18696) granting an increase of pension to Louisa C. Gibson—to the Committee on Pensions.

Also, a bill (H. R. 18697) granting an increase of pension to Martha L. Beasely—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 18698) for the relief of Adam Koogle—to the Committee on War Claims.

By Mr. SHARTEL: A bill (H. R. 18699) granting a pension to Martha E. Handy—to the Committee on Pensions.

Also, a bill (H. R. 18700) for the relief of Richard Graham—to the Committee on War Claims.

By Mr. SMITH of Kentucky: A bill (H. R. 18701) granting an increase of pension to Thomas O. Moore—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 18702) granting an increase of pension to Edward B. Prime—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 18703) granting a pension to Mary Faloon—to the Committee on Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 18704) granting a pension to M. Lucella Rummell—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 18705) granting an increase of pension to Thomas T. Page—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 18706) granting a pension to Thurlow W. Lieurance—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 18116) granting an increase of pension to Green Evans, and it was referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Paper to accompany bill for relief of Angeline R. Lomax—to the Committee on Pensions.

Also, petition of State Council, Junior Order American Mechanics, for bill H. R. 15442, relative to restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BANNON: Petition of the Women's Missionary Society of the Second Presbyterian Church of Portmouth, Ohio, for a constitutional amendment abolishing polygamy in the United States—to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of the Patent Law Association, against pending legislation for a special court of appeals in patent cases—to the Committee on Patents.

By Mr. BATES: Petition of James F. Grimes, of the American Federation of Labor, for bill H. R. 4544, permitting ship keepers to collect wages for overtime exacted in excess of eight hours per day while in Government service—to the Committee on Naval Affairs.

Also, petition of the Postum Cereal Company, of Battle Creek, Mich., against the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of W. B. Converse, for the House bill relative to the fraud order by the Post-Office Department against the People's Bank—to the Committee on Rules.

Also, petition of the Western Branch of Consumers' League, of Pittsburg, Pa., favoring bills S. 5, H. R. 4462 and 4527, and S. 2962, relative to child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BENNET of New York: Petition of 66 American artists, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. BENNETT of Kentucky: Petition of the Frankfort Business Men's Club, against amendments to pure-food bill aimed to destroy its efficiency—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Elizabeth Mullins—to the Committee on Pensions.

Also, paper to accompany bill for relief of Elizabeth Smith—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: Petition of the Minnesota Department of the Grand Army of the Republic, against any law excluding from Government service any veteran soldier because of old age—to the Committee on Appropriations.

Also, petition of the Howard Lake Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Brotherhood of Railway Trainmen, Minnesota Lodge, No. 194, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Crow Wing County, Minn., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Thomas Wilcox—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John D. Logan—to the Committee on Invalid Pensions.

Also, petition of the Minnesota Department of the Grand Army of the Republic, for pension of $12 per month for all soldiers' widows otherwise eligible—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: Petition of the American Free Art League, for repeal of the duty on art works—to the Committee on Ways and Means.

Also, petition of Abe Patterson Post, No. 88, Grand Army of the Republic, Department of Pennsylvania, for relief of Edward J. Kolb—to the Committee on Military Affairs.

By Mr. BURTON of Delaware: Paper to accompany bill for relief of William C. Gray—to the Committee on Invalid Pensions.

By Mr. DARRAGH: Petition of citizens of Central Lake, Antrim County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DAVIS of Minnesota: Petition of the Minnesota Department of the Grand Army of the Republic, against unjust discrimination as to veterans of the civil war in Government service on account of age—to the Committee on Appropriations.

By Mr. DENBY: Petition of citizens of Wayne, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DIXON of Montana: Petition of citizens of Montana, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of the Pennsylvania Cement Company, for designating American Portland cement in all requisitions for use on the Panama Canal, the same as in first requisition—to the Committee on Interstate and Foreign Commerce.

Also, petition of Max C. Budell, for the Littauer bill (metric system)—to the Committee on Coinage, Weights, and Measures.

Also, petition of 66 American artists, for repeal of the tariff on art works—to the Committee on Ways and Means.

Also, petition of the Intermunicipal Research Commission, for legislation to protect the unemployed seeking employment in the District of Columbia, as per bill H. R. 17511—to the Committee on the District of Columbia.

Also, petition of the New York Board of Trade and Transportation, for an appropriation to improve Coney Island channel—to the Committee on Rivers and Harbors.

Also, resolution of the Alpha Republican Club of the Thirteenth Assembly District, Kings County, N. Y., indorsing the action of the Congressman from Kings County for building more war ships at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Benjamin Moore & Co., for a law providing for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: Paper to accompany bill for relief of Joseph Clark—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of citizens of Minnesota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of sundry citizens of Minnesota, against restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. FULLER: Petition of the Frankfort (Ky.) Business Men's Club, for the pure-food bill (S. 88) and against amendments to the same calculated to destroy its efficiency—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wenatchee Commercial Club, for a loan by the Government, as a reclamation fund, of 70,000,000 acres in the western part of the United States—to the Committee on Irrigation of Arid Lands.

By Mr. GOULDEN: Petition of St. Luke Council, No. 438, Knights of Columbus, for bill H. R. 13304, providing for a memorial of Christopher Columbus—to the Committee on the Library.

Also, petition of Robert S. Waddell, against the powder monopoly—to the Committee on Military Affairs.

By Mr. GRAHAM: 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, petition of F. Westpfal, of New York, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Audubon Society of Western Pennsylvania, for legislation to preserve the birds—to the Committee on Agriculture.

Also, petition of the National Child Labor Commission, for amending in certain important particulars the bill H. R. 17838, relative to child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAY: Paper to accompany bill for relief of St. Paul's

Reformed Church, of Woodstock, Shenandoah County, Va.—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Petition of Local No. 399, American Federation of Musicians, favorable to bill H. R. 8748, relative to the pay of musicians employed by the Government and their unfair competition with civilian musicians—to the Committee on Naval Affairs.

By Mr. KINKAID: Petition of citizens of Ansley, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KNAPP: Paper to accompany bill for relief of William Loan—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: Paper to accompany bill for relief of Edwin R. Smith—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the I. S. Remson Manufacturing Company, for a postal law for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Berry May, of Hamilton County, Tenn.—to the Committee on Invalid Pensions.

Also, resolution of N. B. Forest Camp, United Confederate Veterans, thanking Senator J. B. FORAKER, the Congress, and the President of the United States for passing and approving the bill for locating and marking the graves of Confederate prisoners of war—to the Committee on Military Affairs.

By Mr. PEARRE: Petition of Christian Endeavor Society of Berwyn, Md., for a law to protect State and county liquor laws against outside nullifiers, and also for a law against liquor selling in Soldiers' Homes and all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SHARTEL: Petition of Frank P. Blair Post, No. 1, Grand Army of the Republic, for making a national park of the Wilson Creek battlefield—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of Emanuel Sandusky—to the Committee on Invalid Pensions.

By Mr. SNAPP: Petition of citizens of Downers Grove, Ill., against the state of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of citizens of Elgin, Kane County, Ill., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SPERRY: Paper to accompany bill for relief of Lewis F. Allen—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: Petition of Ella M. Davidson, Mrs. G. A. Carson, and Edwin H. Tiffany, for the Crumpacker bill relative to the right of appeal in cases of individuals affected by fraud orders issued by the Post-Office Department—to the Committee on the Judiciary.

By Mr. SULZER: Resolution of the Organization of the *General Slocum* Survivors, to the mayor of San Francisco, expressing heartfelt sympathy for the city in her hour of affliction—to the Committee on Appropriations.

By Mr. VAN WINKLE: Petition of residents of the Ninth Congressional district of New Jersey, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, *April 27, 1906.*

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

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

COMPAÑÍA DE LOS FERROCARRILES DE PUERTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, a certified copy of an ordinance recently enacted by the executive council of Porto Rico and approved by the President, granting to the Compañía de los Ferrocarriles de Puerto Rico and its assign, the American Railroad Company of Porto Rico, the authority to extend its present branch track into the city of Arecibo, etc.; which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed:

In the cause of Caroline H. Lillie and Julia W. L. Symington, executrices of the estate of A. B. H. Lillie, deceased, *v.* The United States;

In the cause of Christopher Bruns *v.* The United States;

In the cause of Merrill Spalding, executor of Enoch G. Parrott, deceased, *v.* The United States;

In the cause of John P. Gillis, son of John P. Gillis, deceased, *v.* The United States;

In the cause of Merrill Spalding, James S. Spalding, Elizabeth T. Spalding, children of Lyman G. Spalding, deceased, *v.* The United States;

In the cause of Elizabeth C. Van Reed, heir at law of George Cochran, deceased, *v.* The United States;

In the cause of Frederick W. Cotton *v.* The United States;

In the cause of Robert C. Ribbans, guardian minor heirs of William N. Maull, deceased, *v.* The United States; and

In the cause of Robert C. Ribbans, guardian of minor heirs of Isaiah E. Crowell, deceased, *v.* The United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11946) to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 14508. An act permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power; and

H. R. 16954. An act providing for the reappraisement of certain suburban lots in the town site of Port Angeles, Wash.

PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of Lucy Webb Hayes Council, No. 12, Daughters of Liberty, of Vineland, N. J., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Elizabeth Lodge, No. 600, Brotherhood of Locomotive Firemen, of Elizabeth, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Lodge No. 399, American Federation of Musicians, of Lakewood, N. J., praying for the enactment of legislation to prohibit Government bands from competing with civilian bands; which was referred to the Committee on Military Affairs.

He also presented the petition of Rev. G. F. Greene, of the Presbyterian Church of Granford, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of E. W. Poore, of Manchester, N. H., and a petition of the Society of Chemical Industry, of Boston, Mass., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Washington, D. C., praying for the adoption of an amendment to the District of Columbia appropriation bill providing for the grading of Albemarle street east of Connecticut avenue in that city; which was referred to the Committee on the District of Columbia.

Mr. HEMENWAY presented a memorial of Local Division No. 394, Amalgamated Association of Street and Electric Railway Employees of America, of Tipton, Ind., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Local Union No. 335, Brotherhood of Painters, Decorators, and Paper Hangers, of Crawfordsville, Ind., and a petition of Local Union No. 63, Brotherhood of Painters, Decorators, and Paper Hangers, of Elkhart, Ind., praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. BURNHAM (for Mr. GAMBLE) presented the petition of Chris Myhre, of Oacoma, S. Dak., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

Mr. BURNHAM presented the memorial of Ira J. Felch, of Manchester, N. H., remonstrating against the enactment of legis-